

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 2000.

1. 00CW199 – APPLICATION WITHDRAWN - WILL NOT BE PUBLISHED

2. 00CW200 GRAND COUNTY – FRASER RIVER. Joel E. Moritz and Sharon B. Moritz; c/o J. Albert Sebald, Esq.; 1660 Lincoln St., Suite 1700; Denver, CO 80264 303-861-5300. Moritz Well (Permit No. 206258) – Application for Underground Water Right. Location: NE1/4NW1/4 Sec. 16, T. 1 S., R. 76 W., 6th P.M. approximately 1,250 feet from the north sec. line and approximately 1,400 feet from the west sec. line of said sec. and more particularly described as Lot 18, Pole Creek Preserve Subdivision. Appropriation: January 5, 1998. Amount: 15 gpm, absolute Use: irrigation of 1 acre and ordinary household purposes inside 3 single family dwellings, fire protection, watering of poultry, domestic animals and livestock on a farm or ranch. (3 pages)

3. 00CW201 GARFIELD COUNTY - Cattle Creek Jeff & Lana Holub c/o Scott Balcomb, Balcomb & Green P.C. PO Drawer 790 Glenwood Springs, CO 81602 (970) 945-6546. Rickstrew Springs- Application to Amend Water Right Decree Decreed in Case No. W-1097. This spring is located in the NE1/4SE1/4 of Section 11, T. 7S., R. 88W., of the 6th P.M. at a point whence the East quarter corner of said Section 11 bears N. 26°35'15", E. 757.41 Feet. Appropriation Date: June 30, 1950; Amount: 0.05 c.f.s., Use. Domestic and Irrigation. Field Inspection exhibit on file with the court. (7 pages)

4. 00CW202 GARFIELD COUNTY – FOUR MILE CREEK, ROARING FORK RIVER. Larry & Dawn Thrun; 7843 County Road 117; Glenwood Springs, CO 81601 970-928-9040. Thrun Pond – Application for Water Storage Right. Location: SE1/4SE1/4 Sec. 22, T. 7 S., R. 89 W., 6th P.M., Lot 17. Appropriation: October 3, 2000. Amount: 0.01 af, absolute. Rate of diversion for filling the reservoir is 1.5 gpm, absolute. Use: irrigation, domestic, fish culture, aesthetics, wildlife habitats and wetlands. (4 pages)

5. 00CW203 GARFIELD COUNTY – FOUR MILE CREEK, ROARING FORK RIVER. Larry & Dawn Thrun; 7843 County Road 117; Glenwood Springs, CO 81601 970-928-9040. Thrun Pond – Application for Water Rights (Surface). Location: SE1/4SE1/4 Sec. 22, T. 7 S., R. 89 W., 6th P.M., Lot 17. Appropriation: October 3, 2000. Amount: 1.5 gpm, absolute. Use: irrigation, domestic, fish culture, aesthetics, wildlife habitats and wetlands. (4 pages)

6. 00CW204 GRAND COUNTY – MOUNTAIN MEADOWS WELL NO. 2, GROUNDWATER TRIBUTARY TO THE NORTH FORK OF THE COLORADO RIVER. APPLICATION TO MAKE ABSOLUTE A CONDITIONAL WATER RIGHT. Charles Winn and Sharon Winn, c/o Karl F. Kumli, III, Dietze and Davis, P.C., 2060 Broadway, Suite 400, Boulder, CO 80302, 303-447-1375. Name of structure: Mountain Meadows Well No. 2. Date of Original Decree: December 21, 1987, 87CW184 (93CW256) in the District Court for Water Division 5. The well will be operated in accordance with the augmentation plan approved by the court in 87CW184. Location: NE ¼ NE ¼ Section 14, T3N, R76W, 6th P.M. at a point whence the NE corner of said Section bears North 75° 58' East a distance of 618 feet, Mountain Meadows Lot 2, Grand County, Colorado. Source: Groundwater tributary to the North Fork of the Colorado River. Appropriation: June 9, 1987. Amount 10 gpm. Absolute. Use: Ordinary household purposes inside one single-family dwelling and not used outside the house for any purpose. Depth: 44 feet. The well was completed on November 10, 1998. Amount 10 gpm. Description where water is applied to beneficial use: in a residence on residential site known as lot 2, Mountain Meadows, Grand County, Colorado. (7 pages)

7. 00CW205 MESA COUNTY – HIGHLINE CANAL, COLORADO RIVER. Frederick Jones; 3831 N. 12th St.; Grand Junction, CO 81506 970-242-5702. Jones Diversion – Application for Water Rights (Surface). Location: the E1/4NE1/4NE1/4 except the south 578.5 feet and the north 610 feet thereof in Sec. 2, T. 1 S., R., 1 W., Ute Meridian. Appropriation: November 19, 1989. Amount: 1/10 cfs, conditional. Use: irrigation. (2 pages)

8. 00CW206 - UNABLE TO PUBLISH

9. 00CW207 (97CW137) - EAGLE COUNTY, GYPSUM CREEK ALLUVIAM, TRIBUTARY TO THE EAGLE RIVER, Garden Center of Eagle/Gypsum, c/o Edward B. Olszewski, Esq., Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, Colorado 81602, Telephone: (970) 945-6546. Application to Make a Conditional Water Right Absolute. Name of structure: Garden Center Well No. 1. Describe conditional water right: date of original decree: March 26, 1998; Case No.: 97CW137; Court: Water Division No. 5; Location: Garden Center Well No. 1 is located in Section 8, Township 5 South, Range 85 West, 6th P.M. at a point 400 feet South of the North line and 2,010 West of the East line of said Section; Depth: 80 feet; Date of appropriation: May 15, 1997; Amount: 70 g.p.m.; Use: irrigation of approximately 3 acres, commercial operations including equipment washing, dust control, sanitation, etc. Claim to make conditional water right absolute: Date water applied to beneficial use: April 27, 1998; Amount: 70 g.p.m.; Use: irrigation of 3 acres of lawn and gardens for a nursery, commercial operations including equipment washing, dust control, sanitation, etc.; Description of place of use: Garden Center of Eagle/Gypsum Nursery, Gypsum, Colorado. Remarks: the Garden Center Well No. 1 has been drilled and placed to beneficial use. The well was drilled by Golden Eagle Drilling Corporation

and a pump was installed by Samuel Pump Company, Inc. Since April 27, 1998, the well has been used for its decreed purposes. A Statement of Beneficial Use was filed with the State Engineer's Office in June, 1998. (3 pages)

10. 00CW208 MESA COUNTY – UHL CREEK, MIDDLETON CREEK, BUZZARD CREEK, PLATEAU CREEK, COLORADO RIVER. Merial Currier Vander Laan; P.O. Box 42; Molina, CO 81646 303-738-9440. Donna Spring and Pipeline – Application for Water Rights (Surface). Location: NE1/4NW1/4 Sec. 35, T. 8 S., R. 93 W., 6th P.M. that is located at a point whence the north ¼ corner of Sec. 2, T. 9 S., R. 93 W., 6th P.M. bears South 20°17' East 4,495.12 feet Appropriation: October 20, 1966. Amount: 0.13 cfs, absolute. Use: irrigation of farmground and pasture, livestock, domestic water to six Currier Ranch family houses, fire protection. (3 pages)

