

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 SEPTEMBER 2002.

1. 02CW235 EAGLE COUNTY - RED CREEK, GYPSUM CREEK, TRIBUTARY TO EAGLE RIVER. Town of Gypsum, c/o Patrick, Miller & Kropf, P.C., 730 E. Durant, Suite 200, Aspen, CO 81611, (970) 920-1028. APPLICATION FOR CHANGE OF WATER RIGHTS. First Claim – Change of Water Right. Name of structure: Eye Lake. Information from previous Decree. Date entered: May 6, 1992, Case No. 91CW253, Water Division No. 5. Point of diversion: The outlet of said Reservoir is located in the NE¹/₄NW¹/₄ of Section 8, Township 7 South, Range 84 West of the 6th P.M. at a point whence the S¹/₄ Corner of Section 32, Township 6 South, Range 84 West of the 6th P.M. bears North 12°50' East a distance of 5550 feet (Eagle County). Source: Red Creek and an unnamed tributary, both tributary to Gypsum Creek, tributary to the Eagle River. Appropriation date: August 23, 1991. Amount: 600 acre feet of water, conditional. Use: municipal, industrial, commercial, domestic, piscatorial, recreational, augmentation and exchange. Proposed change: Applicant requests an alternate place of storage for the subject water right. Applicant has applied for a Special Use Permit from the United States Forest Service for a site known as LEDE Reservoir, to which Applicant's Eye Lake storage water right will be transferred. LEDE Reservoir is located as follows: 860 feet West and 125 feet South of the Southwest Corner of Section 1, Range 84 West, Township 7 South of the 6th P.M. The name and address of the owner of the land upon which the point of diversion is located is: United States Forest Service, P.O. Box 948, Glenwood Springs, CO 81602; the name and address of the owner of the land upon which the place of use of the water is or will be: water uses within the Town of Gypsum service area. Remarks: The subject reservoir is a part of an integrated water supply plan project for the municipal demands for the Town of Gypsum, Colorado. Second Claim – Change of Water Right. Name of structure: Wolcott Reservoir. Information from Previous Decree: Date entered: July 9, 1979, in C.A. No. 1529, Eagle County District Court. Wolcott Reservoir place of storage: The reservoir to be located in Section 2, 10, 11, 14 and 15, T. 4 S., R. 83 W. of the 6th P.M. The initial point of survey of the high water line is located at a point on the left abutment of the dam forming said reservoir whence the Northeast corner of Section 14, T. 4 S., R. 83 W. of the 6th P.M. bears N. 63°17' East a distance of 4092 feet (Eagle County). Source: Eagle River. Date of Appropriation: April 27, 1966. Amount: 600 acre feet of the 65,975 acre feet of water, decreed, conditional, which was assigned to the Town of Gypsum by the Colorado River Water Conservation District. Use: municipal, industrial, domestic, irrigation, stock watering, augmentation and exchange, electric power generation, recreational, and all other associated municipal uses and purposes. Proposed Change: Applicant requests as alternate place of storage for the subject water right. On May 4, 1992, the Colorado River Water Conservation District assigned to the Applicant 600 acre feet of the Wolcott Reservoir water right by Partial Assignment recorded at Book 580 Page 102, recorded May 14, 1992 as Reception No. 476211, Eagle County Clerk and Recorder records. Applicant has applied for a Special Use Permit from the United States Forest Service for a site known as LEDE Reservoir, to which Applicant's Wolcott Reservoir storage water right will be transferred. LEDE Reservoir is located as follows: 860 feet West and 125 feet South of the Southwest Corner of Section 1, Range 84 West, Township 7 South of the 6th P.M. The name and address of the owner of the land upon which the point of diversion is located is: United States Forest Service, P.O. Box 948, Glenwood Springs, CO 81602; the name and address of the owner of the land upon which the place of use of the water is or will be: water uses within the Town of Gypsum service area. Remarks: The subject reservoir is part of an integrated water supply plan project for the municipal demands for the Town of Gypsum, Colorado. Third Claim – Change in Point of Diversion. Name of structure: Eye Lake Supply Ditch. Information from Previous Decree: The Eye Lake Supply Ditch was awarded 20 c.f.s., conditional, on May 6, 1992 in Case No. 91CW254, Water Division No. 5. The decreed point of diversion: Eye Lake Supply Ditch is located in the SE¹/₄ of SW¹/₄ of Section 8, Township 7 South, Range 84 West of the 6th P.M. at a point whence the S¹/₄ Corner of Section 32, Township 6 South, Range 84 West of the 6th P.M. bears North 4°15' East a distance of 10,300 feet (Eagle County). Source: Red Creek and unnamed tributary of Gypsum Creek, tributary to the Eagle and Colorado Rivers. Date of Appropriation: August 23, 1991. Amount: 20.0 c.f.s., conditional. Use: Delivery of water into storage within the Eye Lake (Case No. 91CW 253). Proposed Change: Applicant seeks by this application to change the point of diversion for the Eye Lake Supply Ditch, described above, to a point on an unnamed stream tributary to LEDE Reservoir described as: 500 feet West and 1530 feet South of the Southwest Corner of Section 1, Range 84 West, Township 7 South of the 6th P.M. The right will be used to fill the Eye Lake water right as transferred here to the LEDE Reservoir site. The name and address of the owner of the land upon which the point of diversion is located is: United States Forest Service, P.O. Box 948, Glenwood Springs, CO 81602; the name and address of the owner of the land upon which the place of use of the water is or will be: water uses within the Town of Gypsum service area. Remarks: The subject ditches are part of an integrated water supply plan project for the municipal demands for the Town of Gypsum, Colorado. (6 pages)

2. 02CW236 (formerly 96CW98) RIO BLANCO COUNTY. North Elk Creek, Tributary to White River. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Meeker Ranching Company, c/o Frank G. Cooley, Attorney at Law, P.O. Box 98, Meeker, CO 81641, telephone 878-5065. Name of structure: **The Mahleres Pump and Irrigation System.** Legal description: The head gate of the Elk Creek Ditch is located on the left bank of North Elk Creek in the SW¹/₄SW¹/₄ of Section 23, Township 1 South, Range 92 West of the 6th P.M., at a point whence the Southwest Corner of said Section 23 bears S 88°27' W 3,846 feet. The point of diversion of The Mahleres Pump and Irrigation System is located on the bank of the Elk Creek Ditch, in the N¹/₂NW¹/₄ of Section 26, Township 1 South, Range 92 West of the 6th P.M., at a point whence the Northwest Corner of said Section 26 bears N 72°00' W 1,360 feet. Source: North Elk Creek, tributary to White River. Amount Claimed: 2 c.f.s.. Appropriation date: **May 7, 1971.** Uses: Irrigation, stock water and domestic. (5 pages).

3. 02CW237 Garfield County, East Canyon Creek, Canyon Creek, Colorado River. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Applicants: William E. and Jill L. Bullock, c/o Caloia, Houpt & Hamilton, P.C., 1204 Grand Ave, Glenwood Springs, CO (970) 945-6067. Lodge Lake Outfall: The point of diversion is the outlet of a spring located in SE¹/₄, SE¹/₄, Sec. 13, T5S, R90W, 6th P.M. at a point 1,100' from S. line and 220' from E. line at Sec. 13. Source: Spring trib. to East Canyon Creek, Canyon

Creek and Colorado River. Date of Approp.: 7/15/1995 by field inspection, measurement of water, formation of intent to apply water to beneficial use. Amt: 0.10 c.f.s., cond. Proposed use: Stockwater and irrigation of 15 acres in the SE1/4, NW1/4, Sec. 24, T5S, R90W, 6th P.M. Name and address of land on which structure for water right is located: BLM, P. O. Box 1009, Glenwood Springs, CO 81602. The Application contains an outline of what has been done toward completion of these appropriations and application of water to beneficial use as conditionally decreed. (4 pages).

4. 02CW238 WILL NOT BE PUBLISHED IN THIS RESUME.

5. 2CW239 Garfield County, Dry Hollow Creek. Application for Finding of Reasonable Diligence and Petition to Make Absolute. Applicants: Harold and Deanna Hoffmeister c/o Caloia, Houpt & Hamilton, PC, 1204 Grand Ave, Glenwood Springs CO. Decreed in 94CW057, Hoffmeister Pond located in NW1/4 NE1/4 Sec 34, T6S, R92W 6th PM 670 ft from N line and 1925 from the E line. Source: surface and runoff water tributary to the Dry Hollow Creek., Approp: May 18, 1982 Amount: 6 AF cond. Uses: Augmentation and exchange, irrigation, piscatorial, livestock, recreational and fire protection. Applicant constructed, diverted water into and applied to beneficial use 6 AF in Hoffmeister Pond. The Application contains an outline of what has been done toward completion of these appropriations and application of water to beneficial use as conditionally decreed. (4 p)

6. 02CW240 - GRAND COUNTY - LAKE VAL MORITZ. SolVista Corp., c/o Scott M. Balcomb, Balcomb & Green, P. C., P. O. Drawer 790, 818 Colorado Avenue, Glenwood Springs, Colorado 81602. Amended Application for Finding of Reasonable Diligence. Information from previous decree for subject conditional water rights: Date of Original Decree: February 27, 1974; Case No.: W-2119; Water Court, Water Division 5. Location: The east abutment of the dam at its intersection with the center line of the axis of the dam is located at a point whence the NW Corner of Section 16, T. 1N., R 76 W. of the 6th P.M. bears N. 52E 30' W. 2670 feet. Source: DeBerard Draw, Tributary to the Fraser River, diffused surface runoff, the Fraser River through Val Moritz Municipal System. Appropriation Date: June 19, 1973. Amount and Use: 520 acre feet of water. Municipal (including commercial, industrial, domestic and irrigation incidental thereto), irrigation, snowmaking, fish and wildlife propagation, and all other beneficial uses. Names and addresses of owner(s) of land or reputed owners of land on which structures are located: Applicant. The subject right is part of an integrated water supply for the Applicant's properties. C.R.S. §37-92-301(4)(b). In the six years preceding the filing of this Amended Application, Applicant has diligently pursued development of the subject conditional water right. The Amended Application on file with the Court contains a detailed outline of the work performed during the diligence period. (4 pages)

