

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 NOVEMBER 2000.

1. 00CW217 (93CW262) GUNNISON COUNTY – NORTH POLE CREEK, CRYSTAL RIVER. Frederick N. Murray; 3734 E. 81st Place; Tulsa, OK 74137-1601 918-481-0240. Murray North Pole Creek Pipeline – Application for Finding of Reasonable Diligence and to Make Absolute a Conditional Water Right. Decreed: November 30, 1994, 93CW262. Location: commencing at the Northeast corner of Sec. 12, T. 12 S., R. 87 W., 6th P.M. thence South 86°50' West 3,560 feet. Appropriation: November 16, 1993. Amount: 0.027 cfs, absolute and 0.303 cfs, conditional. Use: domestic and irrigation. The application contains a detailed outline of the work performed during the diligence period and the work performed for completion of the appropriation and application of the water to beneficial use. (2 pages)

2. 00CW218 (94CW038) MESA COUNTY – COLORADO RIVER. Dan and Debbie Slover; 3993 N. River Road; Palisade, CO 81526 970-464-4718. Leberer Inlet and Leberer Reservoir – Application to Make Absolute a Conditional Water Right. Decreed: August 8, 1994, 94CW038. Location: Sec. 2, T. 11 S., R. 98 W., 6th P.M. at a point 430 feet East of the west Sec. line and 1,500 feet North of the south Sec. line. Appropriation: February 10, 1994. Amount: 0.036 cfs to Leberer Inlet and 0.500 af to Leberer Reservoir. Use: stock water, piscatorial and recreation. The application contains a detailed outline of the work performed for completion of the appropriation and application of the water to beneficial use. ((2 pages)

3. 00CW219 (95 CW 029) Mesa County – Colorado River. Robert G. Wilson, Gregory K. Hoskin and G. Allen Reid, Post Office Box 40, Grand Junction, Colorado 81502, 970-242-4903. Roots Reservoir – 75 acre feet. Application to Make Absolute a Conditional Water Right. Decreed August 28, 1995. Location: Commencing at the east quarter corner of §19, T. 2 N., R. 3 W., Ute Meridian, thence north 64° west 1962 feet to a monument on the northern edge of the dam abutment; thence approximately on the centerline of the dam east 85° south 750 feet to a monument on the southern abutment of said dam. The outlet works and service spillway are 100.00 feet from said monument on the northern abutment of the dam. The emergency spillway is 215 feet east of said monument on the northern edge of the dam abutment, on the north bank of the reservoir. The dam is located in the S½ SW¼ NE¼ of §19, T. 2 N., R. 3 W., of the Ute Meridian. Appropriation Date: February 17, 1995. Amount: 75 acre feet absolute. Use: The water has been used for wildlife habitat, piscatorial, aesthetic, fire protection and recreation purposes. The Application contains a detailed outlined of the work performed during the construction period. (4 pages)

4. 00CW220 (98 CW 179). Mesa County – Colorado River. Robert G. Wilson, Gregory K. Hoskin and G. Allen Reid, Post Office Box 40, Grand Junction, Colorado 81502, 970-242-4903. Lower Roots Reservoir with Second Fill – 25 acre feet for Lower Roots Reservoir – First Fill and 25 acre feet for Lower Roots Reservoir – Second Fill. Decreed March 29, 1999. Location: There is no “dam.” This is a borrow pit constructed as a result of excavating materials for construction of Roots Reservoir. The excavation commences approximately 150 feet west of the toe of the Roots Reservoir Dam. The borrow pit is located in the SW¼NE¼ Section 19, Township 2 North, Range 3 West of the Ute Meridian. A dike divides the reservoir so that approximately one-third of the reservoir is to the north and two-thirds of the reservoir is to the south side of the dike. Appropriation date: February 15, 1997. Amount 25 acre feet absolute for each of first fill and second fill. Use: The water has been used for wildlife habitat, irrigation, piscatorial, aesthetic, fire protection, recreation and landscaping purposes. The Application contains a detailed outlined of the work performed during the construction period. (4 pages)

5. 00CW221 (95 CW 171). Mesa County – Colorado River. Robert G. Wilson, Gregory K. Hoskin and G. Allen Reid, Post Office Box 40, Grand Junction, Colorado 81502, 970-242-4903. Roots Reservoir Enlargement – 150.41 acre feet. Application to Make Absolute a Conditional Water right. Decreed March 11, 1996. Location: Commencing at the east quarter corner of §19, T. 2 N., R. 3 W., Ute Meridian, thence north 64° west 1962 feet to a monument on the northern edge of the dam abutment; thence approximately on the centerline of the dam east 85° south 750 feet to a monument on the southern abutment of said dam. The outlet works and service spillway are 100.00 feet from said monument on the northern abutment of the dam. The emergency spillway is 215 feet east of said monument on the northern edge of the dam abutment, on the north bank of the reservoir. The dam is located in the S½ SW¼ NE¼ of §19, T. 2 N., R. 3 W., of the Ute Meridian. Appropriation date: August 3, 1995. Amount: 151.41 acre feet absolute. Use: The water has been used for wildlife habitat, irrigation, piscatorial, aesthetic, fire protection, recreation and landscaping purposes. The Application contains a detailed outlined of the work performed during the construction period. (3 pages)

6. 00CW222 (97 CW 267) Mesa County – Colorado River. Robert G. Wilson, Gregory K. Hoskin and G. Allen Reid, Post Office Box 40, Grand Junction, Colorado 81502, 970-242-4903. Roots Reservoir Enlargement – Second Fill – 150.41 acre feet. Decreed June 30, 1998. Location: Commencing at the east quarter corner of §19, T. 2 N., R. 3 W., Ute Meridian, thence north 64° west 1962 feet to a monument on the northern edge of the dam abutment; thence approximately on the centerline of the dam east 85° south 750 feet to a monument on the southern abutment of said dam. The outlet works and service spillway are 100.00 feet from said monument on the northern abutment of the dam. The emergency spillway is 215 feet east of said monument on the northern edge of the dam abutment, on the north bank of the reservoir. The dam is located in the S½ SW¼ NE¼ of §19, T. 2 N., R. 3 W., of the Ute Meridian. Appropriation date: June 12, 1997. Amount: 151.41 acre feet absolute. Use: The water has been used for wildlife habitat, irrigation, piscatorial,

aesthetic, fire protection, recreation and landscaping purposes. The Application contains a detailed outlined of the work performed during the construction period. (3 pages)

7. 00CW223 (94CW120) GARFIELD COUNTY – COLORADO RIVER. Joan L. Savage; 5953 CR 320; Rifle, CO 81650 970-625-1675. Trahern Pumping Plant and Pipeline – Application for Finding of Reasonable Diligence. Decreed: November 14, 1972, W-630. Location: on the southwesterly bank of the Colorado River in Sec. 28, T. 6 S., R. 94 W., 6th P.M. at a point whence the southwest corner of said Sec. 28 bears S. 4610' W. 3149'. Appropriation: 1963. Amount: 3.0 cfs, absolute and 3.0 cfs, conditional. Use: domestic, stock watering, irrigation. The application contains a detailed outline of the work performed during the diligence period. (2 pages)

8. 00CW224 (94CW234) Summit County, Illinois Gulch, tributary to Blue River. APPLICATION FOR FINDING OF REASONABLE DILIGENCE, Ruth O'Conner, personal representative of the estate of Leo N. O'Connor and George A. Rolles, 408 South Tejon, Colorado Springs, CO 80903 c/o Haydn Winston, Winston & Winston, P.C., 10 Boulder Crescent, Suite 100, Colorado Springs, CO 80903. Name of structure: Jerusalem Placer Well. Description of conditional water right: Date of original Decree: September 7, 1988, in Case No. 84CW305 and October 4, 1988 in Case No. 84CW304, District Court, Water Division No. 5, Colorado. Location: A point in the Southwest 1/4 of Section 4, Township 7 South. Range 77 West of the 6th P.M., more particularity described as follows: beginning at the Northwest 1/4 of the Jerusalem Placer, U.S. Mineral Survey No. 2567, Summit County, Colorado, thence South 27° 52' 47" West a distance of 260 feet, thence due west a distance of 100 feet. In Case No. 92CW009 Applicants obtained a decree approving the change in point of diversion of the Jerusalem Placer well to Thirty (30) points of diversion all within the Goldenview Subdivision. The purpose of the change of point of diversion decreed in Case No. 92CW009 is to allow for individual wells on each of the Thirty (30) lots in the Goldenview Subdivision instead of the single well decreed in Case No. 83CW304 and 84CW305. Source: Illinois gulch alluvium and bedrock which is tributary to Illinois Gulch, which is tributary to the Blue River. Appropriation date: March 15, 1984. Amount: 70 g.p.m. Use: Domestic. The application contains a detailed outline of the work performed during the diligence period. (5 pages)