11. 00CW209 (93CW267) GARFIELD COUNTY – WEST MAMM CREEK, MAMM CREEK, COLORADO RIVER. James L. Rose; c/o Billie Burchfield, Esq.; 802 Grand Ave., Suite 305; Glenwood Springs, CO 81601 970-285-7990. Parker Reservoir No. 16 – Application to Make Absolute a Conditional Water Right Decreed: December 16, 1981, 81CW079. Location: SE1/4NE1/4 Sec. 22, T. 7 S., R. 93 W., 6th PM at a point 2,350 feet south of the north line and 1,200 feet west of the east line of said Sec. 22. Appropriation: September 30, 1979. Amount: 0.80 AF, absolute. Use: livestock purposes. 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)

12. 00CW210 (92CW40), SUMMIT, EAGLE, AND LAKE COUNTIES. APPLICATION TO MAKE ABSOLUTE CONDITIONAL WATER RIGHT. 1. Name and Address of Applicant: Eagle Park Reservoir Company, 846 Forest Road, Vail, Colorado 81657, c/o Glenn E. Porzak, Porzak Browning & Bushong LLP, 929 Pearl Street, Suite 300, Boulder, Colorado 80302, 303-443-6800). 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, Township 7 South, Range 79 West, 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, Township 8 South, Range 79 West, 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, Township 8 South, Range 79 West, 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, Township 7 South, Range 79 West, 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 West ½ of Section 11, Township 8 South, Range 79 West, 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, Township 8 South, Range 79 West, 6th P.M. bears north 77° and 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, Township 7 South, Range 79 West bears south 71° and 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, Township 7 South, Range 79 West, 6th P.M. bears north 16° and 55' east a distance of 2550 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° and 58' east 3740 feet (located in the Northwest 1/4 of the Southeast 1/4 of Section 13, Township 7 South, Range 79 West, 6th P.M.). (ii) On the south bank of Kokomo Creek at a point whence U.S.L.M. Kokomo bears north 39° and 36' east 2635 feet (located in the Southeast 1/4 of Section 22, Township 7 South,

Range 79 West, 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 Southeast 1/4 of the Northeast 1/4 of Section 32, Township 7 South, Range 79 West, 6th P.M. at a point whence the Northeast corner of said Section 32 bears north 31 and 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. WHEREFORE, Applicant requests that the Court enter a decree making the storage right for Eagle Park Reservoir absolute for 3,148 acre feet for all decreed uses. (5 pages)

13. 00CW211 Water District 38; Garfield County, Cattle Creek, Roaring Fork River, Colorado River, App for Surface and Storage Water Rights. Marc and Erin Bassett, Allen and Teri Harrelson, Lot 11, c/o Sherry A. Caloia, Esq., Caloia & Houpt, P.C., 1204 Grand Ave, Glenwood Springs, CO *Structure*: Bassett Spring, Bassett Enl. *Loc*: NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.12 approx. 1,240' from S & 1,630' from W Sec. Lines, *Source*: trib to Cattle Creek *Approp.* 6/1/1994, by purchase of the prop, adj of Bassett Spring, dev of plans for ponds and form of intent to store water for ben uses, *Amt*: .075 c.f.s. abs to fill Pond No 1., .075 c.f.s. cond to fill Pond. No. 2. *Structure*: Bassett Spring Pond No. 1 for Lot 8. *Location*: NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 12 (Lot 8 Cottonwood Hollow Subdivision) 1,630' from W & 1,240' from S. Sec. lines, *Source*: pond to be filled with the Bassett Spring Enl described above, and runoff tributary to Cattle Creek. *Approp. date*: 6/1/1994, as set forth for the Bassett spring enl. above, *Amt*: .5 A.F, abs w/ right to fill and refill in priority *Structure*: Bassett Spring Pond No. 2 for Lot 8. *Loc* NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 12, 1,630' from W. & 1,440' from S. Sec. lines *Source*: pond filled with the Bassett Spring Bassett Enl described above and local runoff tributary to Cattle Creek, *Approp.* 6/1/1994, as described for Bassett Pond 1 above *Amt*: .5 A.F., cond., with right to fill and refill in priority. *Structure*: Harrelson Ditch for Lot 11. *Location* NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 12, 3,050 ' from N & 1,600' from W Sec. Lines: *Source*: trib to Cattle Creek. *Approp*: 9/1/1990, by purchase of prop adj of spring, dev of plans to install a pond and form of intent to build a pond store water for ben uses. *Amt*: 0.15 c.f.s., cond.. *Uses*: To fill the Harrelson Pond Lot 11 *Name* Harrelson Pond Lot 11. *Location*: NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 12, 1,000' from W. and 3,100' from S. sec. lines *Source*: pond will be filled with the Harrelson Ditch described above, and local runoff tributary to Cattle Creek. *Approp. date*: 9/1/1990, as set forth for the Harrelson Pond above, *Amt* .5 A.F., cond., with right to fill and refill in priority. All water rights are located upon lands owned by Applicants. Cottonwood Hollow Subdivision is described in reception No. 449580 of the records of Garfield County. All ponds herein will be used for recreation, aesthetic, piscatorial, wildlife, and stock watering. All property and water rights are located in T7S, R88W, 6th P.M. Cattle Creek is trib to Roaring Fork & Colorado Rivers. The evaporation from the ponds will be augmented by the Augmentation Plan filed in Case No. 00CW136. (6 pages)

14. 00CW212 (94CW091) PITKIN COUNTY; SNOWMASS CREEK, TRIBUTARY TO THE ROARING FORK RIVER; APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 1. Name and address of applicant: Wildcat Reservoir Company and Wildcat Ranch Association, 555 East Durant Ave., Suite F, Aspen, CO 81611; c/o Glenn E. Porzak, Porzak Browning & Bushong LLP, 929 Pearl Street, Suite 300, Boulder, CO 80302, 303-443-6800. 2. Name of structures: A. Aspen Wildcat Municipal Water Supply Unit. B. Twin Pines Reservoir. 3. Description of conditional water rights: Aspen Wildcat Municipal Water Supply Unit: A. Original decree: Entered May 27, 1971, by the Water Court in Case No. W-20 for 6.7 cfs conditional. B. Location: The point of diversion is located on the east bank of Snowmass Creek from whence the NE corner of Section 3, T. 10 S., R. 86 W. of the 6th P.M. bears S. 34°08' E. 4,225 feet. C. Source: Snowmass Creek, tributary to the Roaring Fork River. D. Appropriation Date: September 28, 1968. E. Amount: 6.7 cfs. F. Decreed uses: Municipal, recreation, irrigation and industrial use. Twin Pines Reservoir: A. Original decree: Entered May 27, 1971, by the Water Court in Case No. W-22 for 300 acre feet conditional. B. Location: The right abutment of the dam is located on the East bank of Snowmass Creek at a point whence the NE Corner of Section 3, T. 10 S., R. 86 W. of the 6th P.M. bears S. 07°00' E. 11,600 feet. C. Source: Snowmass Creek, tributary to the Roaring Fork River. D. Appropriation Date: September 28, 1968. E. Amount: 300 acre feet. F. Decreed uses: Municipal, recreation, irrigation and industrial use. 4. Detailed outline of work done to complete project and apply water to beneficial use. The subject water rights are part of the integrated water supply system for the Wildcat Ranch PUD, a 6000 acre development located in Pitkin County, Colorado. During the current diligence period, applicants have expended in excess of \$883,249 in connection with the development of the domestic and irrigation water

system for Wildcat Ranch PUD. These expenditures included the cost of constructing, operating and maintaining water diversion and delivery systems, and the securing of supplemental storage rights to augment the use of the subject water rights and the other water rights that are part of the integrated water supply for the Wildcat Ranch PUD. All of these expenditures and work are necessary preconditions to apply the subject water rights to the beneficial uses for which they were decreed. WHEREFORE, applicants request a finding of reasonable diligence be entered for the Aspen Wildcat Municipal Water Supply Unit and the Twin Pines Reservoir. (4 pages)