7. 02CW241 GRAND COUNTY, COLORADO RIVER.(1) The Liberty National Bank and Trust Company of Oklahoma City, Oklahoma, Trustee, Attn: Ms. Diane McGee, 1200 N.W. 63rd, Oklahoma City, OK 73116 (405)419-3554. (2) c/o John D. Walker, Cazier and McGowan, Box 500, Granby, CO 80446, (970) 887-3376. (3) Naylor Well No. 1. (4) APPLICATION FOR PLAN FOR AUGMENTATION INCLUDING EXCHANGE (5) Source: Underground Water tributary to Grand Lake, tributary to the Colorado River. (6) Location: Naylor Well No. 1 will be located on Applicant=s property, more specifically located in the NE1/4NE1/4, Sec. 7,T3N, R75W of the 6th P.M., 415 feet from the North line of said Section 7 and 170 feet from the East line of said Section 7. (7) Use: In-house only. (8) Type of Structure: Well. (9) Quantity: Maximum pumping rate of 15 gallons per minute per well with a total consumptive use of less than 0.2 af/yr. (11) Water right which will be used as a source of exchange water: Depletions will be augmented with either Wolford Mountain water or Windy Gap water. Applicants have applied with the Middle Park Water Conservancy District for a Water Allotment Contract to provide Applicant the right to an annual entitlement of up to 1.0 ac/ft of Wolford Mountain Reservoir a/k/a Gunsight Pass Reservoir located on the Muddy Creek, SW1/4 NE1/4 Sec. 25, T2N, R81W, 6th P.M., Grand County, CO decreed 87CW283 or Windy Gap water from Granby Reservoir as provided in decree C.A.1768, Water Division No. 5 and 85CW135. (12) Statement of plan for augmentation, covering all applicable matters under CRS 37-92-103(9), 302(1)(2) and 305(8): (a) Water Requirements. Applicant proposes to drill one (1) well to supply the in-house use water supply for a single family structure. The annual consumptive use for this Plan will not exceed 0.2 af/yr. (b) Plan for Augmentation. Naylor Well No. 2 will be fully augmented by releases of Wolford Mountain water or Windy Gap water. Applicant requests approval of plan finding plan will not cause injury, granting a date of appropriation for the exchange of June 4, 2002 (the date Applicant submitted water allotment contact to Middle Park), issuance of well permit, and well can be used for year around use. (8 pages)

8. 02CW242 - GARFIELD COUNTY - MIDDLE FORK OF PARACHUTE CREEK; WEST FORK OF PARACHUTE CREEK. Susan B. Alvillar, Property Manager, Real Estate, Remediation Services, and Mining Operations, Union Oil Company of California (AUnocal@), 546 Main Street, Suite 404, Grand Junction, CO 81501, (970) 241-7632; American Soda, L.L.P. (AAmerican Soda@), ATTN: Christopher Coyle, 2717 County Road 215, Parachute, CO 81635, (970) 285-6500, c/o James R. Montgomery and Richard J. Mehren, Moses, Wittemyer, Harrison & Woodruff, P.C., P.O. Box 1440, Boulder, CO 80306, (303) 443-8782 and c/o Scott Balcomb and Lori J.M. Satterfield, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602, (970) 945-6546. Application for Finding of Reasonable Diligence. Names of structures: Davenport Ditch and West Fork Ditch. Description of conditional water rights: Date of original decree: 12/5/1989. Case No.: 87CW302. Ct: Dist. Ct., Water Div. No. 5. Legal description of decreed points of diversion: Davenport Ditch: In Lot 4 of Sec. 30, T. 5 S., R. 95 W., of the 6th P.M., at a point whence the NW corner of said Sec. 30 bears N. 04 degrees 15'54" W., a distance of 1450.09 ft. West Fork Ditch: In the NW quarter SE quarter of Sec. 25, T. 5 S., R. 96 W., of the 6th P.M., on the N. bank, West Fork Parachute Creek, at a point whence the S. quarter corner of said Sec. 25, bears S. 2 degrees 30'03" W. a distance of 2098.33 ft. Sources of water: Davenport Ditch: Middle Fork of Parachute Creek. West Fork Ditch: West Fork of Parachute Creek. Appropriation dates: Davenport Ditch: 9/21/1987. West Fork Ditch: 6/21/1989. Amounts: Davenport Ditch: 4.8 cfs, ABSOLUTE; 5.2 cfs CONDITIONAL. West Fork Ditch: 1.9 cfs,

ABSOLUTE; 8.1 cfs CONDITIONAL. Uses: Recharge of alluvial aquifer underlying Unocal=s lands known as the AUnion Meadows@. Such recharged water will be diverted and used through six alluvial wells owned by applicant that are decreed for industrial, domestic, municipal, irrigation and all other uses related to provision of a water supply for applicant=s oil shale mining, processing and refining facilities and operations, including storage for such purposes. The six wells are described in the decree in Case No. 87CW302. Prior Diligence: Since the conditional decree for the Davenport Ditch and the West Fork Ditch was entered on 12/5/1989, timely applications for findings of reasonable diligence and to make portions of the subject conditional water rights absolute have been filed in accordance with Colorado law. A final decree has been entered granting each such application and finding that Unocal has exercised reasonable diligence and has put the subject water rights to beneficial use. The last such decree was entered on 9/17/1996 in Case No. 95CW293, which made absolute an additional 1.8 cfs of the conditional water right decreed to the Davenport Ditch and made absolute 1.9 cfs of the conditional water right decreed to the West Fork Ditch. Pending Cases: The Davenport Ditch and the West Fork Ditch and other water rights are the subject of pending Case No. 99CW300, Dist. Ct., Water Dist. No. 5, wherein American Soda seeks the Court=s approval to use the water rights for all existing decreed uses, general industrial uses (among others) and for all industrial, commercial, mining, augmentation and domestic uses associated with American Soda=s mining and processing facilities in the Parachute Creek and Piceance Creek basins, including rights as may be needed for reclamation. Detailed Outline of work and expenditures toward completion of the appropriation and application of the water to beneficial use since September 1996: The Application on file with the Court contains a detailed outline of the work performed during the diligence period. Names and addresses of owner of land on which structures are located and upon which water is or will be placed to beneficial use: Union Oil Company of California, Susan B. Alvillar, Property Manager, Real Estate, Remediation Services, and Mining Operations, 546 Main Street, Suite 404, Grand Junction, CO 81501, WHEREFORE, applicants Unocal and American Soda request the Court enter a decree finding that applicants have exercised reasonable diligence toward the completion of the appropriations for its Davenport Ditch and West Fork Ditch conditional water rights and continuing said conditional water rights in full force and effect for six years from the month in which a final decree is entered in this case. (13 Pages)

9. 02CW243 (96CW130) GARFIELD COUNTY. CATTLE CREEK. Aspen Blue Sky Holdings, LLC. c/o Patrick, Miller & Kropf, P.C., Ramsey L. Kropf, Esq., 730 E. Durant, Suite 200, Aspen, CO 81611, (970) 920-1028. APPLICATION FOR HEXENNIAL FINDING OF REASONABLE DILIGENCE. Decreed names of structures: Cattle Creek Well Nos. 1, 2, and 3, Cattle Creek Reservoir, Cattle Creek Reservoir No. 2. Description of conditional water right: Previous Decrees and decree dates: Cattle Creek Well No. 1, Case No W-3488, April 24, 1978, Water Division 5. Cattle Creek Well No. 2, Case No. W-3489, April 24, 1978, Water Division 5. Cattle Creek Well No. 3, Case No. W-3490, April 24, 1978, Water Division 5. Cattle Creek Reservoir, Case No. W-3491, April 24, 1978, Water Division 5. Cattle Creek Reservoir No. 2, Case No. 96CW296, April 15, 1998, Water Division 5. Legal descriptions: Cattle Creek Well No. 1: Located in the NE1/4 NW1/4 of Section 8, Township 7 South, Range 87 West of the 6th P.M., at a point approximately 500 feet South of the North line and 1,700 feet East of the West line of said Section 8. Cattle Creek Well No. 2: Located in the NW1/4 NW1/4 of Section 8, Township 7 South, Range 87 West of the 6th P.M., at a point approximately 800 feet South of the North line and 1,150 feet East of the West line of said Section 8. Cattle Creek Well No. 3: Located in the SE1/4 SW1/4 of Section 5, Township 7 South, Range 87 West of the 6th P.M., at a point approximately 175 feet North of the South line and 2,450 feet East of the West line of said Section 5. Cattle Creek Reservoir: Located in the NE1/4 SW1/4 of Section 8, Township 7 South, Range 87 West of the 6th P.M., at a point whence the SW corner of Section 8 bears S. 47°00' West a distance of 2,450 feet. Cattle Creek Reservoir No. 2: Located in the S1/2 of the SW1/4 of Section 5 and the N1/2 of the NW1/4 of Section 8, T. 7 S., R. 87 W. of the 6th P.M. The South edge of the proposed pond is located at a point whence the Northwest corner of Section 8, T. 7 S., R. 87 W. of the 6th P.M. bears North 83°15' West 1,630 feet. Source: Cattle Creek Well No. 1: From wells drilled approximately 125 feet deep into the Cattle Creek alluvium, which is tributary to the Roaring Fork River. Cattle Creek Well No. 2: From wells drilled approximately 125 feet deep into the Cattle Creek alluvium, which is tributary to the Roaring Fork River. Cattle Creek Well No. 3: From wells drilled approximately 125 feet deep into the Cattle Creek alluvium, which is tributary to the Roaring Fork River. Cattle Creek Reservoir: From Cattle Creek, delivered by the Eureka Ditch, and from Cattle Creek Well Nos. 1, 2, and 3, all tributary to the Roaring Fork River. Cattle Creek Reservoir No. 2: In addition to the points of diversion previously decreed in Case No. W-3491 for Cattle Creek Reservoir, the Cattle Creek Reservoir No. 2 may be filled by Cattle Creek Reservoir Feeder Ditch, the point of diversion of which is located on the South bank of the Northern split channel of Cattle Creek at a point whence the Northwest corner of Section 8, T. 7 S., R. 87 W. of the 6th P.M. bears South 88°15' West 1,807 feet. Appropriation dates: Cattle Creek Well No. 1: June 9, 1977. Cattle Creek Well No. 2: June 9, 1977. Cattle Creek Well No. 3: June 9, 1977. Cattle Creek Reservoir: June 8, 1977. Cattle Creek Reservoir No. 2: November 27, 1996. Amounts: Cattle Creek Well No. 1: 0.20 c.f.s., conditional. Cattle Creek Well No. 2: 0.20 c.f.s., conditional. Cattle Creek Well No. 3: 0.20 c.f.s., conditional. Cattle Creek Reservoir: 60 acre-feet, conditional. Cattle Creek Reservoir No. 2: 20 acre-feet, conditional. Uses: Cattle Creek Well No. 1: Municipal, irrigation and domestic purposes. Cattle Creek Well No. 2: Municipal, irrigation and domestic purposes. Cattle Creek Well No. 3: Municipal, irrigation and domestic purposes. Cattle Creek Reservoir: Irrigation, domestic, industrial, municipal, recreational and subdivision purposes. Cattle Creek Reservoir No. 2: Irrigation, domestic, industrial, municipal, recreational, subdivision purposes, aesthetic, piscatorial and wildlife propagation. Remarks: As required by law, judicial findings of reasonable diligence have been decreed for each of the conditional water rights described in this paragraph. The rights described in paragraph 3.A.i. – iv. above were each decreed to have been diligently developed in Case Nos. 82CW84, 86CW83, 90CW81, and 96CW130. In Case No. 86CW83, 0.044 cfs of the 0.2 cfs originally awarded to Cattle Creek Well