9. 00CW225 EAGLE COUNTY, EAGLE RIVER. Christopher P. Joufflas, 748 Golfmore Drive, Grand Junction, CO 81506, (970) 243-1477, c/o Mark A. Hermundstad, Williams, Turner & Holmes, P.C., P.O. Box 338, Grand Junction, CO 81502. (970) 242-6262. Application for Finding of Reasonable Diligence. Structure: Chris Joufflas Lake; Original Decree: Entered 11/30/94, Case No. 93CW330; Location: SW1/4 SW1/4, Sec. 14 and NW1/4 NW1/4, Sec. 23, both in T. 4 S., R. 83 W., 6th P.M., Eagle County, Colorado. The SW bank of the lake is located approximately 400 feet east of the SW corner of said Section 14; Sources: The ditch and springs used to fill the Chris Joufflas Lake are as follows: O'Neill-Holland Ditch, Chris Joufflas Enlargement, decreed for 8.0 c.f.s. in Case No. 93 CW 330, Dist. Ct., Water Div. 5, by decree dated 11/30/94. The point of diversion of the O'Neill-Holland Ditch, Chris Joufflas Enlargement is as follows: on the West bank of the Eagle River, at a point 1400 feet East of the West Section Line and 1850 feet South of the North Section Line of Sec. 36, T. 4 S., R. 83 W., 6th P.M.; C. Joufflas Spring No. 2, decreed for 0.033 c.f.s. in Case No. 84 CW 548, Dist. Ct., Water Div. 5, by decree dated 5/21/85. The point of diversion for the C. Joufflas Spring No. 2 is located in the SW1/4 SW1/4 of Sec. 23, T. 4 S., R. 83 W., 6th P.M. at a point 356 feet East of the West line and 1230 feet North of the South line of said Section 23; Joufflas Pipeline, decreed for 0.043 c.f.s. in Case No. W-410, Dist. Ct., Water Div. 5, by decree dated 4/18/72. The point of diversion for the Joufflas Pipeline is located at a point whence the SW Corner of Sec. 23, T. 4 S., R. 83 W., 6th P.M., bears South 44°07'30" West a distance of 2,180 feet; The source of the O'Neill-Holland Ditch, Chris Joufflas Enlargement, is the Eagle River. The sources of the other two structures listed above are springs tributary to the Eagle River; Appropriation: May 26, 1969, for irrigation, livestock watering, and wildlife purposes; January 1, 1993, for domestic, recreational, piscatorial, replacement, augmentation, fire protection, and industrial uses; Amounts: 41.12 af, absolute, and 38.88 af, conditional, for irrigation, livestock watering, and wildlife purposes; 80 af, conditional, for domestic, recreational, piscatorial, replacement, augmentation, fire protection, and industrial uses. Detailed outline of work that has been done toward or for completion of the appropriation of the Water Right is contained in the application on file with the Water Court. Applicant requests that the Court determine, adjudge, and decree that the court determine that Applicant has been reasonably diligent in the development of the Water Right, that the remaining conditional portion of the Water Right be continued in full force and effect, and that Applicant be granted such other and further relief as may be just and proper. (5 pages)

10. 00CW226 MESA COUNTY – COLORADO RIVER. Michael L. Marshall; 1738 12 Road; Loma, CO 81525 970-858-4903. Reed Wash – Application for Water Rights (Surface). Location: Beginning at the Southwest Corner of the NW1/4SW1/4 Sec. 9, T. 2 N., R. 3 W., Ute Meridian, thence along the west line of said NW1/4SW1/4 North 887.10 feet to the center of the drain, thence along the center of said drain the following seven courses and distances: South 46°08'33" East 285.50 feet, South 44°10'21" East 49.09 feet, South 23°56'15" East 87.21 feet, South 26°24'39" East 173.32 feet, South 15°33'10" East 177.24 feet, South 14°06'23" East 194.02 feet, South 12°57'14" East 59.14 feet to the south line of said NW1/4SW1/4, thence South 89°40'45" West 460.63 feet to the point of beginning. Appropriation: August 22, 2000. Amount: 0.25 cfs, conditional. Use: irrigation, pasture and yard for dwelling. (3 pages)

11. 00CW227 (94CW049, 87CW256, 82CW107) - GARFIELD COUNTY -

BATTLEMENT MESA METROPOLITAN DISTRICT, A QUASI-MUNICIPAL CORPORATION OF THE STATE OF COLORADO IN THE COLORADO RIVER OR ITS TRIBUTARIES. 1.Name, address and telephone number of applicant: Battlement Mesa Metropolitan District, c/o R. Bruce Smith, President, P.O. Box 6116, Battlement Mesa, CO 81636, Telephone: (970) 285-9050. 2.Names of structures: Battlement Mesa Well No. B-5,Battlement Mesa Well No. B-6, and Battlement Mesa Well No. B-7. 3. Description of conditional water rights: (A). The source of the water for said wells is the alluvium of the Colorado River. (B). The decreed point of diversion for each well is as follows:

(1) **Battlement Mesa Well No. B-5** is located in the SE 1/4 SW 1/4 of Section 7, Township 7 South, Range 95 West of the 6th P.M.,at a point 1180 feet North of the South line and 2100 feet East of the West line of said Section 7.

(2) **Battlement Mesa Well No. B-6** is located in the NE 1/4 SW 1/4 of Section 7, Township 7 south, Range 95 West of the 6th P.M., at a point 1440 feet North of the South line and 2475 feet East of the West line of said Section 7.

(3) **Battlement Mesa Well No. B-7** is located in the NW 1/4 SE 1/4 of Section 7, Township 7 South, Range 95 West of the 6th P.M., at a point 1735 feet North of the South line and 2700 feet East of the West line of said Section 7. (C) Previous decrees: On

November 22, 1983, in Case No. 82CW107, the Water Judge for Water Division No. 5 awarded to Battlement Mesa Wells No. B-5, B-6 and B-7 conditional water rights of 0.67 c.f.s. each, to be used for municipal (including fire protection), domestic, commercial, irrigation, industrial, sewage treatment, recreation and all other beneficial uses, each with an appropriation date of November 11, 1981. Diligence was determined as to each water right in Case No. 87CW256 by decree dated March 16, 1988 and in Case No. 94CW049 by decree dated November 22, 1994. 4.Provide a detailed outline of what has been done toward completion or for completion of the appropriations and application of water to a beneficial use as conditionally decreed:

(A)The subject water rights are part of an integrated water system to provide water supply to a large municipal development which will require many years to complete. The planned community served by this water supply system is actively growing and is zoned for 8,300 dwelling units. The subject water rights are included in the decreed plan for augmentation in Case No. 82CW107.

B)During 1999, the District expended \$11,506.00 rehabilitating its well field pumping system. During the same year, the District conducted extensive water quality testing of its well field. The testing included monthly pumping of each well and laboratory testing of water quality. The laboratory testing confirmed that the well field water was suitable for use in the domestic water system. The cost of the laboratory testing was \$1,947.00.

(C) During the diligence period the District obtained diligence decrees from the Water Court for Water Division No. 5 in four cases. Each of those cases involves water rights which are part of the integrated water supply system which includes the subject Wells B-5, B-6 and B-7. Those cases are: Case No. 94CW139 (decreed November 15, 1995), Case No. 94CW284 (decreed November 15, 1995), Case No. 96CW099 (decreed March 3, 1997) and Case No. 96CW100 (decreed March 28, 1997). (D) During the diligence period the District expended \$76,718.00 in payments to the United States of America, Department of the Interior, Bureau of Reclamation, pursuant to a long-term contract for 1,250 acre feet per year of augmentation water from Ruedi Reservoir to augment the structures included in this diligence application. Said augmentation is pursuant to the decree of this court in Case No. 82CW107. The District accepted an Assignment of this contract on December 19, 1989 and said Assignment is recorded in the Garfield County Records at Book 769, Pages 504-506. WHEREFORE, applicant requests that the court find diligence in the development of Battlement Mesa Wells No. B-5, B-6 and B-7 and continue the conditional decrees for said structures for the statutory period. (3 pages)

12. 00CW228 (92CW136, 86CW155 & 82CW151), CONCERNING THE APPLICATION FOR WATER RIGHTS FOR THE NEW YORK COLLECTION CANAL SUPPLEMENT OF THE INDEPENDENCE PASS TRANSMOUNTAIN DIVERSION SYSTEM. (**PITKIN COUNTY**) Twin Lakes Reservoir and Canal Company (Mary Mead Hammond, Esq., Peter C. Fleming, Esq., Carlson, Hammond & Paddock, L.L.C., 1700 Lincoln Street, Suite 3900, Denver, Colorado 80203-4539, (303) 861-9000). Application for Finding of Reasonable Diligence.