15. 00CW213 GARFIELD AND PITKIN COUNTIES. THREE MILE CREEK, ROARING FORK RIVER, FRYINGPAN RIVER. APPLICATION FOR CHANGE OF WATER RIGHT, EXCHANGE, WATER RIGHT, AND FOR APPROVAL OF PLAN FOR AUGMENTATION. CITY OF GLENWOOD SPRINGS, c/o Mark J. Wagner, Esq., Hill & Robbins, P.C., 1441 18th Street, Suite 100, Denver, CO 80202 (303) 296-8100

I. CHANGE OF WATER RIGHT AND APPROPRIATIVE RIGHT OF EXCHANGE

2 Decreed name of structure for which change is sought: Hughes Garden Ditch 3. From previous Decree: A. Date entered: (1) May 1, 1885 for 0.46 cfs; (2) June 28, 1910 for 0.30 cfs; and August 25, 1936 for 2.24 cfs. Case Nos.: (1) CA 1933; (2) CA 1933; and (3) C.A. 3082.Court: District Court in and for Garfield County B. Decreed point of diversion (see attached map): the headgate is located on the south bank of Three Mile Creek at a point whence the corner to Sections 21, 22, 27, and 28, Township 6 South, Range 89 West, 6th P.M., bears North 41° 20' East 1531.8 feet C. Source: Three Mile Creek D. Appropriation date: (1) May 1, 1885 for 0.46 cfs and 0.30 cfs; (2) and May 7, 1912 for 2.24 cfs. E. Historical use: Irrigation of approximately 40 acres as depicted on the attached map. 4. Proposed change: The Applicant seeks to divert its interest in the water rights decreed to the Hughes Garden Ditch, by exchange, at an alternate point of diversion, i.e., the South Glenwood Irrigation Diversion described in Section II., below. No change will be made to the type, place, or time of use of the water rights. The only change sought is to add the South Glenwood Irrigation Diversion as an alternate point of diversion for the City's interest in the Hughes Garden Ditch water rights. The exchange sought herein shall have an appropriation date of July 31, 2000 for up to 3.0 cfs.

II. WATER RIGHT

5. Name of structure: South Glenwood Irrigation Diversion 6. Legal description of point of diversion: located on the left or west bank of the Roaring Fork River in the NE/4 NE/4 of Section 27, Township 6 South, Range 89 West of the 6th P.M. at a point approximately 1,075 feet from the east section line and 590 feet from the north section line.7. Source: Roaring Fork River. 8.A. Date of appropriation: August 19, 1999. B. How appropriation was initiated: Formation of intent, design of system, and site location of diversion point. C. Date water applied to beneficial use: Not applicable. 9. Amount claimed: 4 cfs; CONDITIONAL

10. Proposed use: For all municipal irrigation purposes on approximately 100 acres within the service area of the City of Glenwood Springs and in parts of the S/2 of Section 22 and the N/2 and the SE/4 of Section 27, Township 6 South, Range 89 West, 6th P.M. See attached map.

11. Remarks: Depletions attributable to out-of-priority diversions from the structure described in paragraph 5., above, will be replaced to the extent necessary to prevent injury to senior water rights. Such replacement will be made pursuant to an approved plan for augmentation, an application for which is described below.

III. PLAN FOR AUGMENTATION

12. Names of structure to be augmented: See paragraph 5., above. The only water rights to be diverted from the South Glenwood Irrigation Diversion are the water rights described above. 13. Water rights to be used for augmentation: Up to 500 acre-feet of water decreed for storage in Ruedi Reservoir under a decree entered in Civil Action No. 4613, District Court, Garfield County, and Case No. W-789-76, District Court, Water Division No. 5. Ruedi Reservoir is located in Sections 7, 8, 9, 11, and 14 through 18, Township 8 South, Range 84 West, 6th P.M., Eagle and Pitkin Counties. 14. Statement of plan for augmentation: Applicant proposes to provide replacement water necessary to meet the lawful requirements of senior water users, to the extent such senior water users would be deprived of water as a result of out-of-priority diversions from the structure described in paragraph 5., as follows: Water stored in Ruedi Reservoir will be released to the Roaring Fork River via the Fryingpan River, pursuant to a contract between the Applicant and the United States Bureau of Reclamation, at such times as there is a senior call on the Roaring Fork River or the Colorado River, and in such amounts as necessary to fully replace depletions attributable to otherwise out-of-priority diversions from the structure described in paragraph 5., above. It is estimated that the overall efficiency of the South Glenwood Irrigation system will be 80 percent. 15. Names and addresses of owners of land on which structures are located: The South Glenwood Irrigation Diversion structure is to be located on land owned by: Park East Development Corp. Attn: Jim Horn,P.O. Box 620, Basalt, Colorado 81621 Ruedi Reservoir is located on land owned by: The United States of America,c/o U.S. Department of Interior, Bureau of Reclamation, Eastern Colorado Project Office, 11056 West County Road 18E, Loveland, Colorado 80537-9711 (6 pages)

16. 00CW214 PITKIN COUNTY - ROARING FORK RIVER. Perry Lewis, c/o Patrick & Stowell P.C., 730 E. Durant Ave., Suite 200, Aspen, CO 81611, 970-920-1028. Application for Water Rights (Surface, Storage, and Underground). **First Claim, Surface Right.** Name of Structure: Lewis Spring & Pipeline. Source: a natural spring tributary to the Roaring Fork River. Location: SW1/4 NE1/4 of Section 20, Township 10 South, Range 84 West of the 6th P.M. at a distance 1510 feet South of the North section line and 1521 feet West of the East section line of said Section 20, Pitkin County, Colorado. Date of Appropriation: May 19, 2000. How appropriation was initiated: Field inspection, survey, and formation of intent to apply water to beneficial use. Amount: 0.2 c.f.s.,

