

DIVISION 5 WATER COURT- AUGUST 2018 RESUME

1. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2018. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

18CW3121 PITKIN COUNTY – ROARING FORK RIVER, TRIBUTARY TO THE COLORADO RIVER. Aspen Club Group, LLC c/o Scott C. Miller, Esq. and Jason M. Groves, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621, (970) 920-1030. APPLICATION TO MAKE WATER RIGHTS ABSOLUTE. **First Claim:** Crystal Lake Pump and Pipeline. Original Decree: August 1, 2012, Case No. 08CW186 Division 5 Water Court. Legal: SW ¼, NE ¼ of Section 18, Township 10 South, Range 84 West, 6th P.M., 1550 feet from the East Section Line and 2600 feet from the North Section Line. Source: Roaring Fork River. Appropriation date: December 30, 2008. Amount: 0.33 c.f.s. conditional. Use: To fill and refill Crystal Lake. Claim for Absolute: Date of Beneficial Use: June 3, 2013. Amount: 0.33 c.f.s. Uses: To fill and refill Crystal Lake. Place of use: Crystal Lake, Parcel Number 273718132016. **Second Claim:** Crystal Lake. Original Decree: August 1, 2012, Case No. 08CW186 Division 5 Water Court. Legal: north bank of Crystal Lake is located in the SE ¼, NE ¼ of Section 18, Township 10 South, Range 84 West, 6th P.M., 1175 feet from the East Section Line and 2050 feet from the North Section Line. Source: Roaring Fork River. Appropriation date: December 30, 2008. Amount: 8.0 acre-feet conditional. Use: Recreation, aesthetic, piscatorial, and wildlife watering. Surface area: 1.5 acres. Total capacity: 8.0 acre-feet. Claim for Absolute: Date of Beneficial Use: June 3, 2013. Amount: 8.0 acre-feet Uses: Recreation, aesthetic, piscatorial, and wildlife watering. Place of use: Parcel Number 273718132016. Water rights are located on land owned by Applicant. Maps of water right and place of use are on file with the court as Exhibits A and C. Storage Capacity Table on file with the court as Exhibit B.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2018 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$158.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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18CW3122 PITKIN COUNTY – QUEEN'S GULCH, TRIBUTARY TO CASTLE CREEK, ROARING FORK RIVER, & COLORADO RIVER. Upper Midnight, LLC c/o Paul L. Noto, Esq. and John M. Sittler, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621, (970) 920-1030. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE WATER RIGHTS ABSOLUTE. **First Claim – Diligence & Absolute:** Queen's Gulch Headgate No. 2. Original Decree: August 26, 1998, Case No. 95CW316 Division 5 Water Court. Legal: NW¼, NE¼ of Section 26, Township 10 South, Range 85 West of the 6th P.M., at a point 1,105 feet south of the North section line and 1,402 feet west of the East section line. Source: Queen's Gulch, tributary to Castle Creek, Roaring Fork River, and Colorado River. Appropriation date: October 20, 1995. Amounts and Uses: 1.2 c.f.s. conditional for fire protection, piscatorial, stock water, and to fill Ponds described herein; 1.1 c.f.s. conditional for irrigation; 0.70 c.f.s. conditional for aesthetic purposes. Claim for Absolute: Date of Beneficial Use: June 1, 2007. Amount: 0.25 c.f.s. Uses: Aesthetic. Water right diversion point is on property owned by Castle Creek Valley Ranch Lot 15, LLC, 4400 Post Oak Parkway #2150, Houston, TX 77027-3431; water right is and will be put to beneficial use on property owned by Applicant. **Second Claim – Diligence:** Cabin Pond. Original Decree: August 26, 1998, Case No. 95CW316 Division 5 Water Court. Legal: SW¼, SE¼ of Section 23, Township 10 South, Range 85 West of the 6th P.M., at a point 512 feet north of the South section line and 1,400 west of the East section line. Source: Unnamed tributary to Castle Creek & Queen's Gulch, tributary to Castle Creek, Roaring Fork River, and Colorado River. Appropriation date: October 20, 1995. Amount: 1.2 acre-feet, conditional. Uses: Irrigation, fire protection, piscatorial, aesthetic, and stock water. **Third Claim –Diligence:** Castle Creek Pond No. 1. Original Decree: August 26, 1998, Case No. 95CW316 Division 5 Water Court. Legal: NE¼, SE¼ of Section 23, Township 10 South, Range 85 West of the 6th P.M., at a point 1,569 feet north of the South section line and 1,026 feet west of the East section line. Source: Unnamed tributary to Castle Creek & Queen's Gulch, tributary to Castle Creek, Roaring Fork River, and Colorado River. Appropriation date: October 20, 1995. Amount: 1.8 acre-feet, conditional. Uses: Irrigation, fire protection, piscatorial, aesthetic, and stock water. **Fourth Claim –Diligence:** Castle Creek Pond No. 2. Original Decree: August 26, 1998, Case No. 95CW316 Division 5 Water Court. Legal: NW¼, SE¼ of Section 23, Township 10 South, Range 85 West of the 6th P.M., at a point 1,978 feet north of the South section line and 896 feet west of the East section line. Source: Unnamed tributary to Castle Creek & Queen's Gulch, tributary to Castle Creek, Roaring Fork River, and Colorado River. Appropriation date: October 20, 1995. Amount: 1.8 acre-feet, conditional. Uses: Irrigation, fire protection, piscatorial, aesthetic, and stock water. Second, Third, and Fourth Claim water rights are located on land owned by Applicant. Map of water rights is file with the