2. Name of Structure: New York Collection Canal Supplement for the Independence Pass Transmountain Diversion System.

3. Describe conditional water right decree: **A.** Date of original decree: This application pertains to the New York Collection Canal Supplement, which was decreed by this Court in Case No. W-1869 on October 2, 1979. The decree entitled the Twin Lakes Reservoir and Canal Company (the "Twin Lakes Company") to flows over and above those originally decreed for the New York Collection Canal by the District Court in and for Garfield County in Civil Action No. 3082, on August 25, 1936 (the "1936 Decree"), but subject to the overall limitation on the Independence Pass Transmountain Diversion System ("IPTDS") originally appearing in the 1936 Decree that total system diversions through the transmountain tunnel, Tunnel No. 1, shall not exceed 625 c.f.s. The New York Collection Canal Supplement, together with the Independence Pass Transmountain Diversion System, are features of an integrated project or system. **B.** Location: Headgate No. 1 of the New York Collection Canal (otherwise known and designated as Headgate No. 2 of the Independence Pass Transmountain Diversion System) is located at a point on the east bank of West Fork Gulch, a tributary of Lincoln Creek which is a tributary of the Roaring Fork River, whence the southwest corner of Section 6, Township 11 South, Range 82 West of the 6th P.M. bears North 58°6' East 24,724.6 feet. Headgate No. 2 of the New York Collection Canal (which is

designated as Headgate No. 3 of the Independence Pass Transmountain Diversion System) is located at a point on New York Gulch whence the southwest corner of Section 6, Township 11 South, Range 82 West of the 6th P.M. bears North 57°24' East 23,997.4 feet. Headgate No. 3 of the New York Collection Canal (which is designated Headgate No. 4 of the Independence Pass Transmountain Diversion System) is located at a point on Tabor Gulch whence the SW¹/₄ of Section 6, Township 11 South, Range 82 West of the 6th P.M., bears North 51°32' East 16,923.1 feet. These locations are all in Pitkin County Colorado. **C.** Source: Certain tributaries of Lincoln Creek, a natural stream in former Water District No. 38, including West Fork Gulch, New York Gulch, and Tabor Gulch. **D.** Appropriation Date: April 30, 1973. **E.** Amounts (remaining conditional): 20 c.f.s. at Headgate No. 1 from the natural flow of West Fork Gulch; 35 c.f.s. at Headgate No. 2 from the natural flow of New York Gulch and from any other waters collected therein upstream on said canal; 61 c.f.s. at headgate No. 3 from the natural flow of Tabor Gulch and from any other waters collected therein upstream on said canal. **F.** Uses: Irrigation, industrial, municipal, commercial, domestic, and all beneficial purposes (including storage for the aforesaid purposes).

4. Detailed outline of what has been done toward completion of the appropriation and application of water to beneficial use. **A.** All components of the New York Collection Canal Supplement ("NYCCS") have been constructed, have diverted, and now divert water, and the water has been and is applied to beneficial use. Throughout the diligence period the Twin Lakes Company has continued its sustained efforts to improve the structures comprising the NYCCS and the other features of the Independence Pass Transmountain Diversion System to enable the Company to divert and apply to beneficial use the entire appropriation conditionally decreed in Case No. W-1869. In furtherance of these continuing efforts to perfect its full appropriation, the Twin Lakes Company has undertaken and performed the following actions in this diligence period: (1) Between 1994 and 1997, the Company replaced the spillway and turnout structure located at NYCC Headgate No. 3 (Tabor Gulch), in order to allow the turnout and spillway to accommodate the flows generated by a 100 year flood event. This project involved construction of a new turnout and spillway structure in the New York Collection Canal; culverting approximately 325 feet of the Canal; construction of an energy dissipation structure between the turnout and the channel of Tabor Gulch; installation of rip-rap for bank stabilization on Tabor Gulch; and reclamation, including reseeding, of the prior spill channel to Tabor Gulch. The Company expended approximately \$444,029.00 on engineering and construction of this project. (2) Between 1995 and 1997, the Company rehabilitated the Lincoln Connection Canal, a feature of the IPTDS, from the outlet of Tunnel No. 2 to the vicinity of Grizzly Reservoir. This Project involved rectifying the grade in the Canal to eliminate flow restrictions that impede tunnel operations and maintenance; lining the canal with a 15.5 foot wide concrete invert and 6.3 foot high vertical concrete sidewalls; constructing concrete box culverts over the canal where it traverses three avalanche chutes; and creating wildlife paths and passages along and over the Canal. It also involved delineation of a spill channel from the Lincoln Connection Canal to Lincoln Creek; construction of energy-dissipating structures and armoring of the spill channel; and reclamation (including revegetation) of erosion damage caused by previous canal spills resulting from avalanches and other operations problems. The Company expended approximately \$3,096,620.00 on engineering and construction of this Project. (3) In the fall of 1992, the Company commenced an on-going flow measurement program for the IPTDS. To that end, it installed four gaging stations at various points upon the IPTDS, including (1) between Headgates Nos. 2 and 3 of the New York Collection Canal; (2) just upstream of Headgate No. 3 of the New York Collection Canal; (3) near the discharge of the New York Collection Canal into Grizzly Reservoir; and (4) on the Lost Man Canal approximately 100 yards upstream of the Roaring Fork Diversion Dam. The Company expended approximately \$11,810.00 on engineering and construction of these gaging stations, and continues to monitor data received. (4) In 1994-1995, the Company installed improvements at Grizzly Dam, a feature of the IPTDS, into which water diverted by the New York Connection Canal is delivered, in order to meet dam safety requirements resulting from more stringent revised estimates of Maximum Precipitation Events in the vicinity of Grizzly Dam. This project involved design and installation of a metal extension upon the dam crest. The Company expended approximately \$480,287.00 for engineering and construction of this project. (5) In 1996, the Company installed Electric Gate Operators in Tunnel #1, a feature of the IPTDS. The Company expended approximately \$39,656.00 on engineering and construction of this project. (6) The Company has continued its on-going project to improve Tunnel #2, a feature of the IPTDS, by removing excess rock, concrete lining the tunnel, and repairing and grouting spalled concrete, in order to optimize flows through the Tunnel. The Company expended approximately \$6,398.00 in labor, equipment, and concrete costs in connection with this project during the diligence period. (7) In 1998, the Company installed a 21" metal retaining wall at Headgate No. 1 of the New York Collection Canal to increase head in the pipeline to Headgate No. 2 of the New York Collection Canal. The Company expended approximately \$5,094.00 in labor and materials for this project. (8) The Company has expended approximately \$45,804.00 in permitting and legal costs in connection with the foregoing projects. (9) The Company has participated as an Objector in approximately 15 cases in Water Division No. 5 during the diligence period and also participated in abandonment proceedings involving the Salvation Ditch in order to protect its decreed water rights, including the water rights conditionally decreed to the New York Collection Canal. The Company has expended over \$41,576.00 in legal and engineering expenses in connection with these cases.

5. If Claim to Make Absolute: N/A
[2 pages, no exhibits]

13. 00CW229 SUMMIT COUNTY BLUE RIVER APPLICATION FOR UNDERGROUND WATER RIGHT AND APPROVAL OF PLAN FOR AUGMENTATION, INCLUDING EXCHANGE Stahl, Inc. Brian Stahl, President, 175 Monte Cristo