conditional. Use: Aesthetic, domestic, irrigation, fish and wildlife purposes, as well as delivery of water into storage within the Lewis Pond, Second Claim, below. Description of irrigated acreage: Up to one acre located in government lot 12 in the SW1/4 NE1/4 of Section 20, Township 10 South, Range 84 West of the 6th P.M. Pitkin County, Colorado. Name and address of owner of land on which point of diversion and place of use are located: Applicant. **Second Claim, Storage Right.** Name of Structure: Lewis Pond. Source: Lewis Spring & Pipeline, First Claim, above. Location: SW1/4 NE1/4 of Section 20, Township 10 South, Range 84 West of the 6th P.M. at a distance 1485 feet South of the North section line and 1700 feet West of the East section line of said Section 20, Pitkin County, Colorado. Date of Appropriation: May 19, 2000. How appropriation was initiated: Field inspection, monumentation, and formation of intent to apply water to beneficial use. Amount: 0.5 acre feet, conditional, with the right to fill and refill when water is physically and legally available. Use: Aesthetic, irrigation, fire protection, and fish and wildlife purposes. Description of irrigated acreage: Same as First Claim, above. Maximum height of dam: less than 10 feet. Maximum length of dam: less than 5 feet. Active Capacity: 0.5 acre feet. Dead Storage: None. Name and capacity of ditch leading to reservoir: Lewis Spring & Pipeline, 0.2 c.f.s. Name and address of owner of land on which point of diversion and place of use are located: Applicant. **Third Claim, Underground Right.** Name of Structure: Lewis Well. Source: Alluvium of the Roaring Fork River. Location: SW1/4 NE1/4 of Section 20, Township 10 South, Range 84 West of the 6th P.M. at a distance 1400 feet South of the North section line and 1663 feet West of the East section line of said Section 20, Pitkin County, Colorado. Date of Appropriation: September 2, 1968. Date water was applied to beneficial use: September 2, 1968. How appropriation was initiated: Drilling of well. Amount: 15 gpm absolute (0.033 c.f.s.) Use: Domestic use, fire protection, and irrigation of up to one acre of lawn and gardens. Description of irrigated acreage: Same as First Claim, above. Name and address of owner of land on which point of diversion and place of use are located: Applicant. Remarks: The Lewis Well is currently permitted under well permit number 35072-A. (6 pages)

17. 00CW215 PITKIN COUNTY - GROUNDWATER TRIBUTARY TO THE ROARING FORK RIVER. SME Holdings Limited Partnership, c/o Patrick & Stowell, P.C., 730 East Durant Street, Suite 200, Aspen, CO 81611, (970) 920-1028. HLW Well No. 1 - Application for Change in Point of Diversion. Information from Previous Decree: The HLW Well No. 1 was awarded 0.022 C.F.S., absolute, on December 14, 1972 in Case No. W-1400, Water Division No. 5. The Decreed point of diversion: The well is located on the NW 1/4 NW 1/4 of Section 7, Township 10 South, Range 84 West of the 6th Prime Meridian at a point 300 feet South of the North line and 900 feet East of the West line of said Section 7. Source: Groundwater tributary to the Roaring Fork River. Date of Appropriation: January 1965. Amount: 0.022 C.F.S., Absolute. Use: Domestic. Proposed Change: No actual change in point of diversion is being requested. Instead, this Application seeks to conform the decreed location to the historical point of diversion and to correct the location as a result of recent surveying discovery that the well location is more than 200 feet from the actual well location. The location of the well has been re-surveyed and the correct legal description of the well is: NW 1/4 NW 1/4, Section 7, Township 10 South, Range 84 West of the 6th Prime Meridian at a point 850 feet South of the North section line and 217 feet East of the West section line of said Section 7. The use (domestic), amount, source and place of use will all remain the same. The name and address of the owner of the land upon which the point of diversion is located is: Applicant; the name and address of the owner of the land upon which the place of use of the water is or will be: Applicant. (3 pages)

18. 00CW216 PITKIN COUNTY - ROARING FORK RIVER. Woody Creek Ventures, LLC, c/o Kevin L. Patrick, Esq., Patrick & Stowell, P.C., 730 East Durant Street, Suite 200, Aspen, CO 81611, (970) 920-1028. APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION and FOR WATER RIGHTS. Plan for Augmentation. Name of structures to be augmented: WCV AH Well Field No. 1. Source: Roaring Fork River. Description of water rights to be used for augmentation 3.89 acre feet of excess historic consumptive use credit involved in Case No. 98CW291, Water Division No. 5 which is derived from the removal of land historically irrigated by the following water rights:

Waco Ditch Water Rights

(1) Water Right	(2) Decreed Amount	(3) Amount Owned	(4) Decreed Uses	(5) Priority No.	(6) Adjudication Date	(7) Appropriation Date	(8) Court Case
Waco Ditch No. 1	4.00 cfs	1.33	I	1	5/11/1889	6/18/1880	132
Waco Ditch-1st. Enlargement	5.75 cfs	1.92	I	105	5/11/1889	3/2/1884	132
Waco Ditch-3rd Enlargement	13.19 cfs	4.4	I	403J	8/25/1936	6/1/1916	3082

Waco Ditch-4th Enlargement	15.26 cfs	5.09	I	463	8/25/1949	9/1/1936	3723
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Salvation Ditch⁰ - water rights diverting from the Roaring Fork River:

Water Right	(2) Decreed Amount	(3) Decreed Uses	(4) Priority No.	(5) Adjudication Date	(6) Appropriation Date	(7) Court Case
Salvation Ditch	25.30 cfs	I	218A	1/21/1905	8/02/1902	1221
Salvation Ditch	21.20 cfs	I	218A	1/21/1905	8/02/1902	1221
Salvation Ditch	11.50 cfs	I	218A	1/21/1905	8/02/1902	1221

The Ranch at Woody Creek Pond No. 11, as decreed in Case No. 98CW291, which pond is filled by run-off as well as historic consumptive use credits derived in said case. Footnote A: All water rights in the Salvation Ditch were originally appropriated by the Salvation Ditch Company, a non-profit mutual ditch company that filed its Articles of Incorporation with the Colorado Secretary of State on November 28, 1959 at Book 587, and Page 103. The Salvation Ditch Company has issued share certificates to its shareholders, which entitle the shareholders to use the co-mingled Salvation Ditch water rights in proportion to their share ownership interest. Out of the 12,000 shares issued by the Salvation Ditch Company, the Applicant is the owner of 1,370 shares. In other words, of the 58.0 cfs of direct flow rights adjudicated to the Salvation Ditch, the Applicant's shares represent approximately 11.4% of all priorities. Of this percentage amount, only 5% of the 11.4 % (or 68 shares) representing 0.33 cfs of the rights decreed to the Salvation Ditch described above, is owned through share ownership and controlled by the Applicant and is involved in the plan for augmentation and change proceeding decreed in Case No. 98CW291, which Decree provides for the excess consumptive use credits involved in this Application.

Statement of Plan for Augmentation pursuant to C.R.S. 37-92-103(9), 302(1), and 305(8): Applicant is the owner and developer of The Ranch at Woody Creek generally located within the property set forth as Exhibit "A" attached hereto. The subject property is located just north of the town of Woody Creek, Colorado. The development will consist of 11 single family residential lots of at least approximately 35 acres each and one Ranch Headquarters and Affordable Housing lot which will be developed into a mix of affordable residential units encompassing a maximum of 21 bedrooms. This plan for augmentation is solely for the development of a legal water supply for the Ranch Headquarters Affordable Housing lot ("Affordable Housing Property") since each of the eleven free market lots within the Ranch at Woody Creek will have separate exempt wells servicing those uses. The Affordable Housing Property is located at the base of the lower bench on Lot 11. The demands of the Affordable Housing Property will consist of up to 21 bedrooms with an assumed year round occupancy of up to 32 persons. Each person is assumed to require 85 gallons per capita per day of which 85% of in-house deliveries will be returned to the stream system by virtue of one or more individual non-evapotranspirative wastewater disposal systems. Thus demands for the project are as follows:

<u>Month</u>	<u>Delivery Demand(af)</u>	<u>Consumptive Demand(afcu)</u>	<u>Excess CU Credit Waco (afcu)</u>	<u>Excess CU Credit Salvation (afcu)</u>	<u>Credit/Deficit (Afcu)</u>
Jan	0.26	0.04	-0-	-0-	<0.04>
Feb	0.23	0.04	-0-	-0-	<0.04>
Mar	0.26	0.04	-0-	-0-	<0.04>
Apr	0.25	0.04	<0.93>	<0.96>	<1.93>
May	0.26	0.04	<0.29>	<0.87>	<1.20>
June	0.25	0.04	0.22	1.02	1.20
July	0.26	0.04	0.33	1.18	1.47
Aug	0.26	0.04	0.69	1.50	2.15
Sept	0.25	0.04	0.82	1.58	2.36
Oct	0.26	0.04	0.41	0.92	1.29
Nov	0.25	0.04	<0.52>	<0.48>	<1.04>
Dec	0.26	0.04	-0-	-0-	<0.04>

Totals 3.05 0.48 0.73 3.89 4.14

Applicant, in Part II hereof has sought a decree for a well field in accordance with SEO Policy Memorandum 99-1. Up to three wells will be developed within the well field withdrawing a cumulative maximum of 50 gpm (0.11 cfs) subject to the annual and monthly volumetric limits described in the above Table. No outside irrigation will be provided for in this plan for augmentation, but will be provided by the Applicants' existing irrigation water rights. Application for Underground Water Rights. Name of structure: WCV AH Well Field No. 1. Source: Groundwater tributary to the Roaring Fork River and its tributaries. Legal description of well field: a Parcel of Land Situated in Government Lots 12 and 13 of Section 9, Township 9 South, Range 85 West of the Sixth Principal Meridian, County of Pitkin, State of Colorado; Said Parcel Being More Particularly Described as Follows: Commencing at the West Quarter Corner of Section 9 Being an Aluminum Cap Marked L.s. #17491; Thence S76°31'38.9"e, a Distance of 1,681.42 Feet to the Point of Beginning; Thence N53°19'59.7"e, a Distance of 500.00 Feet; Thence S36°40'00.3"e, a Distance of 300.00 Feet; Thence S53°19'59.7"w, a Distance of 500.00 Feet; Thence N36°40'00.3"w, a Distance of 300.00 Feet to the Point of Beginning. Said Parcel Containing 3.444 Acres, More or Less. Date of Appropriation: June 30, 2000. Date water applied to beneficial use: N/A. How appropriation was initiated: negotiation of land use dispute with the Board of County Commissioners of Pitkin County that required construction of an affordable housing component, monumentation, field investigation and surveying, and formulation of intent to apply water to the beneficial uses claimed. Amount claimed: 0.11 cfs (50 gpm), conditional, cumulative total between all wells in well field. Uses or proposed uses: Domestic and fire protection purposes. Legal description and acreage of land to be irrigated: n/a. Well Permit No.: Applicant's well field boundaries are not within 600 feet of any well permitted by the State Engineer's Office as of the date of the filing hereof; permits will be obtained after the award of a decree herein. The name and address of the owner of the land upon which the point of diversion is located is: Applicant; the name and address of the owner of the land upon which the place of use of the water is or will be is: Applicant.

19. 97CW290 - GRAND COUNTY - DEBERARD DRAW, TRIBUTARY OF THE FRASER RIVER; THE FRASER RIVER; GROUNDWATER TRIBUTARY TO THE FRASER RIVER. SilverCreek Holding Company, Inc., c/o Lori Satterfield, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602. Amended Application for Water Storage Rights, Groundwater Rights, Surface Water Rights, Change of Water Rights, and for Final Approval of Plan for Augmentation. CLAIM FOR WATER STORAGE RIGHTS. Note: In the original App. filed 12/31/97, Applicant claimed the Lake Val Moritz Alternate Nos. 2 through 8, and the SilverCreek Pump and Pipeline Nos. 2 and 4. Since then, Applicant's master development plan has been refined, and the said structures are no longer necessary for the development. Those structures have been withdrawn from this Amended Application. Lake Val Moritz Alternate No. 1. Legal Description: Location of Dam: The dam is located in the E½ SW¼ of Sec. 9, T. 1 N., R. 76 W. of the 6th P.M. The right (E.) abutment of the dam at its centerline is located at a point 1,310 ft. from the S. line and 2,380 ft. from the W. line of said Sec. 9. Date of appropriation: 12/22/1997. Appropriation was initiated by engineering study and field-staking the dam abutment. Water has not yet been applied to beneficial use. Amt. claimed: 74AF, conditional; Rates of diversion for filling the reservoir: 10 cfs from the Fraser River and 5 cfs from the SilverCreek Municipal Wells. Use: municipal, domestic, commercial, recreational, snowmaking, irrigation, piscatorial, and augmentation uses. Surface area of high water line (8,150 ft. elevation): 246,000 sq. ft. (5.65 acres). Maximum height of dam: 29 ft. Length of dam: 490 ft. Total capacity of reservoir: 74 AF. Active capacity: 74 AF. Dead storage: 0 AF. The reservoir and dam are located entirely on land owned by the U.S. Bureau of Land Management ("BLM"). Lake Val Moritz Alternate No. 9 (a/k/a "Reservoir B"). Legal description: The reservoir is located in the SW¼ of Sec. 9, T. 1 N., R. 76 W. of the 6th P.M. The right (E.) abutment of the dam at its centerline is located at a point approx. 980 ft. from the S. line and 1,540 ft. from the W. line of said Sec. 9. Date of appropriation: 12/22/1997. Appropriation was initiated by engineering study and field-staking the dam abutment. Water has not yet been applied to beneficial use. Amt. claimed: 320 AF, conditional. Rate of diversion for filling the reservoir: 10 cfs from DeBerard Draw, 10 cfs from the Fraser River, 5 cfs from the SilverCreek Municipal Wells. Use: municipal, domestic, commercial, recreational, snowmaking, irrigation, piscatorial, and augmentation uses. Surface area of high water line (8,141 ft. elevation): 13.7 acres. Maximum height of dam: 40 ft. Length of dam: 1,155 ft. Total capacity of reservoir: 320 AF. Active capacity: 320 AF. Dead storage: 0 AF. The reservoir and dam are located on land owned by SilverCreek and/or BLM. Lake Val Moritz Alternate No. 10 (a/k/a "Reservoir A") Legal description: The reservoir is located in the N½ of the SW¼ of the SE¼ of Sec. 4, T. 1 N., R. 76 W. of the 6th P.M., The center of the spillway at the high water line is located at a point approx. 860 ft. from the S. line and 2,310 ft. from the E. line of said Sec. 4. Date of appropriation: 12/22/1997. Appropriation was initiated by engineering study and field-staking the dam abutment. Amt. claimed: 20 AF, conditional for municipal, domestic, commercial, snowmaking and augmentation uses; absolute for recreational, irrigation and piscatorial uses; Rate of diversion for filling the reservoir: 10 cfs from the Fraser River, 5 cfs from the SilverCreek Municipal Wells. Use: municipal, domestic, commercial, recreational, snowmaking, irrigation, piscatorial, and augmentation uses. Surface area of high water line: 2 acres. The reservoir is an excavated structure, and a dam was not constructed. Total capacity of reservoir: 20 AF. Active capacity: 20 AF. Dead storage: 0 AF. The reservoir is located entirely on land owned by SilverCreek. Lake Val Moritz Alternate No. 11. Legal description: Location of Dam: The dam is located in the NE¼ of the NW¼ of Sec. 21, T. 1 N., R. 76 W. of the 6th P.M. The right (E.) abutment of the dam at its centerline is located at a point 540 ft. from the N. line and 1880 ft. from the W. line of said Sec. 21. Date of appropriation: 12/22/1997. Appropriation was initiated by engineering study and field-