court as Exhibits A. A description of work done toward completion of appropriation of water rights is included in the Application on file with the court.

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18CW3123 (96CW363, 97CW059, 06CW120) GARFIELD COUNTY, MIDDLE RIFLE CREEK, TRIBUTARY TO RIFLE CREEK AND COLORADO RIVER. Application To Make Absolute In Part And For Finding Of Reasonable Diligence. Applicant: State of Colorado, Department of Corrections c/o Austin Hamre, Hamre, Rodriguez, Ostrander & Dingess, P.C., 3600 S. Yosemite Street, Suite 500, Denver, Colorado 80237; Tel.: 303.779.0200; Email mail@hrodllaw.com **2.** Name of Structures: Rifle Correctional Center ("RCC") Reservoir #1, an off-channel reservoir; and RCC Wells No. 5 – 10, tributary groundwater wells. **3.** Description of Conditional Water Rights (collectively hereinafter, the "Subject Water Rights"): **a.** RCC Reservoir #1: **i.** Date of original decree: June 13, 2000, Case No. 96CW363, Water Division 5. **ii.** Subsequent decrees awarding a finding of diligence: August 23, 2012, Case No. 2006CW120, Water Division 5. **iii.** Legal description: An off-channel reservoir located in the E½ SE¼ SW¼ of Section 36, T4S, R93W of the 6th P.M. in Garfield County, Colorado. **iv.** Source: Middle Rifle Creek, tributary to Rifle Creek, tributary to the Colorado River. **v.** Appropriation date: June 5, 1995. **vi.** Amount: 40 acre-feet, conditional, with right to fill and refill. **b.** RCC Well No. 5: **i.** Date of original decree: June 13, 2000, Case No. 97CW059, Water Division 5. **ii.** Subsequent decrees awarding a finding of diligence: August 23, 2012, Case No. 2006CW120, Water Division 5. **iii.** Legal description: Located in the SE¼ NW¼ of Section 36, T4S, R93W, 6th P.M., approximately 2350 feet South of the North Section Line and approximately 2500 feet East of the West Section Line in Garfield County, Colorado. **iv.** Source: Groundwater tributary to Middle Rifle Creek, tributary to Rifle Creek, tributary to the Colorado River. **v.** Appropriation date: June 5, 1995. **vi.** Amount: 0.167 c.f.s. (75 g.p.m.), conditional. **vii.** Depth: Anticipated to be approximately 100 feet. **c.** RCC Well No. 6: **i.** Date of original decree: June 13, 2000, Case No. 97CW059, Water Division 5. **ii.** Subsequent decrees awarding a finding of diligence: August 23, 2012, Case No. 2006CW120, Water Division 5. **iii.** Legal description: Located in the S½ NE¼ NE¼ NW¼ of Section 1, T5S, R93W, 6th P.M., approximately 350 feet South of the North Line of the Northwest Quarter Section and approximately 150 feet West of the East Line of the Northwest Quarter Section in Garfield County, Colorado. **iv.** Source: Groundwater tributary to Middle Rifle Creek, tributary to Rifle Creek, tributary to the Colorado River. **v.