Drive, Breckenridge, CO 80424, Telephone: 970-453-9163. c/o Steven P. Jeffers, Esq., Bernard, Lyons, Gaddis & Kahn, P.C., P. O. Box 978, Longmont, CO 80502-0978, 303-776-9900 APPLICATION FOR UNDERGROUND WATER RIGHT Name of wells: Baldy Ridge Estates Well Nos. 1-11. Well permit applications have not yet been filed for these wells. Legal Description: Well Nos. 1-10 will be on Lots 1-10 of the proposed Baldy Ridge Estates subdivision, in Summit County. Well No. 11 will be on Lot 2, Old Ironsides subdivision, in Summit County, immediately adjacent to the proposed Baldy Ridge Estates subdivision. All of the subject property is located generally in the NW¼ Section 5, Township 7 South, Range 77 West, 6th P.M. A detailed legal description is attached hereto as EXHIBIT A. A map of the property is attached as EXHIBIT B. 4. a. Source: Fractured bedrock tributary to Blue River. b. Depth: Approximately 500 feet. 5. a. Appropriation date: December 22, 1999. b. How appropriation was initiated: By Applicant acquiring land for the proposed development, beginning the subdivision approval process, contacting the Vidler Water Company to obtain augmentation water for replacement of out of priority depletions from use of the wells, and forming the intent to appropriate water from the wells. c. Date water applied to beneficial use: N/A. 6. Amount claimed: 0.033 cfs (15 gpm), conditional for each well. 7. Uses: Domestic inside 11 single family residences and two accessory dwelling units. There will be no outside use of the water. 8. Owner of land on which wells will be located: The land is owned by Brian Stahl individually. His address is in ¶1. APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION, INCLUDING EXCHANGE 9. a. Name of structures to be augmented: Baldy Ridge Estates Well Nos. 1-11. b. Other water rights diverted from these structures: None. 10. Previous decrees for water rights to be used for augmentation: a. The Applicant has contracted with the Vidler Water Company for a perpetual lease of 0.335 consumptive acre feet per year of the 361 consumptive acre feet and 0.029 cfs out of a total maximum diversion rate of 31.22 cfs decreed by the District Court in and for Water Division No. 5 (the "Water Court") in Case No. W-217, as being historically attributable to the following described water rights: i) Rice Ditch, decreed for 4.50 cfs, with a May 3, 1893 appropriation date and a March 2, 1910 adjudication date. The originally decreed headgate of the Rice Ditch is located on the left (south) bank of the Snake River in the NW¼ of the SE¼ of §22, Township 5 South, Range 77 West of the 6th P.M.; ii) Soda Creek Ditch, decreed for 2.72 cfs, with July 1, 1900 appropriation date and a March 10, 1952 adjudication date. The originally decreed headgate of the Soda Creek Ditch is located on the right (east) bank of Soda Creek at a point whence the south quarter corner of §27, Township 5 South, Range 77 West, 6th P.M., bears S10°15'E a distance of 940 feet; iii) Phillips Ditch, decreed for 4.0 cfs with a June 1, 1904 appropriation date and a March 2, 1910 adjudication date. The originally decreed headgate of the Phillips Ditch is located on the left (west) bank of Keystone Creek in the SW¼ of the SW¼ of §14, Township 5 South, Range 77 West of the 6th P.M.; iv) Rice Ditch - Riley Enlargement, decreed for 10.0 cfs, with a July 5, 1914 appropriation date and an October 26, 1937 adjudication date. The originally decreed headgate of the Riley Enlargement is located on the left (south) bank of the Snake River at a point whence the southwest corner of §22, Township 5 South, Range 77 West, 6th P.M. bears S54°46'W a distance of 3,845 feet; Rice Ditch - Rice Enlargement, decreed for 10.0 cfs with a July 5, 1914 appropriation date and a March 10, 1952 adjudication date. The originally decreed headgate of the Rice Enlargement is the same as the Rice Ditch - Riley Enlargement; As said water rights were changed by the Water Court in Case Nos. W-217 and W-2110. b. Applicant has also contracted with the Vidler Water Company for a perpetual lease of 0.185 consumptive acre feet per year of the 100 acre feet per year of augmentation water to be released to the Blue River from Dillon Reservoir (the "Dillon storage water") pursuant to paragraph 6.b of the Agreement dated September 18, 1985 (the "Summit County Agreement") between the City and County of Denver acting by and through its Board of Water Commissioners and the Board of County Commissioners of Summit County, Colorado. 11. Statement of plan for augmentation: [covering all applicable matters under 37-92-103(9), 301(1)(2) and 305(8). Give full detail of plan, including a description of all water rights to be established or changed by the plan] a. Applicant intends to use the water rights and the augmentation plan claimed in this case to supply in-house water for 11 single family residential units and two accessory dwelling units on the property. Augmentation of these new out of priority depletions will come from the water rights described in paragraph 10 above. b. Applicant anticipates that wastewater treatment for the homes on the six lower lots in the Baldy Ridge Estates subdivision and for one home and one accessory dwelling unit on Lot 2 of the Old Ironsides subdivision will be by the Breckenridge Sanitation District Wastewater Treatment System. Wastewater treatment for the other four homes and the one accessory dwelling unit will be individual non-evaporative septic disposal systems (ISDS). Estimated consumptive use for the lots served by ISDS is 10% of the in-house diversions. Estimated consumptive use for the lots served by the Breckenridge Sanitation District is 5% of the in-house diversion. There is no outside use of water from any of the wells. For determination of inside water demands, the Applicant has calculated a water usage of 80 gallons per capita per day with an average year-around occupancy of 3.5 people in each single family unit, and two people for each accessory dwelling unit. The total annual diversions from uses associated with the eleven homes and two accessory dwelling units will be 3.81 acre feet with 0.262 acre feet of depletions. Attached EXHIBIT C presents both the in-house water requirements and consumptive uses on a monthly and annual basis. c. In order to replace depletions which occur from use of water on the property and to satisfy the requirements of the Denver Water Department pursuant to the Agreement, the Applicant will lease direct flow water from Vidler and Dillon storage water as necessary to offset the foregoing depletions. Applicant has leased 0.335 acre feet of direct flow water rights and 0.185 acre feet of Dillon storage water, however, Applicant reserves the right to lease and provide more or less water, as long as it is sufficient to meet all replacement obligations determined in this case. d. Pursuant to § 37-80-120(2) and (4), Applicant also requests the Court to confirm the practice of substitution and exchange whereby the Applicant proposes to replace depletions to Dillon Reservoir and to the Blue River at the location where the depletions from Applicant's use of the subject wells impacts the Blue River in the amount described above with water released under the water rights discussed above. The date of appropriation claimed for such exchange is September 25, 2000, the date on which Applicant began

discussions with Vidler to contract for Vidler water. e. Adequate water accounting and such other information as may be required by the Court or as may be reasonably requested by the Division Engineer for Water Division No. 5 or his agents will be provided in order to properly administer this plan. f. The plan for augmentation will not injuriously affect the owners or users of vested or decreed conditional water rights. Name and address of owners of land on which structures are located: Brian Stahl identified in ¶8. (9 pages)

14. 00CW230 (92CW40) - EAGLE PARK RESERVOIR COMPAY., 846 Forest Road, Vail, Colorado 81657 (Glenn E. Porzak, Porzak Browning & Bushong LLP, 929 Pearl Street, Suite 300, Boulder, Colorado 80302, 303-443-6800)

Application to Make Absolute Conditional Water Right. **Summit, Eagle, and Lake Counties**