staking the dam abutment. Water has not yet been applied to beneficial use. Amt. claimed: 93.5 AF, conditional; Rate of diversion for filling the reservoir: 10 cfs from the Fraser River, 5 cfs from the SilverCreek Municipal Wells, 10 cfs from DeBerard Draw. Use: municipal, domestic, commercial, recreational, snowmaking, irrigation, piscatorial, and augmentation uses. Surface area of high water line (8513 ft. elevation): 208,000 sq. ft. (4.78 acres). Maximum height of dam: 48 ft. Length of dam: 400 ft. Total capacity of reservoir: 93.5 AF. Active capacity: 93.5 AF. Dead storage: 0 AF. The reservoir and dam are located entirely on land owned by SilverCreek. Lake Val Moritz Alternate No. 12. Legal description: Location of Dam: The dam is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 16, T. 1 N., R. 76 W. of the 6th P.M. The right (E.) abutment of the dam at its centerline is located at a point 2,590 ft. from the N. line and 2,190 ft. from the E. line of said Sec. 16. Date of appropriation: 12/22/1997. Appropriation was initiated by engineering study and field-staking the dam abutment. Water has not yet been applied to beneficial use. Amt. claimed: 30 AF, conditional; Rate of diversion for filling the reservoir: 10 cfs from the Fraser River, 5 cfs from DeBerard Draw, 5 cfs from the SilverCreek Municipal Wells. Use: municipal, domestic, commercial, recreational, snowmaking, irrigation, piscatorial, and augmentation uses. Surface area of high water line (8382 ft. elevation): 77,100 sq. ft. (1.77 acres). Maximum height of dam: 35 ft. Length of dam: 390 ft. Total capacity of reservoir: 30 AF. Active capacity: 30 AF. Dead storage: 0 AF. The reservoir and dam are located entirely on land owned by SilverCreek. Lake Val Moritz - Wetlands Storage. SilverCreek plans to construct mitigation wetlands in the area of the channel of DeBerard Draw in the SW $\frac{1}{4}$ of Sec. 4, T. 1 N., R. 76 W. of the 6th P.M. Applicant will provide a more specific legal description when the construction has been completed. Date of appropriation: 12/22/1997. Appropriation was initiated by engineering study, field investigation, and consultation with the United States Army Corps of Engineers. Water has not yet been applied to beneficial use. Amt. claimed: 10 AF, conditional; Rate of diversion for filling the reservoir: 0.5 cfs. Use: Wetlands creation and maintenance. The wetlands will be filled and maintained under the 1997 priority when in priority. Out-of-priority depletions will be augmented under the augmentation plan decreed in W-1881. The wetlands are located entirely on lands owned by Applicant. CLAIM FOR GROUNDWATER RIGHTS. Names of Wells: SilverCreek Municipal Well No. 5, SilverCreek Municipal Well No. 6, SilverCreek Municipal Well No. 7, SilverCreek Municipal Well No. 8, SilverCreek Municipal Well No. 9, SilverCreek Municipal Well No. 10. Legal descriptions: SilverCreek Municipal Well No. 5 will be located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 4, T. 1 N., R. 76 W. of the 6th P.M. at a point 2,590 ft. from the S. line and 300 ft. from the W. line of said Sec. 4. SilverCreek Municipal Well No. 6 will be located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 4, T. 1 N., R. 76 W. of the 6th P.M. at a point 2,260 ft. from the S. line and 890 ft. from the W. line of said Sec. 4. SilverCreek Municipal Well No. 7 will be located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 4, T. 1 N., R. 76 West of the 6th P.M. at a point 1,780 ft. from the S. line and 1,760 ft. from the W. line of said Sec. 4. SilverCreek Municipal Well No. 8 will be located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 4, T. 1 N., R. 76 W. of the 6th P.M. at a point 1,260 ft. from the S. line and 2,290 ft. from the E. line of said Sec. 4. SilverCreek Municipal Well No. 9 will be located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 4, T. 1 N., R. 76 W. of the 6th P.M. at a point 870 ft. from the S. line and 1,440 ft. from the E. line of said Sec. 4. SilverCreek Municipal Well No. 10 will be located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 4, T. 1 N., R. 76 W. of the 6th P.M. at a point 340 ft. from the S. line and 700 ft. from the E. line of said Sec. 4. Depths of Wells: 70 ft., approx. Date of appropriation: 12/22/1997. Appropriation was initiated by engineering study, field-staking the well locations, forming intent to appropriate and place to beneficial use. Water has not yet been applied to beneficial use. Amt. claimed: 500 gpm from each of the six wells, 3,000 gpm in total, conditional. Use: municipal, domestic, commercial, recreational, snowmaking, irrigation, piscatorial, mitigation wetlands creation and maintenance, and augmentation uses by diversions to storage or direct flow. The wells will be located on lands owned by Applicant and are not located within 600 ft. of any wells owned by third parties. CLAIM FOR SURFACE WATER RIGHTS. SilverCreek Pump and Pipeline No. 1. The right will be diverted at any one or combination of the following alternate points: (1) The point of diversion is located on the left (W.) bank of the Fraser River in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 10, T. 1 N., R. 76 W. of the 6th P.M., at the existing headgate of the DeBerard Ditch, at a point whence the NW. corner of said Sec. 10 bears N. 38° 00' W. a distance of 3,100 ft. (2) The point of diversion is located on the left (W.) bank of the Fraser River in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 9, T. 1 N., R. 76 W. of the 6th P.M. at a point 300 ft. from the N. line and 20 ft. from the E. line of said Sec. 9. (3) The point of diversion is located on the left (S.) bank of the Fraser River in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 5, T. 1 N., R. 76 W. of the 6th P.M. at a point 1,900 ft. from the N. line and 340 ft. from the E. line of said Sec. 5. Date of appropriation: 12/22/1997. Appropriation was initiated by engineering study and field observations. Water has not yet been applied to beneficial use. Amt. claimed: 10 cfs, conditional. Use: municipal, domestic, commercial, recreational, snowmaking, irrigation, piscatorial, mitigation wetlands creation and maintenance, and augmentation uses, including by direct flow and storage. The SilverCreek Pump and Pipeline No. 1 may also be used to fill Lake Val Moritz at the original and/or alternate locations. The pipeline will be located primarily on land owned by Applicant, but will also cross lands owned by the BLM. SilverCreek Pump and Pipeline No. 3. Legal description: The point of diversion is located on the right (E.) bank of DeBerard Draw in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 16, T. 1 N., R. 76 W. of the 6th P.M. at a point 2,200 ft. from the S. line and 1,250 ft. from the W. line of said Sec. 16. Date of appropriation: 12/22/1997. Appropriation was initiated by engineering study and field observations. Water has not yet been applied to beneficial use. Amt. claimed: 10 cfs, conditional. Use: municipal, domestic, commercial, recreational, snowmaking, irrigation, piscatorial, and augmentation uses, including by direct flow and storage. The SilverCreek Pipeline No. 3 will deliver water to Lake Val Moritz Alternate Nos. 11 and 12. The point of diversion, pump station and pipeline will be located entirely on lands owned by Applicant. Oxbow Wetlands Flow-Through Diversion. Legal description: Applicant plans to divert the right at any one or combination of the following: (1) The point of diversion is located on the left (W.) bank of the Fraser River in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 4, T. 1 N., R. 76 W. of the 6th P.M. at a point 10 ft. from the S. line and 400 ft. from the E. line of said Sec. 4. (2) At the point of diversion of the DeBerard Ditch (described