** Appropriation date: June 5, 1995. **vi.** Amount: 0.167 c.f.s. (75 g.p.m.), conditional. **vii.** Depth: Anticipated to be approximately 100 feet. **d.** RCC Well No. 7: **i.** Date of original decree: June 13, 2000, Case No. 97CW059, Water Division 5. **ii.** Subsequent decrees awarding a finding of diligence: August 23, 2012, Case No. 2006CW120, Water Division 5. **iii.** Legal description: Located in the N½ NE¼ NE¼ NW¼ of Section 1, T5S, R93 W, 6th P.M., approximately 200 feet South of the North Line of the Northwest Quarter Section and approximately 250 feet West of the East Line of the Northwest Quarter Section in Garfield County, Colorado. **iv.** Source: Groundwater tributary to Middle Rifle Creek, tributary to Rifle Creek, tributary to the Colorado River. **v.** Appropriation date: June 5, 1995. **vi.** Amount: 0.167 c.f.s. (75 g.p.m.), conditional. **vii.** Depth: Anticipated to be approximately 100 feet. **e.** RCC Well No. 8: **i.** Date of original decree: June 13, 2000, Case No. 97CW059, Water Division 5. **ii.** Subsequent decrees awarding a finding of diligence: August 23, 2012, Case No. 2006CW120, Water Division 5. **iii.** Legal description: Located in the SE¼ SE¼SW¼ of Section 36, T4S, R93W, 6th P.M., approximately 125 feet North of the South Line of the Southwest Quarter Section and 150 feet West of the East Line of the Southwest Quarter Section in Garfield County, Colorado. **iv.** Source: Groundwater tributary to Middle Rifle Creek, tributary to Rifle Creek, tributary to the Colorado River. **v.** Appropriation date: June 5, 1995. **vi.** Amount: 0.167 c.f.s. (75 g.p.m.), conditional. **vii.** Depth: Anticipated to be approximately 100 feet. **f.** RCC Well No. 9: **i.** Date of original decree: June 13, 2000, Case No. 97CW059, Water Division 5. **ii.** Subsequent decrees awarding a finding of diligence: August 23, 2012, Case No. 2006CW120, Water Division 5. **iii.** Legal description: Located in the NW¼ SW¼ NE¼ of Section 1, T5S, R93W, 6th P.M., approximately 775 feet North of the South Line of the Northeast quarter section and 100 feet East of the West Line of the Northeast Quarter Section in Garfield County, Colorado. **iv.** Source: Groundwater tributary to Middle Rifle Creek, tributary to Rifle Creek, tributary to the Colorado River. **v.** Appropriation date: June 5, 1995. **vi.** Amount: 0.167 c.f.s. (75 g.p.m.), conditional. **vii.** Depth: Anticipated to be approximately 100 feet. **g.** RCC Well No. 10: **i.** Date of original decree: June 13, 2000, Case No. 97CW059, Water Division 5. **ii.** Subsequent decrees awarding a finding of diligence: August 23, 2012, Case No. 2006CW120, Water Division 5. **iii.** Legal description: Located in the NW¼ SW¼ NE¼ of Section 1, T5S, R93W,