2. Name of structure: Eagle Park Reservoir 3. Description of conditional water right:

(a) Decree: Eagle Park Reservoir was decreed by the District Court in and for Water Division No. 5 (the "Water Court") in Case No. 92CW340, for 5,300 acre feet conditional, with an appropriation date of March 16, 1991. In Water Court Case No. 93CW301 Eagle Park Reservoir was granted an enlargement of 22,300 acre feet conditional, with an appropriation date of May 18, 1993. Additionally, Water Court Case No. 97CW288 confirmed the right to divert and store 80 cfs of the Pando Feeder Canal water right in Eagle Park Reservoir under an August 10, 1956 appropriation date. This application seeks to make absolute 3,148 acre feet of the original 5,300 acre feet decreed as conditional in Case No. 92CW340. (b) Decreed Location of Structures: The facilities comprising and the specific points of diversion into storage for Eagle Park Reservoir are described as follows: (1) Eagle Park Reservoir. The north abutment of the Eagle Park Reservoir dam crest is located approximately 160 feet north of the south section line and 650 feet east of the west section line of Section 28, T. 7 S., R. 79 W., 6th P.M., Eagle County, Colorado. (2) East Fork Interceptor Ditch. The East Fork Interceptor Ditch has a capacity of 48 cfs and diverts from unnamed tributaries of the East Fork of the Eagle River at the following points, all of which are located in Eagle County, Colorado: (i) Point 1: 900 feet south of the north section line and 1100 feet west of the east section line of Section 5, T. 8 S., R. 79 W., 6th P.M. (ii) Point 2: 1250 feet south of the north section line and 700 feet east of the west section line of Section 4, T. 8 S., R. 79 W., 6th P.M. (iii) Point 3: 1200 feet north of the south section line and 800 feet east of the west section line of Section 33, T. 7 S., R. 79 W., 6th P.M. (iv) Point 4: Run-off, surface flow, and seepage from the area above the East Fork Interceptor Ditch as it runs between the above-described points of diversion and Eagle Park Reservoir. (3) Chalk Mountain Interceptor Ditch. The Chalk Mountain Interceptor Ditch has a capacity of 12 cfs and diverts run-off and seepage as it runs a distance of approximately 3.4 miles from Fremont Pass, located in the W½ of Section 11, T. 8 S., R. 79 W., 6th P.M., northwesterly along State Highway 91 and the south side of Robinson Tailing Pond, thence westerly to the south of Chalk Mountain Reservoir and Robinson Reservoir, thence northwesterly to Eagle Park Reservoir. The Chalk Mountain Interceptor Ditch diverts water from the headwaters of Tenmile Creek in Lake and Summit Counties and from the headwaters of the East Fork of the Eagle River in Eagle County. (4) East Interceptor Ditch. The East Interceptor Ditch has a capacity of 20 cfs and runs northeasterly from a point whence the northeast corner of Section 2, T. 8 S., R. 79 W., 6th P.M. bears North 77° 20' East a distance of 850 feet at the north fork of McNulty Creek, thence along the east side of Robinson and Tenmile Tailing Ponds into Supply Canal No. 1. The East Interceptor Ditch diverts water from the north fork of McNulty Creek and surface flow, seepage, and run-off from watersheds above it that are tributary to Tenmile Creek. (5) Supply Canal No. 1. The Supply Canal No. 1 has a capacity of 10 cfs and diverts water from the following tributaries of Tenmile Creek at the following points: (i) On the west bank of Humbug Creek at a point whence the southwest corner of Section 18, T. 7 S., R. 79 W. bears South 71° 35' West a distance of 3250 feet. (ii) On the south bank of Mayflower Creek at a point whence the northeast corner of Section 24, T. 7 S., R. 79 W., 6th P.M. bears North 16° 55' East a distance of 2250 feet. (iii) Run-off, surface flow, and seepage from the area above the Supply Canal No. 1 as it runs between the above-described points of diversion and the Climax Mill. (iv) Supply Canal No. 1 can also divert water from Clinton Gulch Creek. However, water from Clinton Gulch Creek is not claimed as a source for the water rights decreed herein. (6) Supply Canal No. 2. The Supply Canal No. 2 has a capacity of 10 cfs and diverts water from the following tributaries of Tenmile Creek at the following points: (i) On the west bank of Searle Creek at a point whence U.S.L.M. Kokomo bears South 45° 58' East 3740 feet (located in the NW¼ of the SE¼ of Section 13, T. 7 S., R. 79 W., 6th P.M.). (ii) On the south bank of Kokomo Creek at a point whence U.S.L.M. Kokomo bears North 39° 36' East 2635 feet (located in the SE¼ of Section 22, T. 7 S., R. 79 W., 6th P.M.). (iii) Run-off, surface flow, and seepage from the area above the Supply Canal No. 2 as it runs between the above-described points of diversion and the Climax Mill. (7) East Fork Pumping Plant. The East Fork Pumping Plant has a capacity of 6 cfs and diverts from the East Fork of the Eagle River at a point in the SE¼ of the NE¼ of Section 32, T. 7 S., R. 79 W., 6th P.M. at a point whence the Northeast corner of said Section 32 bears North 31° 53' East a distance of 2,414 feet. (c) Source: The source of water for the Eagle Park Reservoir are the East Fork of the Eagle River, including run-off, surface flow, and seepage from the area above the reservoir and tributary thereto; and water tributary to Tenmile Creek, a tributary of the Blue River. (d) Appropriation Date: The appropriation date for the initial 5,300 acre feet of the Eagle Park Reservoir storage right decreed in Case No. 92CW340 is March 16, 1991. (e) Amount: The amount claimed as absolute is 3,148 acre feet. (f) Use: The beneficial uses for water stored, released, and diverted, whether directly or by exchange, under the Eagle Park Reservoir storage right are mining, milling, industrial, snowmaking, municipal, domestic, stock watering, recreational, fish and wildlife, irrigation, agricultural, and exchange, replacement, and augmentation purposes. 4. Detailed outline of work done to apply water to beneficial use: Applicant has diverted, stored and put to beneficial use 3,148 acre feet of water under the storage right for Eagle Park Reservoir. Eagle Park Reservoir has been fully reclaimed and began filling in the spring of 1998. On June 14, 1999, the Eagle Park Reservoir reached full capacity of 3,148 acre feet of water. Water stored in Eagle Park Reservoir was beneficially used commencing

on or about November 1, 1999, and extending through the present date for all decreed uses within the service areas of the Eagle River Water & Sanitation District and the Upper Eagle Regional Water Authority, the contract service area of the Colorado River Water Conservation District, and for snowmaking and augmentation purposes (directly and by exchange) at the Vail, Beaver Creek, and Arrowhead ski areas. (5 pages)

15. 00CW231 Garfield County; Roaring Fork River. P.L.B.L., Inc., c/o Leavenworth & Karp, PC, P.O. Drawer 2030, Glenwood Springs, CO 81602. Application for Underground Water Rights, Application for Change of Water Right, and Application for Approval of Plan for Augmentation. Application for Underground Water Right. Name of well: P.L.B.L. Well No. 1. Legal description: The P.L.B.L. Well No. 1 is located in the Northeast 1/4 of the Southwest 1/4 of Section 20, Township 7 South, Range 87 West of the 6th P.M., at a point 1,910 feet from the south line and 1,600 feet from the west line of said Section 20. Source: Groundwater tributary to the Roaring Fork River. Depth: 150 feet. Date of appropriation: August 30, 1973. Date water applied to beneficial use: October 20, 1973. How appropriation was initiated: Formation of intent to appropriate water, application for a well permit, construction of a well and application of water to beneficial use. Amount claimed: 15 g.p.m. (0.033 c.f.s), absolute. Use: Domestic, lawn and garden irrigation, stockwatering and fire protection. Number of acres historically irrigated: less than 10,000 square feet. Total number of acres proposed to be irrigated: 10,000 square feet. Legal description of the land irrigated: A parcel of land approximately 7.49 acres in size located in the Northeast 1/4 of the Southwest 1/4 of Section 20, Township 7 south, Range 87 West of the 6th P.M. If non-irrigation, described purpose fully: Ordinary household purposes inside one single-family dwelling and an accessory dwelling unit, lawn and landscape irrigation of up to 10,000 square feet and the watering of three head of horses. Name and address of owner of land on which well is located: Applicant. Application for Change of Water Right. The Applicant seeks this Court's approval for certain alternate points of diversion for the Basalt Conduit water right, which is more fully described as follows: From previous decree: Date entered: June 20, 1958, in Case No. W-4613, in the District Court in and for Garfield County, Colorado. Decreed point of diversion: The decreed headgate and point of diversion for the Basalt Conduit is located on the left side of the Frying Pan River in the Northeast 1/4 of the Northwest 1/4 of unsurveyed Section 18, Township 8 South, Range 84 West of the 6th P.M. at the head of the outlet tube for Ruedi Reservoir whence the Southwest corner of Section 7 of Township 8 South, Range 84 West of the 6th P.M. bears North 79°00' W. a distance of 2,017.1 feet. Source: The Frying Pan River, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: July 29, 1957. Amount: 450 c.f.s. Use: Generation of electricity, irrigation, domestic, municipal, stockwatering, piscatorial and industrial. Proposed change: The Basalt Conduit to be changed herein is 0.033 c.f.s. (15 g.p.m.), which is the total of diversions from the P.L.B.L. Well No. 1, more fully described above. The Applicant requests that the P.L.B.L. Well No. 1 be made an alternate point of diversion for the Basalt Conduit water right for the amounts indicated. Application for Approval of Plan for Augmentation. Name of structure to be augmented: P.L.B.L. Well No. 1. Previous decree for water right to be used for augmentation: Up to .6 acre feet of water has been secured from the Basalt Water Conservancy District's water allotment contract with the Bureau of Reclamation for Ruedi Reservoir water and from the Basalt Water Conservancy District's historic use credits associated with the Robinson Ditch water rights. Ruedi Reservoir is an on-channel reservoir located in the Northwest 1/4 of the Northeast 1/4 of Section 18, Township 8 South, Range 84 West of the 6th P.M. Ruedi Reservoir was originally decreed for 140,697.3 acre feet in Civil Action No. 4613, Garfield County District Court on June 20, 1958, with an appropriation date of July 29, 1957, for hydro-electric power generation, irrigation, municipal, domestic, industrial, piscatorial and stock watering uses. Subsequently, in Case No. W-789-76, Water Division No. 5, the amount of water decreed to Ruedi Reservoir was reduced from 140,697.3 acre feet to 101,369 acre feet. Robinson Ditch:

STRUCTURE	DECREED AMOUNT/ cfs	AMOUNT OWNED BY BWCD (cfs) ⁽¹⁾	ADJ. DATE	APP. DATE	PRIORITY	CASE NO. ⁽²⁾
ROBINSON DITCH	5.00	1.21	05/11/1889	06/15/1882	38	132
ROBINSON DITCH	2.50	0.60	05/11/1889	04/15/1886	140	132
ROBINSON DITCH	2.00	0.48	05/11/1889	11/15/1886	167	132
ROBINSON DITCH	10.70	2.59	12/29/1903	04/25/1899	212C	1061
ROBINSON DITCH	20.06	4.85	08/25/1936	04/25/1900	326	3082