No. 1 was made absolute, however, that finding was later revisited in Case No. 96CW070, and the full 0.2 cfs is again considered conditional. A copy of the decree in Case No. 96CW070, shown in Exhibit "A," on file with the Court Clerk. A map of the various water rights for which diligence is applied for, shown on Exhibit "B," on file with the Court Clerk. Detailed outline of work performed toward completion of the appropriation and application of water to the conditional uses decreed during the relevant diligence period, including expenditures: Each of the above referenced conditional water rights subject to this application are component parts of an integrated water supply plan owned by Applicant, and subject to the augmentation plan previously decreed in Case No. W-3496, Water Division 5. This plan was decreed to provide a central water system for the Cattle Creek Ranch property. During the diligence period, the previous owner and the Applicant have performed a variety of activities and spent thousands of dollars in diligent development of the conditional water rights referenced herein, with specific actions as follows: Applicant's predecessor, J. Winston Williams, clarified the use of Cattle Creek Well No. 1 in Case No. 95CW070 (decreed after the last diligence case on April 8, 1997), confirming at that point that the augmentation plan was not operating and the full 0.2 cfs originally decreed to the Cattle Creek Well No. 1 remains conditional, with a diligence deadline of September 2002 (the Decree incorrectly referred to the Lewis Ditch Water Right as being conditional in Case No. 95CW070; the actual water right returning to conditional status was Cattle Creek Well No. 1. See paragraph 19, Case No. 95CW070). Applicant's predecessor, J. Winston Williams investigated and then prosecuted a change in place of storage for the Cattle Creek Reservoir to a new storage location at Cattle Creek Reservoir No. 2, as decreed in Case No. 96CW296. While Cattle Creek Reservoir No. 2 was legally decreed in such case, a diligence deadline was not included in that decree, and to provide clarity to the record, Cattle Creek Reservoir No. 2 is being added at this time to this diligence application. A copy of the decree in Case No. 96CW296 is shown in Exhibit "C," on file with the Court Clerk. Applicant's predecessor engaged professional engineering staff and legal staff to oppose the water right application decreed in Case No. 96CW379, and entered a Stipulation settling those claims which may have impacted the conditional water rights referenced herein. Applicant engaged a professional water engineering firm, Resource Engineering, to assess the water rights associated with portions of the property, for purposes of selling certain parcels. In addition, Applicant entered an agreement regarding use of the conditional water rights referenced herein within the decreed augmentation plan. Applicant also engaged legal assistance in those efforts, and entered an agreement regarding implementation of the augmentation plan and construction and use of the conditional water rights. Applicant also engaged Resource Engineering and undersigned legal counsel to investigate and report on the conditional water rights when it purchased the property in 2000, and to assess various development options for portions of the property, in order to utilize the conditional water rights in a central system. Name(s) and address(es) of owner(s) of land on which structures will be located, upon which water will be stored, or upon which water will be placed to beneficial use. Aspen Blue Sky Holdings, LLC, c/o Kaufman & Peterson, P.C., 315 E. Hyman, Suite 305, Aspen, CO 81611. Turnberry Ranch, LLC, c/o Turnberry Associates, Attn. Jeffrey Soffer, 19501 Biscayne Blvd., St. 400, Aventura, FL 33180. Previous Diligence Proceeding: Case No. 96CW130, Water Division No. 5. (19 pages)

10. 02CW244(96CW47) The Oil Shale Corporation, c/o Jacques S. Ruda, 1331 - 17th Street, Suite 510, Denver, Colorado 80202. Application for Finding of Reasonable Diligence for BUTE NO. 25 WELL located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, T. 4 S., R. 96 W., 6th P.M., at a point 2,278 ft. South of the North line and 1,070 ft. West of the East line of said Sec. 9, in RIO BLANCO COUNTY. Source of water - well having a depth of 721.1 ft. Appropriation date - 5/8/72. On 5/12/78, in Case No. W-3499, the Court awarded an absolute decree for 0.11 c.f.s. and a conditional decree for 0.814 c.f.s. for irrigation, domestic, industrial, livestock water and commercial uses. Application contains detailed outline of work performed during the diligence period. (6 pages)

11. 02CW245 (96CW48) The Oil Shale Corporation, c/o Jacques S. Ruda, 1331 - 17th Street, Suite 510, Denver, Colorado 80202. Application for Finding of Reasonable Diligence for OLDLAND BROTHERS NO. I-4 WELL located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T. 3 S., R. 96 W., 6th P.M., at a point 741 ft. South of the North line and 1,922 ft. West of the East line of said Sec. 11, in RIO BLANCO COUNTY. Source of water - a well having a depth of approximately 1,000 feet. Appropriation date - 4/1/55. On 5/16/78, in Case No. W-3500, the Court awarded an absolute decree for 0.495 c.f.s and a conditional decree for 0.352 c.f.s for irrigation, domestic, industrial, livestock water and commercial uses. Application contains detailed outline of work performed during the diligence period. (6 pages)

12. 02CW246 Grand County, Strawberry Creek, Water District 5. ColRoMorA, LLLP, 6042 East Mineral Dr., Englewood, CO 80112, (303) 771 0301, c/o Ben McClelland, Attorney for Applicant, P.O. Box 167, Hot Sulphur Springs, CO 80451, (970) 725 3302. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** Name of Structure: Hankinson Reservoir. Source: Strawberry and Meadow Creek, tributary to Fraser River, tributary to Colorado River. Location: In the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 3 and the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, Township 1 North, Range 76 West, 6th P.M., bears North 5°04' West 832.9 feet. Type of Structure: Reservoir. Quantity: 116.4 acre-feet. Appropriation Date: October 16, 1963. Date of Original Decree: November 7, 1974, nunc pro tunc May 30, 1972. Case No.: Civil Action # 430, Water Division No. 5. Additional Information: ColRoMorA, LLC purchased the real property and appurtenant water rights in March of 2001. Applicant, ColRoMorA, LLLP received the property and water rights in 2002. Applicant and its predecessor in title have engaged legal counsel in the purchase and transfer of the real property and water rights. Engineering services were secured which included a summary of water rights associated with the real property, review and update Reconnaissance Study of the proposed reservoir, updated physical and legal availability of availability of water to fill reservoir, estimates of rainfall date, runoff date, diversion date for the Vail Irrigation System Ditch and estimated return flows. Leonard Rice Engineers, Inc. also provided assistance in filing for a water application for a spring. The spring water is a part of the total system which will provide water to the subject conditional water right, herein. (3 pages)

13. 02CW247 GARFIELD COUNTY. BATTLEMENT CREEK. The North Star Foundation, c/o Patrick, Miller & Kropf, P.C., 730 E. Durant, Suite 200, Aspen, CO 81611, (970) 920-1028. APPLICATION FOR HEXENNIAL FINDING OF REASONABLE DILIGENCE. Name of structure: The North Star Well. Description of conditional water right: Date of original Decree: December 31, 1994 in Case No. 94CW375. Legal description: The North Star Well is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, Township 7 South, Range 95 West of the Sixth Prime Meridian, approximately 24 feet north of the south Section line and 812 feet west of the east section line of Section 5 (Garfield County, Colorado). Source: Battlement Creek Alluvium. Appropriation date: December 31, 1993. Amount: 0.4 cfs total. Use: 0.033 cfs is designated conditional for domestic, 0.25 cfs conditional is designated for irrigation, and 0.117 cfs is designated conditional for stockwatering, commercial and fire protection purposes. Well Depth: Approximately 200 feet. Detailed outline of work performed toward completion of the appropriation and application of water to the conditional uses decreed during the relevant diligence period, including expenditures: Applicant has secured a West Divide Water Conservancy Contract, which has been maintained as current throughout the relevant diligence period. Applicant was approached by a party wishing to purchase portions of the property and engaged the services of Kaufman & Peterson, P.C. to evaluate and provide representation in conjunction therewith. Applicant has also engaged the services of Patrick, Miller & Kropf, P.C. to monitor and advise of any new water rights applications filed that may cause injury to the Applicant's water rights. If claim to make absolute, date, use and amount of water applied to beneficial use: N/A. Name(s) and address(es) of owner(s) of land on which structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Applicant. Previous Diligence Proceeding: N/A. (4 pages)

14. 02CW248-Summit County—Willow Creek--Blue River—Application for Water Storage Right, Exchange, Plan for Augmentation—Applicant: Town of Silverthorne, c/o Mark J. Wagner, Hill & Robbins, P.C., 1441 18th Street, Suite 100, Denver, CO 80202 I. WATER STORAGE RIGHT 1. Names of structure and legal description of approximate centroid of structure (map attached as Figure 1):

Trent Park Pond	NW/4 NW/4, Section 1, T5S, R78W of the 6 th P.M. at a point approximately 150 feet from the North section line and approximately 250 feet from the West Section line
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The above structure was created by surface excavation of a pre-1981 gravel pit and does not have a dam. 2. Estimated surface area, storage volume, stream depletion factor, and rate of filling for each structure:

Name	Estimated Surface Area (acres)	Estimated Storage Volume and Annual Amount Claimed (acre-feet)	Rate of Filling Claimed (cfs)
Trent Park Pond	0.4	5.0 with right to fill and refill when in priority	2.5