6th P.M., approximately 725 feet North of the South Line of the Northeast Quarter Section and 425 feet East of the West Line of the Northeast Quarter Section in Garfield County, Colorado. **iv.** Source: Groundwater tributary to Middle Rifle Creek, tributary to Rifle Creek, tributary to the Colorado River. **v.** Appropriation date: June 5, 1995. **vi.** Amount: 0.167 c.f.s. (75 g.p.m.), conditional. **vii.** Depth: Anticipated to be approximately 100 feet. **h.** Decreed Uses for all rights identified above: Domestic, sanitary, irrigation, including irrigation by reuse and successive use of treated wastewater, industrial, stock watering, commercial, mechanical, recreational (including fish and wildlife), horticultural, fire protection, storage and subsequent application to beneficial uses; exchange purposes, and for the replacement or augmentation of well pumping depletions, as authorized by the decrees entered in Cases No. W-3758 or 97CW060. In addition to the initial storage of such water, Applicant has the statutory right to sell, lease or exchange such water pursuant to C.R.S. §§17-24-106(1)(k) and 37-88-101, et seq. **4.** Outline of Work Done Toward Completion: During this diligence period, Corrections took the following actions toward completion of the RCC integrated water supply system which includes the Subject Water Rights: **a.** RCC Reservoir #1 Re-lining: Following a failure of the clay liner in 2006, Corrections expended approximately \$702,000 repairing a sink-hole that had developed by reconstructing and re-grading the reservoir bottom and relining the entire reservoir with a synthetic fabric material. Of that amount, approximately \$365,000 was spent on the purchase of the Dupont Hypalon fabric, and the transportation, fabrication and installation of a liner to fit the repaired and regraded reservoir contours. The balance of the \$702,000 was spent primarily on earthwork and engineering services related to the relining project. **b.** Legal. Corrections expended approximately \$99,500 on the efforts of its Special Counsel for water rights issues on matters of water rights protection, including participation in other parties' cases, adjudication of the previous diligence application (06CW120) which was entered in 2012, matters related to the relining of RCC Reservoir #1 and initial fill following that relining, negotiations with the State Engineer and Division 5 Office regarding interpretation and operation of Corrections' decrees and review of draft accounting forms for the subject water rights, and negotiations with the Department of Parks and Outdoor Recreation regarding use and ownership issues pertaining to Heinze Ditch priorities and other water-related matters. **c.** Engineering (other than relining): Corrections expended approximately \$220,900 on consulting engineering services for water rights accounting in connection with its augmentation plan, including reservoir diversions and releases, advising Corrections staff on operational issues, engineering assistance in connection with RCC #1 relining, field work and analyses related to reservoir seepage measurement and accrual of seepage credits to Middle Rifle Creek, litigation support for previous diligence application and water rights protection efforts, design and installation of improved flow splitting and measurement devices for Heinze and Mullen ditches and related engineering assistance. **5.** Claim to make absolute (RCC Reservoir #1) **a.** Dates of filling: Filling began under no call conditions on September 18, 2007. Filling continued with interruptions for brief periods of call and other reasons, until the maximum volume (as re-surveyed after relining) of 34.4 acre feet was achieved on October 31, 2007. Records showing an initial fill of RCC #1 in priority are attached as Exhibit A. The storage volume of RCC Reservoir #1 at gage height 15.9 is 34.4 acre feet. **b.** Beneficial Use: Pursuant to C.R.S. § 37-92-103(4), water stored "for any purpose for which an appropriation is lawfully made" is deemed to be beneficially used. Corrections releases water from RCC #1 to meet its obligations to replace out of priority depletions from pumping the well used to serve the potable water demands at RCC. **c.** Amount claimed absolute: 34.4 acre feet. **d.** The place of beneficial use: The legal description of RCC Reservoir #1 is stated in ¶ 3.a.iii., above; the majority of the Rifle Correctional Center grounds, and nearly all of its facilities, are located in W½ NE¼ of Section 1, T5S, R93 W, 6th P.M., Garfield County. These locations are depicted on Exhibit B hereto. **e.** The decree in Case No. 96CW363 authorized Corrections to take credit for water stored under that appropriation which subsequently seeps from RCC Reservoir #1, and apply such seepage credits to its obligations to augment depletions from its wells. However, the 96CW363 Decree also stated that "as part of its application to make the conditional right decreed herein absolute" Corrections will "provide the engineering demonstrating Applicant's dominion and control over any such seepage, and the location, timing and amount of such seepage returned to the stream system." Corrections plans to provide such engineering documentation and make the showing required by the above language in this case as part of its claim to make absolute. **6.** Claim for findings of diligence. **a.** The original decrees for the Subject Water Rights found that all of the structures identified in ¶ 3 above are components of an integrated system for providing a potable water supply to the RCC. Diligent effort on one component of the system is considered diligent effort as to all components of the system. **b.** Corrections requests a finding that it has been reasonably diligent as to all of the conditionally decreed water rights for Wells 5 through 10, as to 34.4 acre feet of the first fill right for RCC #1 (the amount being made absolute), and as to 15 acre feet of the 40 acre foot right to refill for RCC #1. **c.** The storage volume of the RCC #1 Reservoir basin was changed slightly during the relining project. Because Corrections does not have plans to further modify the volume of the reservoir basin in the foreseeable future, Corrections is not seeking a finding of diligence as to the remaining 5.6 acre feet of the initial fill right. Further, Corrections is not seeking a finding of diligence as to 25 acre feet of the 40 acre foot right to refill. **7.** Names and addresses of owners or reputed owners of the land upon which structures are located or are to be constructed: **a.** Applicant, as identified in ¶ 1. (13 pages including exhibits)