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

(2) District Court in and for Garfield County

Legal Description of Point of Diversion: The point of diversion as decreed is located on the North bank of the Roaring Fork River one-half mile below the mouth of Sopris Creek in Section 11, T. 8 S., R. 87 West, 6th P.M. Historic Use: Irrigation of approximately 137.2 acres of hay and pasture under BWCD's interest in the Robinson Ditch water rights. In Case No. 93CW319, the Court decreed that 360 acre feet of annual consumptive-use credits are associated with said irrigation. In that case, the Court also decreed a change of use of BWCD's Robinson Ditch rights to include augmentation. BWCD makes the credits available to contract allottees for use pursuant to an approved substitute supply plan or decree of Court. Statement of plan for augmentation, covering all applicable matters under C.R.S. §§37-92-103(9), -302(1)(2), and -305(8). The Applicant is the owner of a approximately 7.49 acre parcel of land located in the Northeast 1/4 of the Southwest 1/4 of Section 20, Township 7 South, Range 87 West of the 6th P.M., in Garfield County. The property is currently served by a well with an exempt "household use only" well permit as Well Permit No. 71522. The Applicant plans to include additional uses from the well consisting of an accessory dwelling unit (ADU), lawn and landscape irrigation of up to 10,000 square feet and watering of three head of horses. The existing residential unit will continue to be served by the existing well. Upon completion of this augmentation plan, Well Permit No. 71522 will be relinquished and a new permit will be obtained for the uses and amounts consistent with this augmentation plan. The P.L.B.L. Well No. 1 is being made an alternate point of diversion for the Basalt Conduit in the amount of 15 g.p.m. (0.033 c.f.s.). The Ruedi Reservoir water can be released for augmentation of any non-irrigation season calls against the Basalt Conduit water right. The call is expected to occur only in the month of April; however, this plan provides for year round augmentation. The Robinson Ditch consumptive use credits can be used to augment any irrigation season calls from the Colorado River. The proposed water uses on the P.L.B.L. parcel are associated with a single-family dwelling, an accessory dwelling unit (ADU) with an equivalent of 0.75 EQR, a total of 10,000 square feet of lawn and landscape irrigation and three horses, The single-family home is estimated to require an average of 350 gallons per day based on 3.5 persons using 100 gallons per day each which is defined as 1 EQR. The ADU will require 262.5 gallons per day, or 75% of a full EQR. Depletions are estimated to be 15% of diversions using a septic tank/leach field wastewater treatment system. Livestock water demand is estimated to be 11 gallons per head, or 33 gallons per day for the three horses and is considered to be 100% consumptive. The irrigation demand is 2.33 acre-feet per acre based on the Blaney Criddle Methodology assuming and 80% irrigation efficiency. Depletions are 1.865 acre-feet per acre or 0.428 acre feet for 10,000 square feet of irrigation. Total annual diversions are 1.324 acre feet and total annual depletions are 0.599 acre feet (including transit losses for Ruedi Reservoir deliveries). The monthly diversion and depletion amounts for the above described uses are included in Appendix A to the engineering report attached to the application. The Applicant's plan for augmentation, operating under the Basalt Conduit water right, consists of replacing the delayed stream depletions which accrue to the Roaring Fork and Colorado rivers during the period May through October by applying consumptive use credits associated with dry-up under the Robinson Ditch. These credits are made available by a contract with the Basalt Water Conservancy District. The delayed depletions during the winter months will not be subject to a "call" except by the water rights on the Colorado River commonly referred to as the Cameo call during the month of April of some years. However, this plan provides for year round augmentation. April and other non-irrigation season depletions will be replaced by releases from Ruedi Reservoir under Applicant's contract with the Basalt Water Conservancy District. The water requirements and potential stream depletions associated with diversions from the P.L.B.L. Well No. 1 are as shown in the engineering report attached to the application Name and address of owner of land on which structures are located: P.L.B.L. Well No. 1: Applicant. Ruedi Reservoir: United States Bureau of Reclamation, Great Plains Region, P. O. Box 36900, Billings, MT 59107. Robinson Ditch: The headgate and point of diversion are located within an easement owned by the Basalt Water Conservancy District. (23 pages)

16. 00CW232 (94CW100) GARFIELD COUNTY—COLORADO RIVER. Town of Parachute; c/o Mark J. Wagner, Hill & Robbins, P.C. 1441 18th Street, Suite 100 80202 303-296-8100. Grand Valley Pipeline—Application for Finding of Reasonable Diligence. Decreed November 10, 1966, CA No. 4914. Location: The original decreed point of diversion is on the North bank of the Colorado River at a point whence the North Quarter Corner of Section 7, T7S, R95W of the 6th P.M. bears N. 40° 35' W. 583.1 feet. An alternate point of diversion was approved in Case No. 80CW391 on the northerly bank of the Colorado River in Section 7, T7S, R95W of the 6th P.M. at a point whence the West Quarter Corner of said Section 7 bears S. 81° 31' W. 2226 feet. Additional alternate points of diversion were approved in Case No. 83CW53 at the Battlement Mesa, Inc. intake facilities described in that decree. Appropriation: June 18, 1956. Amount: 29.22 cfs (remaining conditional). Use: Domestic, fire protection, and general municipal purposes. The application contains a detailed outline of the work performed or completed and expenditures made toward completion of the appropriation and application of water for beneficial uses. (3 pages)

17. 00CW233 - EAGLE COUNTY, EBY CREEK, TRIBUTARY TO THE EAGLE RIVER

JJP Companies, Inc., c/o Tom Kinney, Esq., Hill, Edwards, Edwards & Adkison, L.L.C., Centennial Plaza Building, 502 Main Street, Suite 201, Carbondale, Colorado 81623, (970) 963-3900. **Amended Application for Underground Water Rights and Approval of Plan for Augmentation. First Claim for Conditional Underground Water Rights.** Name of diversion structure: Eby Creek Ranch Well No. 1. Point of diversion: Located in the NW¼NE¼ of Section 32, T. 4 S., R. 84 W., 6th P.M., at a point 875 feet distant from the North section line, and 1,525 feet distant from the East section line of said Section 32. Source: Eby Creek, tributary to the Eagle

River, tributary to the Colorado River. Appropriation date: November 29, 2000. Diversion rate and amount: 0.033 cfs (15 gpm), conditional, with an annual diversion amount of 0.82 acre-feet per year. Uses: Domestic, irrigation and stock watering. Name of diversion structure: Eby Creek Ranch Well No. 2. Point of diversion: Located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, T. 4 S., R. 84 W., 6th P.M., at a point 465 feet distant from the North section line, and 1,625 feet distant from the East section line of said Section 32. Source: Eby Creek, tributary to the Eagle River, tributary to the Colorado River. Appropriation date: November 29, 2000. Diversion rate and amount: 0.033 cfs (15 gpm), conditional, with an annual diversion amount of 0.82 acre-feet per year. Uses: Domestic, irrigation and stock watering. Name of diversion structure: Eby Creek Ranch Well No. 3. Point of diversion: Located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, T. 4 S., R. 84 W., 6th P.M., at a point 100 feet distant from the North section line, and 1,700 feet distant from the East section line of said Section 32. Source: Eby Creek, tributary to the Eagle River, tributary to the Colorado River. Appropriation date: November 29, 2000. Diversion rate and amount: 0.033 cfs (15 gpm), conditional, with an annual diversion amount of 0.82 acre-feet per year. Uses: Domestic, irrigation and stock watering. Name of diversion structure: Eby Creek Ranch Well No. 4. Point of diversion: Located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, T. 4 S., R. 84 W., 6th P.M., at a point 240 feet distant from the South section line, and 1,650 feet distant from the East section line of said Section 29. Source: Eby Creek, tributary to the Eagle River, tributary to the Colorado River. Appropriation date: November 29, 2000. Diversion rate and amount: 0.033 cfs (15 gpm), conditional, with an annual diversion amount of 0.82 acre-feet per year. Uses: Domestic, irrigation and stock watering. Name of diversion structure: Eby Creek Ranch Well No. 5. Point of diversion: Located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, T. 4 S., R. 84 W., 6th P.M., at a point 625 feet distant from the South section line, and 1,700 feet distant from the East section line of said Section 29. Source: Eby Creek, tributary to the Eagle River, tributary to the Colorado River. Appropriation date: November 29, 2000. Diversion rate and amount: 0.033 cfs (15 gpm), conditional, with an annual diversion amount of 0.82 acre-feet per year. Uses: Domestic, irrigation and stock watering. **Second Claim for Approval of Plan for Augmentation.** Names of structures to be augmented: Eby Creek Ranch Well Nos. 1 through 5, described above. Description of water rights to be used for augmentation: Applicant has applied to the Colorado River Water Conservation District, Colorado River Water Projects Enterprise (hereinafter, "River District" and "River District Enterprise," respectively) for a single water supply contract, or two contracts, providing for the release of 0.2 acre-feet of augmentation water each year into the Eagle River, and the release of 0.9 acre-feet of augmentation water each year into the Colorado River. The River District Enterprise owns water rights in Wolford Mountain Reservoir, has contracts for water stored in Ruedi Reservoir with the United States Bureau of Reclamation, and holds shares of stock in the Eagle Park Reservoir Company, which are described in detail in the Amended Application, and which may be utilized for augmentation purposes pursuant to a water supply contract or multiple contracts as requested by the Applicant. Statement of plan for augmentation: Applicant's diversions at the Eby Creek Ranch Well Nos. 1 through 5 for domestic, irrigation and livestock purposes will result in depletions to Eby Creek, the Eagle River downstream from the Eby Creek confluence, and the Colorado River downstream from the Eagle River confluence. The monthly schedule of these depletions is tabulated in Table 1, attached to the Amended Application as Exhibit A. There are no vested water rights or decreed conditional water rights which have as their source the reach of Eby Creek depleted by Applicant's diversions, and Applicant will not replace out-of-priority depletions in this reach of Eby Creek. Applicant's augmentation water supply contract with the River District Enterprise will be for release of 0.9 acre-feet of water from Wolford Mountain Reservoir and/or Ruedi Reservoir to replace out-of-priority depletion of the Colorado River, and for the additional release of 0.2 acre-feet of water from Eagle Park Reservoir and/or Homestake Reservoir, to replace out-of-priority depletion of the Eagle River resulting from Applicant's diversions at the Eby Creek Ranch Well Nos. 1 through 5. Applicant's water engineers have determined that the annual release of 1.1 acre-feet of augmentation water, according to the monthly release schedule provided in Table 2 attached to the Amended Application as Exhibit B, will replace all of Applicant's out-of-priority depletion of the Colorado River and Eagle River and allow continued diversion of the water rights requested herein at the Eby Creek Ranch Well Nos. 1 through 5 points of diversion when these water rights would otherwise be subject to curtailment by the Division 5 Engineer. (15 pages).