3. If off-channel reservoir, name and capacity of ditch or ditches used to fill reservoir, and legal description of each point of diversion: (Include distance and bearing from established government section corner or quarter corner, or distances from section lines, and indicate $\frac{1}{4}$ $\frac{1}{4}$, section number, township, range and meridian; include map): The point of diversion for Trent Park Pond is the Lowline No. 1 Ditch, which has a decreed capacity of 2.5 cfs and has a point of diversion located on Willow Creek, a tributary of the Blue River in the SW/4 NW/4 NW/4 of Section 1, T5S, R78W of the 6th P.M. in Summit County Colorado. 4. Source: Willow Creek 5. A. Date of appropriation: September 4, 1991. How appropriation was initiated: Formation of intent and application of water to beneficial use. B. Date water applied to beneficial use: September 4, 1991. 6. Use: Recreation, piscatorial, wildlife uses and as an aesthetic feature in a public park. 7. Name(s) and address(es) of owner(s) upon which any structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use. Applicant owns or controls the land or right-of-way on which all structures described in Sections I, II, and III of this application are located. 8. Remarks: Injurious out-of-priority depletion attributable to use of Trent Park Pond will be replaced pursuant to the exchange and plan for augmentation described in Sections II and III, below. II. APPROPRIATIVE RIGHT OF EXCHANGE 1. Silverthorne also claims the right to exchange up to 2.5 cfs from the Cottonwood Park headgate (a/k/a Cottonwood Park diversion) up to the confluence of the Blue River and Willow Creek and up Willow Creek to the Lowline No. 1 Ditch headgate to replace out-of-priority depletion attributable to use of water in Trent Park Pond for recreation, piscatorial, wildlife uses, and as an aesthetic feature in a public park. The lower terminus of the exchange, the Cottonwood Park diversion, is located on the west bank of the Blue River in the NE/4 NE/4 of Section 35, T4S, R78W of the 6th P.M. approximately 600 feet from the North section line and approximately 175 feet from the East section line. The upper terminus of the exchange, Lowline No. 1 Ditch, is located has a point of diversion located on Willow Creek, a tributary of the Blue River in the SW/4 NW/4 NW/4 of Section 1, T5S, R78W of the 6th P.M. The appropriation date claimed for the exchange is September 30, 2002 based on formation of intent and publication of the application. This exchange will only be operated when and to the extent that such operation will not cause material injury

to senior water rights between the upper and lower points of the exchange. III. PLAN FOR AUGMENTATION 1. Names of structure to be augmented: Trent Park Pond 2. Are there other water rights diverted from the structure? No (other than the water right described in Section I, above). 3. Previous decree(s) for water right(s) to be used for augmentation: A. Civil Action No. 1805, Summit County District Court entered on March 10, 1952 B. Case No. 94CW357, District Court Water Division 5 entered on July 30, 1999. C. Legal description of decreed points of diversion are as follows: (1) Original point of Diversion: a point on the east or right bank of the Blue River whence the south quarter corner, Section 1, T5S,R78W of the 6th P.M. bears north 6°49' west 3157.3 feet (2) River Center Headgate: to be located at a point on the left or west bank of the Blue River in the NE/4SW/4 of Section 12, T5S,R78W of the 6th P.M., approximately 116 feet south of the east-west centerline and approximately 17 feet west of the north-south centerline of the said Section 12.(3) Cottonwood Park headgate: located on the left or west bank of the Blue River in the NE/4NE/4 of Section 35, T4S, R78W of the 6th P.M., approximately 600 feet from the north section line and 175 feet from the east section line of the said Section 35. D. Source: Blue River E. Decreed use : The Bobo Ditch was originally decreed for irrigation use in Civil Action No. 1805, Summit County District Court. The Town subsequently changed its 4 cfs interest to irrigation of a maximum of 34 acres, flow-through storage, piscatorial, wildlife, recreational, and aesthetic uses in Case No. 94CW357, District Court, Water Division 5. 4. Statement of plan for augmentation, covering all applicable matters under CRS 37-92-103(9), 302(1)(2) and 305(8). Give full details of plan, including a description of all water rights to be established or changed by the plan. A. Trent Park Pond was originally constructed as part of a pre-1981 gravel mining operation and is currently used as a children's fishing pond in the Town of Silverthorne's Trent Park.. Trent Pond has a total surface area, when full, of approximately 0.4 acre. B.Trent Park Pond is currently filled with water diverted from Willow Creek through the Lowline No. 1 Ditch and is used from approximately mid-May through mid-October. C. After the initial fill, water diverted to Trent Park Pond either replaces evaporative losses or flows through the pond and instantaneously returns to the Blue River. Thus, evaporative loss from the lake surface is the only source of depletion to the Blue River, because all of the uses of Trent Park Pond are nonconsumptive. D. Monthly net lake evaporation (in acre feet) from Trent Park Pond is as follows:

January	0.00
February	0.00
March	0.00
April	0.00
May	0.03
June	0.12
July	0.13
August	0.12
September	0.10
October	0.07
November	0.00
December	0.00
Total	0.57

E. Replacement of injurious out-of-priority depletion will be achieved by Silverthorne permanently drying up and removing from irrigation 0.37 acres of the 34 irrigable acres in Cottonwood Park using Silverthorne's ownership of a portion of the water right decreed to the Bobo Ditch pursuant to the decree entered in Case No. 94CW357. Using the decreed irrigation consumptive use rate of 1.54 acre-feet per irrigated acre per year, dry up of 0.37 acres will fully replace the annual depletion attributable to evaporative depletions from Trent Park Pond. In addition, Silverthorne will proportionally reduce annual diversions at the Cottonwood Park headgate to reflect the dry up of 0.37 acres. F. Silverthorne shall install and maintain such measuring devices and implement such accounting and reporting procedures as may be reasonably required by the Division Engineer for adequate administration of the water rights and plan for augmentation described in this application. (6 pages)

15. 02CW249 PITKIN COUNTY B MAROON CREEK TRIBUTARY TO ROARING FORK RIVER; Applicant, Rick Deane, c/o John R. Pierce, Dufford, Waldeck, Milburn & Krohn, L.L.P., 744 Horizon Court, Suite 300, Grand Junction, CO 81506 (970) 241-5500; APPLICATION FOR UNDERGROUND WATER RIGHT; Name of well and permit information: T Lazy 7 Well No. 3., Permit #57145-F. Location of well: NE/4, SE/4 of Section 21, T10S, R85W, 6th P.M. at a point 1,710 feet north of the south section line and 815 feet west of the east section line. Source: Groundwater tributary to Maroon Creek, tributary to the Roaring Fork River. The T Lazy 7 Well No. 3 is located approximately 140 feet from Maroon Creek. Maximum Depth: 110 feet.Date of appropriation: September 21, 1999. How appropriation was initiated: By the selection of a well site, and by drilling the well. Date water applied to beneficial use: September 20, 2001.Amount claimed: 30 gpm, absolute. Proposed use: Commercial, domestic, stockwatering, recreation. Water from the T Lazy 7 Well No. 3 will be used to provide domestic water for guest lodging, long-term family and employee housing, a restaurant, and recreational facilities associated with the stables and snowmobile rental operation. Name and address of owner of land upon which well is located: The T Lazy 7 Well No. 3 is located on lands owned by Applicant; APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION. Name of structure to be augmented: T Lazy 7 Well No. 3. Previous decrees for water rights to be used for augmentation: Date entered: February 23, 1940. Case No.: 3330 Court: Division 5, District 38. Type of water right: Surface right. Source: The Herrick Ditch, which draws from Maroon Creek, tributary to the Roaring

Fork River. Amount: 9.3 c.f.s.. Appropriation date: October 1, 1890. Decreed use (if irrigation, include total acreage): Irrigation, 93 acres. Historic use: Water from the Herrick Ditch has been used for flood irrigation of the upper meadow and central ranch since 1890. Records of actual diversions from the Herrick Ditch from 1981 through 2000 are attached to the Application. Statement of Plan for Augmentation: During the irrigation season, depletions associated with out-of-priority diversions from the T Lazy 7 Well No. 3 will be offset by drying up 0.71 acres of the historically irrigated meadow. This dry-up will account for the consumptive use of 1.12 acre feet during the irrigation season. The water associated with those dry-up credits will be released at the Herrick Ditch headgate. Depletions from out-of-priority diversion during the non-irrigation season will be offset, if necessary, by water released through a Water Allotment Contract for 1.7 acre-feet from the Basalt Water Conservancy District. Consumptive uses: In-house use for guest cabins: In-house use for the guest cabins on the property was calculated based on the Equivalent Capacity Units (ECU) tables for short-term lodging in the City of Aspen Municipal Code. The City assigns an ECU value to specific aspects of a short-term accommodation unit including 0.30 ECU per bedroom, 0.36 ECU per bathroom, 0.25 ECU per kitchen and 0.10 ECU for a clothes washing machine. The calculated ECU total for the guest accommodations at 100% occupancy is 27.67 and an ECU is equivalent to a demand of 350 gallons per day (gpd). It also assumed an average occupancy rate over the entire year of 70% since occupancy of the guest cabins is seasonal. Thus, total diversions equal of 6,780 gpd for the guest cabin operation averaged over the year. In-house use for permanent, long term residential: In-house use for permanent, long-term residential structures on the property was assumed to be 80 gallons per capita per day. It was also assumed that for long-term residential units there would be an average of two persons per bedroom (86 persons). Gross water requirements for the long-term residential units represents 6,880 gpd. Commercial consumption associated with restaurant: The restaurant space in the main lodge building has a seating capacity of 165 persons. Also utilizing the City of Aspen's ECU calculation tables, a restaurant seat represents 0.08 ECU. For the restaurant, which is not a full-time operation and currently supports occasional special events and offers chuck-wagon style dinners and entertainment a couple nights a week, it assumed an overall occupancy rate of 50%. Thus, total diversions for the restaurant equals 2,310 gpd averaged over the year. Commercial and livestock watering consumption associated with snowmobile rental and horse stable operations: With regard to the snowmobile and horse stable operations, these recreational facilities are seasonal and operate exclusive of one another (horses in the summer only, snowmobiles in the winter only). The City of Aspen ECU tables assign 0.05 ECU per person per day for recreational facilities. We've assumed that an average of 40 persons per day make use of these facilities and that overall occupancy is, again, about 70% over the course of the entire year. The stables and snowmobile operations therefore represent total diversions of about 490 gpd. Summary: Estimated total annual diversion requirement for the property is 18.31 acre-feet. Because each of the above described ranch facilities employ individual sewage disposal systems, the consumptive uses described under this section 14(B) is estimated to be 15% consumptive. Thus, the total annual depletions associated with the diversion of 18.31 acre-feet equals 2.75 acre-feet. Dry-up credits: Approximately 0.71 acres of the upper meadow at the ranch have been removed from irrigation to off-set depletions associated with out-of-priority diversions from the T Lazy 7 Well No. 3. That acreage has historically been irrigated with water from the Herrick Ditch. Actual consumptive use for the irrigation of the meadows was determined from exhibits contained in the Water Right Plan for Augmentation for the Basalt Water Conservancy District by Enartech, Inc., dated July 31, 1987. Irrigation water requirements and consumptive use were calculated in the document using the Blaney-Criddle Method as modified by the United States Soil Conservation Service (SCS) Technical Release No. 21. The Blaney-Criddle calculations were further adjusted for elevation as recommended in the U.S.D.S. Agricultural Research Service Report AWater Use by Native Grasses in High Altitude Colorado Meadows. The net consumptive use associated with irrigation at the ranch represents 1.58 acre-feet per acre per season. Based upon the historic consumptive use associated with irrigation at the ranch, it is estimated that the dry-up of 0.71 acres of formerly irrigated land will yield a dry-up credit of 1.12 acre-feet during the irrigation season. Based upon records maintained by the ranch, diversions from the Herrick Ditch will be feasible on average for not less than 140 days per year (approximately May 22 through October 9). Water made available by the dry-up of the above-described acreage will be bypassed at the Herrick Ditch headgate in an amount equal to the consumptive use. Water supply contract: During the non-irrigation season, depletions associated with out-of-priority diversions from the T Lazy 7 Well No. 3 will be offset, if necessary, with water available to Applicant through its Water Allotment Contract with the Basalt Water Conservancy District. That water will be supplied from the Ruedi reservoir to the confluence of the Frying Pan and Roaring Fork Rivers. Applicant has obtained a contract for 1.63 acre-feet per year, to be released over a period of 255 days annually. Daily releases under the 255 day period represent an average release of 0.0036 c.f.s.. Operation of plan: During the irrigation months of May through October, a total of 1.12 acre-feet of water will be bypassed at the Herrick Ditch headgate. For the months of June through September, bypasses at the Herrick Ditch headgate will be sufficient to entirely offset depletions associated with out-of-priority diversions from the T Lazy 7 Well No. 3. During May and October, bypasses at the Herrick Ditch headgate will be supplemented as necessary by water available to Applicant through its Water Allotment Contract with the Basalt Water Conservancy District. During the remaining non-irrigation months (November through April), water from the Water Allotment Contract will be sufficient to entirely offset depletions from out-of-priority diversions. The total volume of water available annually under the Water Allotment Contract is 1.63 acre-feet. The total amount of depletions to be augmented under this plan is 2.75 acre-feet annually. Name and address of owner of land on which structures are located: All structures which are the subject of this Application are located on lands owned by the Applicant. (3 pages).