above). Date of appropriation: 12/22/1997. Appropriation was initiated by engineering study and field-staking the point of diversion. Water has not yet been applied to beneficial use. Amt. claimed: 0.5 cfs. Use: Maintenance of wetlands. The points of diversion and wetlands are located entirely on lands owned by Applicant. SilverCreek Gravity Pipeline Diversion. Legal description: The point of diversion is located on the left (W.) bank of DeBerard Draw in the NW¼ SW¼ of Sec. 16, T. 1 N., R. 76 W. of the 6th P.M. at a point 2,400 ft. from the S. line and 1,330 ft. from the W. line of said Sec. 16. Date of appropriation: 12/22/1997. Appropriation was initiated by engineering study and field observations. Water has not yet been applied to beneficial use. Amt. claimed: 10 cfs, conditional. Use: municipal, domestic, commercial, recreational, snowmaking, irrigation, piscatorial, and augmentation uses, including by direct flow and storage. The SilverCreek Gravity Pipeline will deliver water to Lake Val Moritz Alternate No. 9. The point of diversion and pipeline will be located entirely on lands owned by Applicant. CLAIM FOR CHANGE OF WATER STORAGE RIGHT. Decreed name of structure for which change is sought: Lake Val Moritz. Information from previous Decree: Dated entered: 2/27/1974; Case No. W-2119; District Ct., Water Div. No. 5. Decreed location: The E. abutment of the dam is located at a point whence the NW. corner of Sec. 16, T. 1 N., R. 76 W. of the 6th P.M. bears N. 52°30' W. 2670 ft. Appropriation Date: 6/19/1973. Amt: 520 AF of water, conditional. Decreed use: municipal (including commercial, industrial, domestic and irrigation incidental thereto), irrigation, recreation, snowmaking, fish and wildlife propagation and all other beneficial uses. Proposed changes: (a) Applicant requests a change in type of use to include creation and maintenance of wetlands. (b) Applicant requests alternate points and places of storage at Lake Val Moritz Alternate Nos. 1, 9, 10, 11 and 12 (see above). (c) Applicant requests a right to fill the reservoir (at any decreed location) via surface diversions from the Fraser River at the SilverCreek Pump and Pipeline No. 1 (including at the DeBerard Ditch), and the SilverCreek Pipeline No. 3. In order to ensure that these diversions from the Fraser River do not injure the instream flow claimed by the Colorado Water Conservation Board in Case No. 90CW308, these Fraser River diversions shall be administered, in relation to the instream flow only, as one day junior to the instream flow. In relation to all other water rights, these Fraser River diversions shall be administered under the original priority for Lake Val Moritz decreed in Case No. W-2119. CLAIM FOR CHANGE TO DECREED EXCHANGE. Information from previous exchange Decree: Decree: 90CW236; Date Entered: 5/17/1994; Ct.: District in and for Water Div. No. 5. Structures to which water is to be exchanged: Val Moritz Well Nos. 1 through 4 (prior decrees for the wells were entered in Case Nos. W-1748; 80CW297, 82CW43, and 82CW181, consolidated). Water to be diverted by exchange: (1) Green Mountain Reservoir, (2) Granby Reservoir, (3) Wolford Mountain Reservoir (a/k/a Gunsight Pass Reservoir). Decreed locations of water rights to be diverted by exchange: Green Mountain Reservoir is located on the Blue River, a tributary of the Colorado River, located in all or parts of Secs. 11, 12, 13, 14, 15, and 24, T. 2 S., R. 80 W., and Secs. 17, 18, 19, 20, 21, 28, 29, 33 and 34, T. 2 S., R. 79 W., 6th P.M. in Summit Cty. Station 0 + 00 on the dam axis bears S. 36°31'45" W. a distance of 11,165 ft. from the SW. corner of Sec. 1, T. 2 S., R. 80 W., 6th P.M.; thence the axis bears N. 21°00'00" E. The decreed water rights for Green Mountain Reservoir are described in the decree of the U.S. District Ct. in Civil Action Nos. 2782, 5016, and 5017, dated 10/12/1955. The Reservoir was constructed in accordance with the provisions of Senate Document 80 (Act of Aug. 9, 1937, 50 Stat. 564), and is operated in accordance with the operating policy established by the Bureau of Reclamation, 48 Fed. Reg. 56657-8 (1983). Granby Reservoir (a/k/a Lake Granby) is located on the Colorado River in all or part of Secs. 25, 26, 27, 34, 35 and 36, T. 3 N., R. 76 W., Secs. 29, 30 and 32, T. 3 N., R. 75 W.; Secs. 1, 2, 3, 10, 11, 12, 13 and 15, T. 2 N., R. 76 W.; and Secs. 5, 6, 7, 8, 9, 14, 15, 16, 17, 18, 21, 22 and 23, T. 2 N., R. 75 W., Station 11 + 00 of the dam axis bears N. 90°37' W. a distance of 2635.3 ft. from the SE. corner of Sec. 11, T. 2 N., R. 76 W., 6th P.M. Wolford Mountain is located on Muddy Creek, a tributary of the Colorado River. The dam is located in the SW¼ of the NE¼ of Sec. 25, T. 2 N., R. 81 W. of the 6th P.M. The intersection of the dam axis with the right abutment occurs at a point which bears S. 54°54'20" E. a distance of 3,716.46 ft. from the NW. corner of said Sec. 25. Date of appropriation of exchange: Green Mountain Reservoir: 12/28/1972; Wolford Mountain Reservoir and/or Granby Reservoir: 7/11/1990. Amt. of exchange: Green Mountain Reservoir: 1.0 cfs, absolute; Granby Reservoir and/or Wolford Mountain Reservoir: 1.78 cfs, absolute, 3.22 cfs, conditional. Proposed change: The 90CW236 Decree decreed the exchange to the Val Moritz Well Nos. 1 through 4. Applicant seeks to add additional points of diversion for the exchange at the following points: (a) SilverCreek Municipal Well Nos. 5 through 10; (b) The SilverCreek Pump and Pipeline No. 1, including at the DeBerard Ditch, the location of which is described above. Such diversions may be used, in part, to fill Lake Val Moritz (at any of its decreed locations), including (without limitation) as part of the direct flow operation of the ditch and reservoir facilities for snowmaking. (c) The SilverCreek Pump and Pipeline No. 2. Such diversions may be used, in part, to file Lake Val Moritz at Alternate Nos. 11 and 12, including (without limitation) as part of the direct flow operation of the pipeline and reservoir facilities for snowmaking. In order to ensure that the diversions by exchange at the points described in above will not result in injury to the instream flow claimed by the Colorado Water Conservation Board in Case No. 90CW308, such diversions shall be administered, in relation to the instream flow only, as being one day junior to the instream flow. In relation to all other water rights, the exchange at the points of diversion described above shall be administered under the original priority dates of the exchange, as stated above. The decreed exchange to the Val Moritz Well Nos. 1 through 4 shall continue to be entitled to the priority dates originally decreed in Case No. 90CW236; such dates are senior to the Case No. 90CW308 minimum flow. CLAIM FOR CHANGE OF GROUNDWATER RIGHTS. Decreed name of structures for which change is sought: Lake Val Moritz Well Nos. 1 through 4. Information from previous Decree: Date entered: 8/24/1973; Case No. W-1748; District Ct., Water Div. No. 5. Decreed locations: (1) Val Moritz Well No. 1: the well is located in the SE¼ NW¼ of Sec. 6, T. 1 N., R. 76 W. of the 6th P.M., at a point 1,400 ft. S. of the N. line and 2,500 ft. E. of the W. line of said Sec. 6; (2) Val Moritz Well No. 2: the well is located in the SW¼ NE¼ of Sec. 6, T. 1 N., R. 76 W. of the 6th P.M. at a point 1,400 ft. S. of the N.