18. 00CW234 GARFIELD COUNTY - GROUNDWATER TRIBUTARY TO THE ROARING FORK RIVER; FRYING PAN RIVER, TRIBUTARY TO THE ROARING FORK RIVER, TRIBUTARY TO THE COLORADO RIVER; BLUE RIVER, TRIBUTARY TO THE COLORADO RIVER. Rick and Ann Broadhurst, c/o Robert M. Noone, Esq., Robert M. Noone, P.C., P.O. Drawer 39, Glenwood Springs, CO 81602, telephone: (970) 945-4500 **Application For Underground Water Right, For Change of Water Right and for Approval of Plan for Augmentation.** **APPLICATION FOR UNDERGROUND WATER RIGHT.** Structure: Broadhurst Well; Source: Groundwater tributary to the Roaring Fork River; Location: The proposed location for the Broadhurst Well is in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, T. 7 S., R. 88 W., 6th P.M. at a point 2100 feet North of the South line and 1620 feet East of the West line of said Section 22. Date of Appropriation: November 16, 1998. How appropriation was Initiated: Field Inspection and formation of intent to apply water to beneficial use. Amount: 0.022 cfs (10 gpm), 1.3 acre feet per year, conditional. Use: Ordinary household purposes inside two single family dwellings, the watering of domestic animals and the irrigation of not more than one acre of lawns and gardens; Description of Irrigated Acreage: Up to one acre located in Section 22, Township 7 South, Range 88 West, 6th P.M. Name and Address of Owner of Land on which point of diversion and place of use are located: Applicants. **CLAIM FOR CHANGE OF WATER RIGHT (Stroock Well No. 1):** Description of Water Right to be Changed: Stroock Well No. 1. Information from Previous Decree: Date Entered: March 22, 1972; Case No. W-346. Court: Garfield County District Court; Decreed Point of Diversion: Section 18, Township 7 South, Range 87 West, 6th P.M., a distance of 900 feet from the

North section line, and 1,900 feet from the East section line, in Garfield County; Depth: 350 feet; Source: Groundwater tributary to the Roaring Fork River; Amount: 0.022 cfs (10) gpm, Names and addresses of owners of lands upon which point of diversion and place of use are located: Owner of land upon which point of diversion is located: Richard Veit, 1430 County Rd. 107, Carbondale, CO 81623; Owner of land upon which the place of use of Applicants' interest in the well is located: The Applicants; Remarks: The Applicants are the owners and users of the first 5 gpm produced by the well. The well will serve two single family homes and 7,500 square feet of irrigation; Description of Proposed Changes of Water Right: Change in Use: Applicants request a change in use for the first five (5) gpm from Stroock Well No. 1 to allow for ordinary household purposes inside two single family dwellings, the watering of domestic animals and the irrigation of not more than one acre of lawns and gardens. Alternate Point of Diversion: The Applicants also request an alternate point of diversion for their interest in the first five (5) gpm produced from the Stroock Well No. 1 at the Broadhurst Well, more particularly described in Section II, above. CLAIM FOR CHANGE OF WATER RIGHT (Basalt Conduit): Description of Water Right to be Changed: Basalt Conduit. Information from Previous Decree; Date Entered: June 20, 1958; Case No.: W-4613; Court: Garfield County District Court; Decreed Point of Diversion: The decreed headgate and point of diversion for the Basalt Conduit is located on the left side of the Frying Pan River in the NE ¼ of the NW ¼ of undersurveyed Section 18, T. 8 S., R. 84 W. of the 6th P.M. at the head of the outlet tube for Ruedi Reservoir whence the SW corner of Section 7 of T. 8 S., R. 84 W. of the 6th P.M. bears N. 79E 00' W., a distance of 2,017.1 feet. Source: The Frying Pan River, tributary to the Roaring Fork River, tributary to the Colorado River; Appropriation Date: July 29, 1957; Amount: 450 cfs; Use: Generation of electricity, irrigation, domestic, municipal, stock watering, piscatorial and industrial; The Basalt Water Conservancy District ("BWCD") owns the Basalt Conduit water right. Applicants have a water supply contract with BWCD; Description of Proposed change of Water Right: Applicant seeks an alternate point of diversion for the Basalt Conduit in an amount not to exceed 0.022 cfs (10 gpm), 1.3 acre feet per year at the two alternate locations described above, respectively, as the Broadhurst Well and the Stroock Well No. 1. STATEMENT OF PLAN FOR AUGMENTATION. The Applicants request a decree adjudicating the changes described above and approving a water rights plan for augmentation that, when implemented, will provide a legal water supply for the claimed uses and fully augment the depletions associated with the uses. For augmentation, Applicants intend to rely upon the Green Mountain Reservoir, Try Ditch and Edith Ditch water rights described below: Information from previous decree for Green Mountain Reservoir: Source: Blue River, tributary of Colorado River; Legal description: located approximately 16 miles Southeast of the Town of Kremmling in Summit County, Colorado, and more particularly in all or parts of Sections 11, 12, 13, 14, 15, and 24 of Township 2 South, Range 80 West, and in Sections 17, 18, 19, 20, 21, 28, 29, and 34, Township 2 South, Range 79 West of the 6th P.M.; Adjudication Date: October 12, 1955; Appropriation Date: August 1, 1935; Case No.: 2782, 5016, and 5017; Court: United States District Court, District of Colorado; Decreed Amount: 154,645 acre feet; Decreed Uses: in accordance with paragraph 5(a), (b), and (c) of the section entitled "Manner of Operation of Project Facilities and Auxiliary Facilities" in Senate Document 80. Information from previous decrees for Troy Ditch and Edith Ditch rights:

STRUCTURE	PRIORITY	COURT CASE NO.	ADJ DATE	APP DATE	DECREED AMOUNT (CFS)	USE (4)
Troy Ditch (1)	370	3082	08/25/1936	05/01/1906	5.10	I
Troy Ditch 1st Enlg	427	3082	08/25/1936	05/01/1928	10.80	I
Troy Ditch 2nd Enlg	669	4613	06/20/1958	06/01/1942	6.20	I
Edith Ditch	353	3082	08/25/1936	05/01/1904	2.72	I
Edith Ditch 1st Enlg	673	4613	06/20/1958	07/01/1946	3.23	I
Troy Ditch Water System aka Lower Headgate	(2)	W-2281			15.50 (3)	I,D,M C,P

AMOUNT SOLD, TRANSFERRED OR RESERVED					AMOUNT REMAINING (10)	
(5)	(6)	(7)	(8)	(9)	CFS	AF
0.000	0.000	0.095	0.064	0.035	4.906	N/A
0.000	0.000	0.200	0.134	0.073	10.393	N/A
0.000	0.000	0.115	0.077	0.042	5.966	N/A

0.110	0.1320	0.050	0.000	0.018	2.410	N/A
0.000	0.000	0.060	0.000	0.022	3.148	N/A
0.110	0.1320	0.520	0.275	0.190	14.273	412.89