16. 02CW250 Gunnison County, Carbonate Creek, Crystal River, Roaring Fork River, Application for Reasonable Diligence. Applicant: Town of Marble, c/o Caloia, Houpt & Hamilton, P.C., 1204 Grand Ave, Glenwood Springs, CO (970) 945-6067. Structures:

Marble Pipeline and Water System. Original decree: 3/29/1974, W-1848, District Court Water Div. 5, located on the westerly bank of Carbonate Creek at a point whence the SE Corner of Section 26, T11S, R88W 6th P.M bears South 20°21' East 4,832.1 feet and the Marble Company Well, an alternate point of diversion for the Marble Pipeline and Water System, is located at a point whence the NE Corner of Section 26, T11S, R88W 6th P.M. bears North 32°50' East 3,108 feet. Source for both structures: Carbonate Creek, trib. to Crystal and Roaring Fork Rivers. Appropriation: 12/31/1907. Amt: 2.944 cfs, cond. Uses: Municipal, industrial, fire protection, sewage removal and treatment, lawn and garden irrigation, and domestic. Depth: 53 feet. By decree entered in W-1848, the Court made absolute 3.0 c.f.s. of the original 6.0 cfs appropriation to the Marble Pipeline and Water System. In 79CW361, the Water Court approved an alternate point of diversion for 0.056 cfs of the Marble Pipeline and Water System to the point of diversion for the Marble Company Well. In 86CW67, the Court made absolute this 0.056 cfs of the original appropriation to the Marble Water Company Well as an alternate point of diversion for the Marble Pipeline and Water System. The application contains an outline of activities performed and expenses incurred toward completion of the appropriation. (5 pages)

17. 02CW251 GARFIELD COUNTY – FOUR MILE CREEK, TRIBUTARY TO ROARING FORK RIVER, TRIBUTARY TO COLORADO RIVER. Bruce Gentry, 4613 County Road 117, Glenwood Springs, CO 81601, David and Dawn Simpson, 30 Appleton Place, Dobbs Ferry, NY 10522, c/o Lori J.M. Satterfield, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602. Name of structures: Gentry Well No. 1 and Gentry Well No. 2. Information from previous decree for subject conditional water rights: Date of Original Decree: 9/11/1996. Case No.: 95CW15. Ct: Water Ct., Water Div. No. 5. Location: Gentry Well No. 1: Located in the NE quarter of the NE quarter of Sec. 9, T. 7 S., R. 89 W. of the 6th P.M. whence the NE quarter corner of said Sec. bears North 12 degrees E. a distance of 966 ft. The well plots approximately 227 ft from the E. sec. line and 939 ft. from the N. sec. line. Gentry Well No. 2: Located at a point in the NE quarter of the NE quarter of Sec. 9, T. 7 S., R. 89 W. of the 6th P.M. whence the NE quarter corner of said Sec. bears N. 13 degrees 30' E. a distance of 1,106 ft. The well plots approximately 350 ft. from the E. sec. line and 1,050 ft. from the N. sec. line. Appropriation Date: Gentry Well No. 1: 11/1/1993, Gentry Well No. 2: 12/1/1994. Amount: Gentry Well No. 1: 15 gpm, conditional, Gentry Well No. 2: 15 gpm, conditional. Use for Both Wells: Domestic for one single-family dwelling and irrigation of approximately 3,500 sq. ft. of lawns and gardens. Remarks: Gentry Well No. 1: This well is currently permitted as Well Permit No. 047248-F and operates according to the augmentation plan approved by the Div. 5 Water Ct. in Case No. 94CW344. Gentry Well No. 2: This well is currently permitted as Well Permit No. 047249-F and operates according to the augmentation plan approved by the Div. 5 Water Ct. in Case No. 94CW344. In the six years preceding the filing of this Application, Applicants have diligently pursued development of the subject conditional water rights. The Application on file with the Court contains a detailed outline of the work performed during the diligence period: Gentry's request entry of an absolute decree for Gentry Well No. 1. Names and addresses of owner of land on which structures are located and upon which water is or will be placed to beneficial use: Gentry Well No. 1: Bruce Gentry. Gentry Well No. 2: David and Dawn Simpson. WHEREFORE, Applicants respectfully request this Court enter a decree finding that they have been reasonably diligent in developing the subject water rights, and further that the Gentry Well No. 1 has been made absolute for its decreed purposes. (3 pages)

18. 02CW252, Garfield County Water District No. 39, E Canyon Creek, Canyon Creek trib to Colorado River, Waterstone Canyon, Ltd.c/o Caloia, Houpt & Hamilton, P.C.1204 Grand Ave, Glenwood Springs, CO. 1st Claim Waterstone Wells 1 to 5, in Sec 24, T5S R90W 6th P.M. Well 1- 962 from N and 1494 from W, Well 2- 1673 from N and 1826 from W, Well 3-1968 from N and 1893 from W, Well 4- 1870 from N and 1635 from W and Well 5-2265 from N and 1510 from W sec lines, Approp: 2/25/1999 by purchase of property, form of intent to drill wells for subdivision and dev of property, field inspection, Amt:75 gpm, Source: Groundwater trib to Canyon Crk, Uses: domestic, stockwater, fire protection and irrigation of 3500 sq ft in NW1/4 and NE 1/4, Sec 24, T5S, R90 W, 6th P.M., 2nd Claim: Waterstone Pond located in SE1/4NW1/4 Sec 24 T5S R90W 6th P.M. 2170 ft from N and 2120 ft from W sec line, Source: E Canyon Crk, Amt: 3.0 a.f. cond w/ right to fill, continuously flow through and refill, Approp: 2/25/1999 by purchase of property, form of intent to subdivide prop, construct pond, fill with water and apply to ben use, field inspection, Uses: livestock watering, irrigation, piscatorial, aesthetic, recreational, augmentation, fire protection. 3rd Claim: Warner Ditch, Waterstone Enlg located in NW1/4NW1/4 Sec 24 T5S R90W 6th P.M. as described in decree for Warner Ditch listed below, Source: E Canyon Crk, Aapprop: 2/25/1999 by purchase of prop and water rights, form of intent to subdivide, engineering and field inspection, form of intent to drill wells and use water, Amt: .67 cfs cond, Uses: livestock watering, recreational, aesthetic, to fill Waterstone Pond and irrigation of 1 acre in E1/2NW1/4 Sec 24 T5S R90W 6th P.M. 4th Claim: Change of Water Right, Warner Ditch: decreed for 0.4 cfs and 0.2 cfs on 11/22/1905 and 11/10/1966 in Case Nos. 1148 and 4914, Gar County Dis Court, located on E Canyon Crk in Sec 24 T5S R90W 6th P.M. approx 540 ft from E and 570 ft from N sec line as also described in decrees for Warner Ditch above, Source: E Canyon Crk, Approp: 6/1/1888 and 6/1/1920 for irrigation. Proposed change: App seeks to change use of portion of Warner Ditch water rights to use for augmentation. 5th Claim: Augmentation Plan: 1 acre of land will be dried up to create up to 2 a.f. of water per year to augment Waterstone Wells 1-5 in irr season. App has WDWCD contract for 2.17 a.f. of water per year from Green Mtn Res. Source: Blue River trib to Colorado River in Secs 11, 12, 13, 14, 15, and 24 T2S, R80W, and Secs 17, 18, 19, 20, 21, 28, 29, and 34, T2S R79W 6th P.M., Adjud: 10/12/1955, Approp: 8/1/1935 in Case Nos 2782, 5016, and 5017, US Dis Ct, Dis of CO for 154,645 af for use in accord with "Manner of Operation of Project Facilities and Auxiliary Facilities" in Senate Document 80; and/or Ruedi Res, Source: Frying Pan River, trib of Colorado River, located in Secs 7, 8, 9, 11, and 14-18 T8S R84W 6th P.M., Adjud: 6/20/1958, Approp: 7/29/1957, C.A.: 4613, Gar County Dis Ct, Amt: 102,369 af, Uses: power generation, domestic, municipal, industrial, irrigation and stock watering and Case No. 81CW34 for 101,280 a.f. Plan for augmentation: Waterstone Wells 1-5, will serve 7 homes w/septic tank/leach

field and 3500 sq ft of lawn, diversions and depletions from use of Wells are described in Table 1, attached to App. In-house use is 350 g.p.d. per res w/15% depl., Irr use is 0.2 a.f. w/80% dep. Depletions will be replaced with consumptive use credit from the dry up of land under the Warner Ditch change of water rights and with water released pursuant to contract with WDWCD from Ruedi and/or Green Mountain Reservoirs for augmentation. Alternatively water may be released from Waterstone Pond. Excess c.u. credits will be adjudicated. 6th Claim: Right of Exchange in amt of monthly/annual diversions/depletions from use of Waterstone wells from the confluence of Canyon Creek with Colorado River up to location of Waterstone wells w/approp date of 9/30/2002. (9 pages)