line and 1,900 ft. W. of the E. line of said Sec. 6; (3) Val Moritz Well No. 3: the well is located in the SE¼ NE¼ of Sec. 6, T. 1 N., R. 76 W. of the 6th P.M. at a point 1,500 ft. S. of the N. line and 1,000 ft. W. of the E. line of said Sec. 6; (4) Val Moritz Well No. 4: the well is located in the SE¼ NE¼ of Sec. 6, T. 1 N., R. 76 W. of the 6th P.M. at a point 1,500 ft. S. of the N. line and 300 ft. W. of the E. line of said Sec. 6. Appropriation Date: 12/28/1972. Amt: 1.65 cfs for each well. Decreed use: municipal (including domestic, commercial, and incidental irrigation), irrigation, recreation, artificial snowmaking, and all other beneficial purposes. Proposed change: Applicant requests alternate points of diversion at the SilverCreek Municipal Well Nos. 5 through 10 (the legal descriptions for which are above). APPLICATION FOR FINAL APPROVAL OF PLAN OF AUGMENTATION. (1) Applicant seeks final approval of the augmentation plan decreed in W-1881 (to augment all beneficial uses except snowmaking) and 80CW297, 82CW43 and 82CW181, consolidated (to augment snowmaking), based upon a water operations evaluation Applicant has undertaken with the cooperation of the Silver Creek Water and Sanitation District. On file with the Ct. (Exhibit A to the App.) is a table that summarizes the water operations study. The operations include, for example, the diversions (including direct flow and for storage) for snowmaking, domestic, irrigation, wetlands and aesthetic features, and include the augmentation schedule for replacement of all out-of-priority depletions. The projected diversion requirements and consumptive use for domestic, irrigation and evaporative losses are, respectively, 1568.2 AF and 48.7 AF (domestic); 225.1 AF and 180 AF (irrigation); and 13.3 AF depletion (evaporation). Replacement is made by the consumptive-use credits decreed in W-1881 (400 AF less the 8 AF excluded for Indian Meadows, see Case No. 98CW311), the decreed exchange (see above), and releases from storage. Applicant plans to fill the Lake Val Moritz Reservoir B under its 1973 priority, and by exchange each November for snowmaking. Snowmaking diversions from storage will be accounted for under the 1973 Lake Val Moritz right, the exchange and/or the W-1881 credits, as appropriate. Applicant reserves the right to change the amount of water uses in each category reflected in the summary (see Exhibit A on file with the Ct.) without further Ct. approval, provided that the overall water use under such categories can be accounted for, augmented and administered under the terms and conditions of the said augmentation plan decrees, the decree in this Case No. 97CW290, and the decree in Case No. 90CW236 (diversions by exchange). Applicant will account for the diversions and replacements made under the water supply plan on a form acceptable to the Division Engineer. (2) Applicant's prior augmentation plan decrees required periodic showings of "compliance." Applicant currently has an App. for such a finding of compliance pending in Case No. 98CW97, Water Div. No. 5. Now that Applicant is applying for final approval of the augmentation plan, Applicant requests this Court's order that no additional compliance applications are necessary, and that the Ct. should instead retain jurisdiction over the augmentation plan on the question of injury to the vested rights of others, pursuant to C.R.S. §37-92-304(6), for a period the Ct. deems necessary or desirable. (19 pages)

20. 99CW274 MESA COUNTY – COPECO DRAIN, JR. COLE DRAIN DITCH, COLORADO RIVER. Mark and De Anna Fowler; 2121 River Road; Grand Junction, CO 81505 970-242-1837. Fowler Diversion, Mark's Diversion, Dee Dee's Diversion and Mark and Dee Dee's Lake – Amended Application for Water Rights, (Surface and Underground). Mark and Dee Dee's Lake – Well Permit No.: 053361-F. Appropriation: August 1, 1993. Evaporation amount: 164.0 af, conditional for evaporation. Surface diversion amount: 0.50 cfs, conditional for irrigation and 0.25 cfs, conditional for livestock watering. Diligence for the Fowler Diversion well be handled separately. The balance of the application remains as previously published. (2 pages)

21. 00CW060 GRAND COUNTY – COLORADO RIVER. John R. Coleman, Jr. and Rosemary Coleman; 2560 Norwood Ave.; Boulder, CO 80304 303-415-9437. Milligan Well (Permit No. 148394) – Amended Application for Underground Water Right. Amount: 1/3 af. Use: household. Applicant is requesting confirmation of a water right for an exempt well under CRS 37-92-602(3) (b)(II). The balance of the application remains as previously published. (2 pages)

22. 00CW152 - GARFIELD COUNTY, GROUNDWATER TRIBUTARY TO THE COLORADO RIVER. Roaring Fork Resources, c/o Scott Balcomb, Esq. and Edward B. Olszewski, Esq., Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO, 81602, (970) 945-6546. Amendment to Application for Underground Water Right (Gravel Pit) and Plan for Augmentation. Applicant unintentionally omitted Ruedi Reservoir as a source for augmentation in its original application. Evaporative depletions from the West Rifle Gravel Pit will be augmented using historic consumptive use credits from the Campbell Ditch and releases from either Wolford Mountain Reservoir or Ruedi Reservoir. When consumptive use credits from the Campbell Ditch do not offset monthly evaporative depletions, augmentation will be by releases from either Wolford Mountain Reservoir or Ruedi Reservoir under water supply contract CW-00001 with the Colorado River Water Conservation District. Ruedi Reservoir is described as follows: Ruedi Reservoir was decreed in the Garfield County District Court in Civil Action 4613 for domestic, municipal, irrigation, industrial, generation of electrical energy, stock watering and piscatorial uses, with an appropriation date of July 29, 1957. By subsequent order of the Water Court entered in Case No. W-789-76, the decreed amount of this reservoir has been fixed at 102,369 acre feet. Ruedi Reservoir is located in Sections 7, 8, 9, 11 and 14 through 18, Township 8 South, Range 84 West, 6th P.M., in Eagle and Pitkin Counties, and derives its water supply from the Fryingpan River. By decree of the Water Court in Case No. 81CW34 Ruedi Reservoir was decreed a refill right in the amount of 101,280 acre feet, conditional. In Water Court Case No. 95CW95, 44,509 acre feet was made absolute. All other information in the original application remains the same. (3 pages)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of **DECEMBER 2000** 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.