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

In Case No. W-2281, Division 5, the Court decreed that 453 acre feet of annual consumptive-use credits were available to these ditches, and that 300 acre feet could be stored in an unnamed reservoir. The Basalt Water Conservancy District owns 412.89 acre feet of the 453 acre feet, and makes the water rights available to contract allottees for use pursuant to an approved substitute supply plan or decree of Court. The Troy and Edith augmentation water can be delivered to the Frying Pan, Roaring Fork or Colorado Rivers by bypassing water at the headgate on the Frying Pan River. Total water demand is calculated to be 1.25 acre feet (AF) and total depletions requiring augmentation are calculated to be 0.471 AF. The difference between diversions and depletions (1.25 - 0.471 AF = 0.8 AF) represents water that is diverted and then returns to the stream. Water will return to the stream from the individual sewage disposal systems (ISDS) leachfield and from groundwater and surface water returns from lawn and garden irrigation. The Applicants have a contract with the Basalt Conservancy District for 0.022 cfs (10 gpm) direct flow rights and 1.3 acre feet per year of storage which is sufficient to allow uninterrupted diversions and prevent injury to other vested and decreed conditional water rights. (8 pages)

19. 97CW002 and 97CW136 (Consolidated). THIRD AMENDED APPLICATION FOR CHANGE OF WATER RIGHT AND APPROVAL OF PLAN FOR AUGMENTATION. CONCERNING THE APPLICATION FOR WATER RIGHTS OF ROARK PARTNERS, LLLP, IN EAGLE COUNTY. COMES NOW, Applicant, Roark Partners, LLLP, by and through its undersigned counsel, and hereby amends the application filed in Case No. 97CW002 on January 7, 1997, as first amended on January 6, 1998, as consolidated by Order of the Court on September 13, 1999 with Case No. 97CW136 which had been filed on May 29, 1997, and as amended by Second Amendment to the Consolidated Case Nos. 97CW002 and 97CW136 by Order of the Court on July 24, 2000. Applicant hereby amends Consolidated Case Nos. 97CW002 and 97CW136 by this Third Amended Application as follows: 1. Applicant filed its original applications in Case Nos. 97CW002 and 97CW136 to adjudicate certain new water rights and to request certain of its decreed water rights to be changed for use in a residential/commercial development. The First Amendment to Case No. 97CW002 and the Second Amendment to the consolidated cases added additional new water rights, revised capacities of certain storage facilities, amended the locations of certain wells, corrected points of diversion of the EI and IE Springs, redefined the development and indicated that Applicant shall provide all irrigation water for the development for a total demand of 155 acre-feet per year. 2. As stated in the Second Amendment to the consolidated cases, the development shall utilize water from the Town of Gypsum (the "Town") for its in-house uses. All irrigation water for the development shall be provided from water rights decreed under the consolidated cases for a total demand of approximately 220 acre-feet per year, which demand includes water required for evaporation from the remaining Ponds 5 and 6. In accordance with the Annexation Agreement and Subdivision Improvement Agreement for the development, the development will deliver a certain amount of water to the Town. In order to satisfy the irrigation requirements of the development, the evaporation from Ponds 5 and 6, and water required to be delivered to the Town, Applicant will utilize only certain of the new water rights and changed water rights for which it has previously applied. By this Third Amendment, Applicant will eliminate certain water rights for which it previously applied, and will add additional water rights as follows:

Applicant will utilize the following water rights in its municipal water supply system:

- A. Water rights described in the original application filed in Case. No. 97CW002:
 1. J.P.O. Ditch No. 1, as changed in the First Amendment to add additional uses.
 2. J.P.O. Ditch No. 2, as changed in the First Amendment to add additional uses.
 3. J.P.O. Ditch No.1 Extension and Enlargement, as changed in the First Amendment to the case to add additional uses.
 4. The water associated with Applicant's interest in the J. P. O. Ditch system was increased as a result of the acquisition of the Elgia LaGrow parcel as described in the Second Amendment to the consolidated cases.
 5. LPL Reservoir as originally decreed.

- B. Water rights described in the original application filed in Case No. 97CW136:
 - 1. LPL Spring as requested. 2.LPL Reservoir as decreed.
- C. Water rights described in the First Amendment to Case No. 97CW002:
 - 1. Secret Spring as requested.
 - 2. PJJ Spring as decreed and for additional uses named in the First Amendment.
 - 3. EI Spring as decreed, for additional uses named in the First Amendment, and as alternatively located in the Second Amendment to the consolidated cases.
 - 4. IE Spring as decreed, for additional uses named in the First Amendment, and as alternatively located in the Second Amendment to the consolidated cases.
 - 5. Buckhorn Pond No. 5 as requested in the First Amendment and as adjusted for total capacity in this Third Amendment to the consolidated cases.
 - 6. Buckhorn Pond No. 6 as requested and as adjusted for total capacity and relocated in the Second Amendment to the consolidated cases.
- D. Water rights as described in the Second Amendment to the consolidated cases:
 - 1. IE Pond as requested.

Applicant eliminates from its applications the following water rights:

- A. Water rights as described in the original Application filed in Case No. 97CW002:
 - 1.Well No. 1 2.Well No. 2 3.Well No. 3
 - B. Water rights described in the First Amendment to Case No. 97CW002:
 - 1. Buckhorn Pond No. 1
 - 2. Buckhorn Pond No. 2
 - 3. Buckhorn Pond No. 3
 - 4. Buckhorn Pond No. 4
3. Applicant hereby further amends the consolidated cases to contain the following provisions for the development:
- A. Applicant requests the right to store an additional 7 cfs (fill and refill) from the decreed JPO points of diversion through the JPO Ditch system in Pond No. 5, with an appropriation date of June 1, 1998, which was the date upon which Applicant began determining which sources of water would be available for delivery to the Town.
 - B. Applicant requests the right to increase the capacity of Pond No. 5 to 350 ac/ft.
 - C. Applicant requests the right to pump water from the EI Spring and the IE Spring and water stored in Pond No. 6 into Pond No. 5.
4. With respect to its plan for augmentation and exchange, by utilizing the water rights requested for irrigation purposes only and eliminating the domestic uses of the water, by eliminating the wells and thus the depletions caused by the wells, by eliminating Ponds 1 through 4 located on BLM lands, and by including the evaporation of Ponds 5 and 6 in the total demand of the water to be stored, Applicant will no longer require water for augmentation for these previously requested purposes and structures. However, Applicant hereby requests the right of to utilize 25 acre-feet of water secured by contract from The Bureau of Reclamation for a plan of augmentation and exchange which shall include water to be delivered from Green Mountain Reservoir into the Colorado River to insure that it may continue to divert from the JPO Ditch System its decreed water rights in the event a call is placed on the Colorado River by the Shoshone Power plant. The reach of the exchange shall be from the confluence of the Colorado and Eagle Rivers up to the points of diversion for the JPO Ditch system.5. In all other respects, the consolidated applications shall remain as originally filed and subsequently amended with this Court. (4pages)

20. 00CW064 GRAND COUNTY – COLORADO RIVER. Charles W. Keiss; P.O. Box 1436; Grand Lake, CO 80477 970-627-8467. Charles W. Keiss Well – Amended Application for Underground Water Right. Amended to change applicant to Charles W. Keiss and to request confirmation of a water right for an exempt well under CRS 37-92-602(3)(b)(4). All other information remains as previously published. (2 pages)

21. 00CW109 (92CW200) GRAND COUNTY, SOUTH FORK RANCH CREEK. AMENDMENT TO APPLICATION FOR A FINDING OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE. Mark J. Wagner, Hill & Robbins, P.C., 1441 18th Street, Suite 100, Denver, CO 80202 (303) 296-8100. Paragraph 3. B. of the application in this case, originally published in the June, 2000, Resumè is hereby amended to read as follows: 3.B. Location: The originally decreed point of diversion for the Diamond Bar T No. 3 Ditch is a point whence the Northwest corner of Section 27, Township 1 South, Range 75 West of the 6th P.M. bears North 48°0' West 6070 feet. In Case No. W-2987 the location was corrected as being located in the Left Bank of the South Fork of Ranch Creek at a point whence the Northwest corner of Section 27, T1S, R75W of the 6th P.M. bears N. 48° 41' W. 6058 feet. In Case No. 91CW211 an alternate point of diversion was decreed for location on the east bank of the South Fork of Ranch Creek at a point whence the Southeast corner of Section 22, T1S, R75W of the 6th P.M. bears S. 49° 25' E. a distance of 2,104 feet. The purpose of this amendment is to correct a typographical error in the description of the location of the point of diversion

in the originally published application and to add the decreed corrected location and the decreed alternate point of diversion. All other matters remain as stated in the application as published in the June, 2000, Resumé

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JANUARY 2001 to file with the Water Clerk in quadruplicate a verified statement of opposition setting forth facts as to why a certain application should not be granted or why it should be granted only 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: \$45.00) PEGGY JORDAN, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.