19. 02CW253, Water Dist. 39, Garfield County, E. Canyon Creek, trib to Colorado River, App for Water Rights of Robert and Hillery Oddo, Caloia, Houpt & Hamilton, P.C., 1204 Grand Ave, Glenwood Springs, CO: Oddo Pond in SE1/4NW1/4 Sec24 T5S R90W 6thP.M. 1810 ft from N and 2470 ft from W sec line, source E Canyon Creek, trib to Canyon Creek and Colorado River, 1.0 af abs with right to fill continuously fill and refill, approp 2/25/1999 by construction of pond, installation of pipeline to fill pond, field inspection, and formulation of intent to divert and apply water to ben. use, used on 10/2002 for livestock watering, piscatorial, aesthetic, recreational, augmentation, fire protection and irrigation of 5 acres. Warner Ditch Oddo Enl, located in NW1/4NW1/4 Sec24 T5S R90W 6th P.M. 540 ft from W and 575 ft from N sec line, Source, E Canyon Creek trib to Canyon Creek and Colorado River, approp: 2/25/1999 by field investigation by engineer, installation of pipeline for diversion of water, construction of Oddo pond and form of intent to divert and apply water to ben. use, Date used: 10/2002, Amt .5 cfs Abs, Uses: livestock watering, recreational, aesthetic, to fill Oddo Pond and irrigation of 5 acres in E1/2 NW1/4 Sec 24 T5S R90W 6th P.M. (4 pages)

20. 02CW254 GARFIELD COUNTY. CATTLE CREEK. Application for Approval of Plan for Augmentation. Turnberry Ranch, LLC, c/o Patrick, Miller & Kropf, P.C., Ramsey L. Kropf, Esq., 730 East Durant, Suite 200, Aspen, CO 81611, (970) 920-1028. Name of structure to be augmented: Turnberry Ranch Pond. No other water rights are diverted from this structure. Previous decrees for water rights to be used for augmentation: Sommers Ditch, Priority No. 126 and the Sommers Ditch, First Enlargement, Priority No. 175. Date entered: May 11, 1889. Case No.: Civil Action No. 132, Garfield County Court. Court: Water Division 5. Type of water right: surface. Legal description of point(s) of diversion: The headgate for the Sommers Ditch is located on the South bank of Cattle Creek, approximately at the SW ¼, SE ¼ of Section 5, Township 7 South, Range 87 West, 6th P.M., 490 feet from the South Section line, and 1877 feet from the East Section line of said Section 5. Source: Cattle Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Amount: 0.2 cfs absolute for Priority No. 126, and 0.5 cfs absolute for Priority No. 175; total 0.7 cfs absolute. Appropriation Date: June 20, 1885 for Priority No. 126; May 2, 1887 for Priority No. 175. Decreed Use: Irrigation. Historic use: The Sommers Ditch has historically irrigated approximately 22 acres. Approximately seven (7) acres of the historic irrigated land under this ditch are located within the boundary of dry-up area described in Case No. W-3496, Water Division 5. A copy of the decree in Case No. W-3496 is on file with the court clerk as Exhibit "1" hereto, which is an augmentation plan involving Cattle Creek Well Nos. 1, 2 and 3, and Cattle Creek Reservoir. Approximately 15 acres of historically irrigated acreage under the Sommers Ditch are located outside of the dry-up described in Case No. W-3496. The consumptive use of pasture grass irrigated by the Lewis Ditch on the Applicant's property was quantified by decree to be 1.42 AF per acre in Case No. W-3496. The potential consumptive use for the Sommers Ditch has been calculated at 1.38 AF per acre for May through October, with the average diversion season beginning May 21st and ending September 8th. The Sommers Ditch consumptive use calculations are shown in the table on file with the court clerk as Exhibit "2" hereto. In dry years like 1977, the Sommers Ditch diverted 0.2 cfs from May through October. In 2002, the Sommers Ditch, Priority No. 126 has been in priority through mid-September. A map of the Sommers Ditch headgate and the diversion records for the Sommers Ditch are on file with the court clerk as Exhibit "3" hereto. Statement of plan for augmentation, covering all applicable matters under C.R.S. § 37-92-103(9), 302(1)(2) and 305(8). The Turnberry Ranch Pond is an on-stream structure on a channel braid of Cattle Creek. The pond is a flow through structure used for piscatorial, recreation, fire protection and aesthetic purposes. Evaporation from the Turnberry Ranch Pond will result in stream depletions without augmentation. Therefore, this plan calculates the pond's evaporation and the amount of augmentation water necessary to prevent injury to vested water rights holders. Evaporation Calculation. Monthly evaporation for the Turnberry Ranch Pond was calculated using the State Engineer's Office method for gravel pit lakes and is presented in Table 1, on file with the court clerk as Exhibit "4" hereto. The average annual gross evaporation is 43 inches as determined in NOAA Technical Report NWS 33, Evaporation Atlas for the Contiguous 48 States. The average annual net surface evaporation is estimated at approximately 2.62 feet. The surface area of the constructed pond is approximately 0.22 acre with a total annual evaporation estimated at 0.577 AF per year. Augmentation Plan. Cattle Creek is an over-appropriated stream at various times of the year. Senior irrigation water rights below the pond typically place a call on the stream in the late Summer of most years and early Summer in dryer than average years. The Colorado Water Conservation Board has a decreed minimum instream flow of 4 cfs on Cattle Creek through the property and down to the confluence with Fisher Creek. Because pond evaporative depletions could be out of priority to downstream senior water rights from June through March in dry years, the out of priority depletions will be augmented by dry-up credits from the Sommers Ditch. Dry up credits from the permanent removal of land from irrigation will be used to offset out of priority depletions to the extent that the Sommers Ditch is in priority. Approximately 0.5 acres of land should be dried up, providing up to 0.69 AF of consumptive use credit as shown in the operational analysis on Table 4, on file with the court clerk as Exhibit "5" hereto. During the non-irrigation season and when the Sommers Ditch is out of priority, water will be released from the Turnberry Ranch Pond equivalent to the evaporative depletions. It is estimated that the pond would be drawn down approximately nine (9) inches in an extreme dry year such as 2002 and would remain full year around in wetter than average years. Dry-up will occur within the area shown on the map in Exhibit "3" on file with the court clerk hereto. As outlined in the operations analysis in Exhibit

"5", the consumptive use credits are sufficient to replace out of priority evaporative depletions on a monthly basis during the irrigation season. A staff gage and a low level controllable outlet will be installed in the pond to allow for administration of out of priority evaporative depletions during the non-irrigation season and/or when the Sommers Ditch is out of priority. Operation of the Turnberry Ranch Pond under this plan will avoid any injury to other vested water rights. Applicant owns the land on which the above structures are located, upon which water is stored, and upon which water is placed to beneficial use. WHEREFORE, the Applicant respectfully requests the Court to award a decree: That approves the plan for augmentation described herein; and that finds that the operation of this plan for augmentation will not cause injury to the appropriate system or owners of vested or decreed conditional water rights. (26 pages)

21. 02CW255 GARFIELD COUNTY. CATTLE CREEK. Application for Water Storage Right. Turnberry Ranch, LLC, C/o Patrick, Miller & Kropf, P.C., Ramsey Kropf, Esq., 730 E. Durant Street, Suite 200, Aspen, CO 81611, (970) 920-1028. Name of Reservoir: Turnberry Ranch Pond. Legal description of reservoir dam: The center line of the dam at the center of the Cattle Creek braided channel is located in the SE 1/4, SW 1/4 of Section 5, Township 7 South, Range 87 West of the 6th PM, at a point approximately 169 feet from the South Section line and 1668 feet from the West Section line. A map of the reservoir location is on file with the court clerk as Exhibit "A" hereto. The Turnberry Ranch Pond is an on-channel reservoir contiguous with Cattle Creek. Source: Cattle Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Date of Appropriation: June 3, 2002. How appropriation was initiated: Intent to construct pond, pond construction, diversion, storage and application of water to beneficial use. Date water applied to beneficial use: July 31, 2002. Amount claimed: 1.5 acre feet, absolute, with the right to fill and refill the pond in priority. Uses: Piscatorial, recreation, aesthetic and fire-protection. Surface area of high water line: 0.22 acres. Maximum height of dam: 3 feet. Length of dam: 226 feet. Total capacity of reservoir: 1.5 acre-feet. This capacity was confirmed by survey on file with applicant's engineering consultant. Active capacity: 0.4 acre-feet. Dead storage: 1.1 acre-feet. The Applicant owns the property upon which any structure is to be located, upon which water is stored, and upon which water is placed to beneficial use. Remarks or any other pertinent information: The evaporation for Turnberry Ranch Pond will be augmented by the plan for augmentation filed on even date herewith. (5 pages)

22. 02CW256 MESA COUNTY-NEGRO CREEK, GROVE CREEK, PLATEAU CREEK, COLORADO RIVER. Rosemarie Glas, c/o Gregory J. Hall, Esq., P.O. Drawer 39, Glenwood Springs, CO 81601, (970) 945-4500. **Application For Finding of Reasonable Diligence.** Name of Structures: Big Slide Spring; Lost "40" Spring; Andy's Meadow Spring; Dead Aspen Park Spring; Falling Cabin Spring #1; Falling Cabin Spring #2; Kelly Spring; Swanson Ditch; Sunset Ditch Enlargement; Spruce Meadow Ditch; Swanson Ponds Nos. 5-9; Sunset Ponds Nos. 1-4; Spruce Meadow Pond. Date of Original Decree: September 5, 1996, Case No. 95CW306, Water Division No. 5. Location: Big Slide Spring - NE 1/4 NE 1/4 of Sec. 28, T.10S., R.94W., 6th P.M., 200 ft. from the East sec. line and 5,250 ft. from the South sec. line of Sec. 28; Lost "40" Spring - SW 1/4 NW 1/4 of Sec. 27, T.10S., R.94W., 6th P.M., 3,890 ft. from the East sec. line and 4,200 ft. from the South sec. line of Sec. 27; Andy's Meadow Spring - SE 1/4 NE 1/4 of Sec. 28, T.10S., R.94W., 6th P.M., 250 ft. from the East sec. line and 3,150 ft. from the South sec. line of Sec. 28; Dead Aspen Park Spring - SW 1/4 SW 1/4 of Sec. 21, T.10S., R.94W., 6th P.M., 4500 ft. from the East sec. line and 1,200 ft. from the South sec. line of Sec. 21; Falling Cabin Spring #1 - NW 1/4 SE 1/4 of Sec. 20, T.10S., R.94W., 6th P.M., 1,490 ft. from the East sec. line and 2,100 ft. from the South sec. line of Sec. 20; Falling Cabin Spring #2 - NW 1/4 SE 1/4 of Sec. 20, T.10S., R.94W., 6th P.M., 1,900 ft. from the East sec. line and 2,200 ft. from the South sec. line of Sec. 20; Kelly Spring - SW 1/4 NE 1/4 of Sec. 20, T.10 S., R.94W., 6th P.M., 2,200 ft. from the East sec. line and 3,150 ft. from the South sec. line of Sec. 20; Swanson Ditch - SW 1/4 SW 1/4 of Sec. 21, T.10S., R.94W., 6th P.M., 4,100 ft. from the East sec. line and 1,300 ft. from the South sec. line of Sec. 21; Sunset Ditch Enlargement - located at the same point of diversion as the Sunset Ditch. The decreed point of diversion for the Sunset Ditch is on the west, or left, bank of Grove Creek at a point whence the Southeast corner of Sec. 21, T.10S., R.94W., 6th P.M. bears S. 45 degrees E. 750 ft. The actual point of diversion of the Sunset Ditch Enlargement (and the Sunset Ditch) is located at a point 530 ft. from the South sec. line and 530 ft. from the East sec. line of Section 21; Spruce Meadow Ditch - Sec. 21, T.10S., R.94W., 6th P.M., 2,350 ft. from the East sec. line and 2,500 ft. from the South sec. line of Sec. 21; Swanson Pond No. 5 - SW 1/4 SW 1/4 of Sec. 21, T.10S., R.94W., 6th P.M., 5,200 ft. from the East sec. line and 400 ft. from the South sec. line of Sec. 21; Swanson Pond No. 6 - SW 1/4 SW 1/4 of Sec. 21, T.10S., R.94W., 6th P.M., 5,200 ft. from the East sec. line and 500 ft. from the South sec. line of Sec. 21; Swanson Pond No. 7 - NW 1/4 SW 1/4 of Sec. 21, T.10S., R.94W., 6th P.M., 4,500 ft. from the East sec. line and 1,500 ft. from the South sec. line of Sec. 21; Swanson Pond No. 8 - NW 1/4 SW 1/4 of Sec. 21, T.10S., R.94W. of the 6th P.M., 4,600 ft. from the East sec. line and 1,600 ft. from the South sec. line of Sec. 21; Swanson Pond No. 9 - NW 1/4 SW 1/4 of Sec. 21, T.10S., R.94W., 6th P.M., 4,800 ft. from the East sec. line and 1,400 ft. from the South sec. line of Sec. 21; Sunset Pond No. 1 - SE 1/4 SE 1/4 of Sec. 21, T.10S., R.94W., 6th P.M., 1,100 ft. from the East sec. line and 800 ft. from the South sec. line of Sec. 21; Sunset Pond No. 2 - SE 1/4 SE 1/4 of Sec. 21, T.10S., R.94W., 6th P.M., 1,300 ft. from the East sec. line and 1,000 ft. from the South sec. line of Sec. 21; Sunset Pond No. 3 - SW 1/4 SE 1/4 of Sec. 21, T.10S., R.94W., 6th P.M., 1,500 ft. from the East sec. line and 1,300 ft. from the South sec. line of Sec. 21; Sunset Pond No. 4 - NE 1/4 SW 1/4 of Sec. 21, T.10S., R.94W., 6th P.M., 2,700 ft. from the East sec. line and 1,600 ft. from the South sec. line of Sec. 21; Spruce Meadow Pond - NE 1/4 SW 1/4 of Sec. 21, T.10S., R.94W., 6th P.M., 2,700 ft. from the East sec. line and 2,600 ft. from the South sec. line of Sec. 21. Sources: tributary to Negro Creek, tributary to Grove Creek, tributary to Plateau Creek, tributary to the Colorado River. Date of Appropriation: September 8, 1995. Amounts: Big Slide Spring, 0.30 cfs; Lost "40" Spring, 0.05 cfs; Andy's Meadow Spring, 0.05 cfs; Dead Aspen Park Spring, 0.10 cfs; Falling Cabin Spring #1, 0.10 cfs; Falling Cabin Spring #2, 0.10 cfs;

Kelly Spring, 0.20 cfs; Swanson Ditch, 2.0 cfs; Sunset Ditch Enlargement, 2.0 cfs; Spruce Meadow Ditch, 2.0 cfs; Swanson Ponds Nos. 5-9, 2.0 acre-feet each; Sunset Pond No. 1, 4.0 acre-feet; Sunset Pond No. 2, 2.0 acre-feet; Sunset Pond No. 3, 2.0 acre-feet; Sunset Pond No. 4, 6.0 acre-feet; Spruce Meadow Pond, 2.0 acre-feet. Uses: Recreation, wildlife habitat and enhancement, aesthetics, fish propagation, stock watering, augmentation, storage, replacement, domestic and other beneficial uses. The application contains a detailed outline of the work performed during the diligence period. (9 pages)

23. 00CW116 GARFIELD COUNTY, COLORADO - AMENDED APPLICATION FOR SURFACE WATER RIGHTS, STORAGE WATER RIGHT AND PLAN FOR AUGMENTATION: Applicant: Thomas E. Turner, c/o Billie G. Burchfield, P. O. BOX 475, Parachute, CO 81635, (970)285-7990. Application is amended to provide more specific legal description of Flannery Ditch, Four Mile Creek Extension Turner Enlargement having a point of div. located on Three Mile Creek situate in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 17, T. 7 So., R. 89 W. of the 6th P.M., County of Garfield, Colorado, said point lying 100 ft So. of the N. line of said Sec. 17 and 900 ft E. of the W. line of Sec. 17. All other provisions remain unchanged. (5 pages)

24. 00CW117 GARFIELD COUNTY, COLORADO - SECOND AMENDED APPLICATION FOR SURFACE WATER RIGHTS, STORAGE WATER RIGHT AND PLAN FOR AUGMENTATION: Applicant: WILLIAM B. MAHAN, SR., REVOCABLE LIVING TRUST, c/o Billie G. Burchfield, P. O. BOX 475, Parachute, CO 81635, (970)285-7990. Application is amended to provide more specific legal description of Flannery Ditch, Four Mile Creek Extension Mahan Enlargement having a point of div. located on Three Mile Creek situate in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 17, T. 7 So., R. 89 W. of the 6th P.M., County of Garfield, Colorado, said point lying 100 ft So. of the N. line of said Sec. 17 and 900 ft E. of the W. line of Sec. 17. Irrigation is reduced to 10,000 sq. ft. lawn/garden (0.229 acres) from April 15th through October 15th at the rate of 1.99 AF/AC. All other provisions remain unchanged. (6 pages)

Month	TOTAL DEMAND Lawn Irrig. 10,000 sq. ft. = 0.229 Acre	Lawn Irrig. Consumptive Use AF/A	Lawn * Irrig. 10,000 sq. ft. =0.229 A * % Lawn Irrig. Efficiency is 80%
April 15	0.0085	0.06	0.0068
May	0.1087	0.38	0.0870
June	0.1373	0.48	0.1099
July	0.1293	0.45	0.1035
August	0.0830	0.29	0.0664
Sept.	0.0715	0.25	0.0572
Oct. 15	0.0113	0.08	0.0091
TOTALS	0.5496	1.99	0.4399

25. 01CW41 GRAND COUNTY, SHEEP CREEK, MUDDY CREEK, RED DIRT CREEK, AND COLORADO RIVER, Gallagher Ranch LLC, c/o William A. Paddock, Esq., Carlson, Hammond & Paddock, L.L.C., 1700 Lincoln Street, Suite 3900, Denver, Colorado 80203-4539, Phone: (303) 861-9000; and the Patricia L. McDonnell Revocable Trust, c/o Christopher L. Thorne, Holland & Hart, LLP, 555 17th Street, Suite 3200, Denver, Colorado 80202, Phone: (303) 295-8488. **SECOND AMENDMENT TO THE APPLICATION FOR CHANGE OF WATER RIGHTS, APPROPRIATIVE RIGHTS OF EXCHANGE, AND PLAN FOR AUGMENTATION.** The Amended Application is amended in this case as follows: 1. Part I, Paragraph 3.A., subparagraphs (1), (4), and (12) are amended to read as follows: (1) DeBerard Ditch Overflow System, point of diversion located on the West bank of Muddy Creek whence the SE corner of Sec. 7, T1N, R80W of the 6th P.M. bears S26E16'E a distance of 1,910 feet. (4) Muddy Creek Pump Station, a proposed point of diversion to be located on Muddy Creek in the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 36, T2N, R81W of the 6th P.M. at a point 140 feet from the North section line and 1,581 feet from the East section line. (12) P.J. Martin Ditch No 2, Middle Fork Headgate, located on the Middle Fork of Sheep Creek in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 5, T1N, R81W of the 6th P.M. at a point 2,524 feet from the North section line and 2,532 feet from the East section line. State Plane Coordinates: NAD83 N-Zone: N 1,273,796; E 2,721,846. 2. Part III, Paragraph 2.F. is amended to read as follows: F. Historical Use: Irrigation of about 58 acres located in the SW $\frac{1}{4}$ of Sec. 25, the SE $\frac{1}{4}$ of Sec. 26, the NW $\frac{1}{4}$ of Sec. 36, and irrigation of 84 acres in the N $\frac{1}{2}$ of Sec. 33, all in T2N, R81W of the 6th P.M. A diversion records summary and a map of historically-irrigated lands are attached as Exhibits PJM-1 and PJM-2. (Original Application, 21 pages, including exhibits; Amendment to Application, 1 page; Second Amendment to Application, 1 page)

26. 01CW200 PITKIN COUNTY, Luetta Whitson, (970) 925-3056, P.O. Box 105, Aspen, CO 81612, Linda K. Hamlin, (970) 925-8627, business phone (970) 925- 8005, P.O. Box 105, Aspen, CO 81612, James A. Hamlin, (970) 925-8627, P.O. Box 105, Aspen, CO 81612, c/o Scott Balcomb, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81601, (970) 945-6546 and John T. Kelly, Oates, Knezevich & Gardenswartz, P.C., 533 E. Hopkins Avenue, Aspen, CO 81611, (970) 920-1700. Second Amended Application for Underground Water Right. Applicants hereby amend Paragraph 3 of their Amended Application, filed 4/26/02, to correct the legal description of the Whitson Well. The correct legal description is as follows: NW 1/4 NE 1/4 of Sec. 2, T

11 S, R 85 W of the 6th P.M. at a point 650 ft. from the N section line and 1540 ft. from the E section line of said Sec. 2, in Pitkin County, CO Except as amended herein, the original Application filed 8/21/01 and the Amended Application filed 4/26/02 remain unchanged.

27. 01CW283 MESA COUNTY- UNNAMED TRIBUTARY TO THE COLORADO RIVER. Richard T. Mallett; 374 33 1/2 Road; Palisade, CO 81526; (970) 523-9592; 4 Acre Pump & 4 Acre Pond-Second Amended Application for Water Rights(Surface and Storage). 4 Acre Pump- Location: SE1/4NW1/4 of Sec.24, T.1S., R.1E., Ute P.M. 2,900 ft. from north sec. line and 3,900 ft. from west sec. line. Appropriation: November 02, 2001. Amount: 0.2 cfs., conditional. Use: irrigation, wildlife watering, reserve water for fire protection. 4 Acre Pond- SE1/4NW1/4 of Sec. 24, T.1S, R.1E., Ute P.M. 2,900 ft. from north sec. line and 3,900 ft. from west sec.line. Appropriation: November 2, 2001. Amount: 0.2 af., conditional. Use: irrigation, fire reserve, wildlife storage. (5 pages)

28. 02CW106 Amended Application for Water Rights of Trulove, c/o Caloia, Houpt & Hamilton, P.C., 1204 Grand Avenue, Glenwood Springs, CO. The following are only changes made to Application: Double R Reservoir Lower, First Enl located in the NE1/4NE1/4NE1/4 Sec 33, 150 ft from E and 500 ft from N sec lines, Double R Reservoir Middle, First Enl located in Sec 33, 500 ft from N and 900 ft from E Sec line. Double R, Pump Enl (formerly ditch) located in N1/4NE1/4NE1/4 Sec 33, 900 ft from N and 900 ft from E sec lines. All in T6S R92W 6th P.M. All structures divert from Toland Gulch and springs, seeps, runoff and waste water tributary to Toland Gulch. Date of Initiation of Approp. and Appl. to Beneficial Use: 6/30/1980.

29. 02CW141 (W-819) MESA COUNTY-SHEEP CREEK, TRIBUTARY TO BUZZARD CREEK, TRIBUTARY TO PLATEAU CREEK, TRIBUTARY TO COLORADO RIVER. Merial Currier Vanderlaan; P.O. Box 27059; Denver, CO 80227 970-487-3368; 970-487-3418 or 303-738-9440. Currier Reservoir #2-Application for Change of Water Right. Location: 1600' from East line and 3200' from South line of Sec. 12, T.9S., R.93W., of the 6th P.M. Appropriation: September 15, 1961. Amount: 222.480 af. Use: irrigation and stock water. Proposed change: of the 222.480 af. adjudicated to Currier Reservoir No. 2 for stock watering and irrigation purposes, applicant seeks to allow use of 25 af., for 2 years for gravel pit and natural gas exploration purposes. (5 pages)

30. 02CW189 (99CW08) MESA COUNTY - WASTE WATER, SEEP WATER, AND RETURN FLOW WATER FLOWING IN AN UNNAMED DRAINAGE CHANNEL, TRIBUTARY TO THE COLORADO RIVER. Grand Valley Irrigation Company; 688 26 Rd.; Grand Junction, CO 81506 970-242-2762. 16 Road Drainline-Amended Application to Made Absolute. Location: W1/4 of Sec. 19., T. 2N., R.2W., Ute P.M. 880 ft. from north sec. line and 35 ft. from west sec. line. Appropriation: Jan. 01, 1996. Amount: 10.0 cfs., absolute. Use: irrigation. A detailed outline of work completed during the diligence period is included. *Name(s) and addresses(s) of owner(s) of land on which structure is or will be located, upon which water is or will be stored, upon which water is or will be placed to beneficial use:* John A. Usher; P.O. Box 3589; Saratoga, CA 95070-1589 (7 pages)

31. 02CW224 GRAND COUNTY, CROOKED CREEK.Barbara Parker,OUTPOSTBed&Breakfast Inn,P.O.Box 41Winter Park,Colorado,80482,(970)726-5346 c/oPETROCK&FENDEL, P.C.FrederickFendel, BillDowney, 70017thSt., Suite1800 Denver,Colorado80202(303)534-0702.AUGMENTATIONPLAN. Description: Applicant owns two subdivided parcels of land of approx 29 acres more particularly described as Lots1and3 of theParkerOutrightExemptionandSubdivision Exemption conveyed at Reception No. 94012703 in the records of the GrandCountyClerkRecorderOffice. Lots1and3 are located in the NW1/4 NW1/4 S14, T1S, R76 W, 6th PM Grand County, also known as TheOUTPOSTBed&Breakfast Inn, 687CountyRoad517,Fraser,Colorado. A well permit was issued on August 9,1967(Permit No. 31723)to provide water for domestic use on the property. Lot 3 is occupied by theOUTPOSTBed&BreakfastInn. The Applicant seeks to provide water for use by the residents and guests of the OUTPOSTBed&BreakfastInn,lawn and garden irrigation,and domestic and commercial stock watering. This plan will serve theOUTPOSTBed&BreakfastInn and related uses on Lot1 and Lot3.Structure to be augmented:Well Permit No.31723 and a new commercial well to be located on Lot 1. Well Location: Well No. 31723 is located in the NW1/4of NW1/4 of S14, T1S, R76W, approx 950 feet from N Section line and 800 feet from W Section line on Lot3. The new commercial well will be located in the NW1/4 NW1/4 S14, T1S, R76 W at a location to be determined. Source:Shallow groundwater tributary to Crooked Creektributary of Fraser River. Use: Domestic, Stock, Commercial, Irrigation. Use Amount:3.2 af/year. Augmentation Amount:1.75 af/year. Water Use / Wastewater Treatment / Consumptive Use: Applicant will utilize water for the residential domestic and commercial operations associated with the operation of theOUTPOSTBed&BreakfastInn. Total water use associated with Lot 3(Permit No. 31723) is expected to be approx1.9af/year. Beneficial uses of water associated with Lot3 include household residential water use, commercial guest water use, the irrigation of approximately 1/2 acre of lawn and garden, and water for domestic and commercial livestock. Water use on Lot 1 is expected to total approx 1.3 af/year. Water from a new well constructed on the lot will be used for commercial culinary use, the irrigation of 1/4 acre of lawn and garden and the watering of domestic and commercial livestock.The consumptive use associated with the use of water on Lots1and3 is expected to be approx.1.75af/year.Wastewater treatment will be by on-site septic/leach field systems with consumptive use of 10%orless. Lawn and garden irrigation is expected to consume approx 85% of the water applied. Stock water use is assumed to be fully consumptive.Source of Augmentation Water:Applicant has contracted with the Middle Park Water Conservancy District to purchase 1.0 acre feet of water and will acquire the additional amount needed from:Windy Gap water from Granby Reservoir pursuant to the Agreement Concerning the Windy Gap Project and the Azure Reservoir and Power Project, dated April 30, 1980, as approved by the GrandCountyDistrictCourtDivision1, CivilAction1768, and SupplementtoAgreementApril30,1980, approved by the District Court, Water Div5, in caseNo.85CW135. The Windy Gap water rights decreed in C.A.1768,GrandCountyDistrictCourt,andW-4001,80-CW-108,DistrictCourt,Water Division. Applicant may convert

her Windy Gap water to water provided by Wolford Mountain Reservoir pursuant to an Agreement among the Middle Park Water Conservancy District, Colorado River Water Conservation District, and Grand County dated December 17, 1992. Pursuant to the agreement, Middle Park has an interest in 3000 af/year from Wolford Mountain Reservoir. The Wolford Mountain Reservoir water right was decreed in Case No. 87CW283, District Court, Water Div 5. Wolford Mountain Reservoir is located on Muddy Creek. Its dam is in the SW1/4NW1/4, S25, T2N, R81W, 6th PM, Grand County. Statement of Plan for Augmentation including Exchange: Applicant will request Middle Park Water Conservancy District to release its augmentation water as needed to augment out-of-priority depletions. Applicant's depletions to Crooked Creek at times when there is a call on the creek (which are substantially less than 0.1 acre feet / month) will be de minimis, and may not require local augmentation. If it is determined that local augmentation is required, water from local sources may be added to this plan without further notice. Owner of Land on which structures are located: Wells: Applicant., Granby Reservoir: USA Bureau of Reclamation 11056 W. County Road 18 E, Loveland, CO 80537-9711. Wolford Mountain Reservoir: Colorado River Water Conservation District 201 Centennial St. Ste. 204 Glenwood Springs, CO

32. 02CW231 (94CW164) PITKIN COUNTY, ROARING FORK RIVER, Application to Make Absolute. Applicant: Ralph Eads and Lisa Eads, c/o Brandt Feigenbaum, PC, 132 Midland Avenue, Suite 4, Basalt, CO 81621 (970) 925-5196. Structure: Wax Pump and Pipeline. Previous Decree: August 29, 1996. Location: The point of diversion for the Wax Pump and Pipeline is in the SE1/4 of the SW1/4 of Section 9, Township 9 South, Range 85 West of the 6th Principal Meridian, in Pitkin County, Colorado, distance from section lines 0.0 feet from South and 1,415.0 feet from West. Appropriation Date: July 29, 1994. Amount claimed: 0.055 c.f.s, absolute. Use: Irrigation and Aesthetic. The application contains a detailed outline of completion of the appropriation and application of water to a beneficial use. (3 pages)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of NOVEMBER 2002 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 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) KATHY HALL, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.