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

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18CW3124 GRAND COUNTY, COLORADO RIVER. Application for Simple Change in Point of Diversion. Bar Lazy J Guest Ranch, c/o Jeff Houpt, Beattie, Houpt & Jarvis, 932 Cooper Ave, Glenwood Springs, 970-945-8659. Rauh No. 2 Ditch, Messiter Extension and Enlargement. Original decree entered 07/16/31 in CA581. Decreed point of diversion: The headgate of said ditch is located at a point on the S bank of Colo River, whence the E $\frac{1}{4}$ Corner, Sec 18, T 1 N, R 78 W, 6th PM bears N 64°27' W 3,750 ft. Decreed source of water: Colo River. Appropriation date: 12/01/1919. Decreed amount: 0.5 cfs. Decreed use: Irrigation. Applicant intends to change 0.5 cfs. Statement of proposed change: Applicant seeks to change the decreed point of diversion to the point at which the water is actually diverted: In the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec 18, T 1 N, R 78 W of the 6th PM at: Easting 400440.5, Northing 4433864, Zone 13. (4 pages)

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18CW3125 Concerning the Application for Water Rights of 4J, LLC in **GARFIELD COUNTY, Colorado**, Application for Finding of Reasonable Diligence and to Make Water Rights Absolute. East Elk Creek, tributary to Main Elk Creek, tributary to the Colorado River. Applicant: 4J, LLC, c/o Brett Jolley and/or Jeanne Jolley, 1288 County Road 245, New Castle, CO 81647 c/o Edward B. Olszewski, Esq., Olszewski, Massih & Maurer, P.C., P.O. Box 916, Glenwood Springs, CO 81602, (970) 928-9100. Structures: Slapppy Well Nos. 1-6, Slapppy Pipeline, Slapppy Pond No. 1. *Original Decree (all structures):* 03/22/2005, 01CW262, Water Division No. 5. *Date of Subsequent Decree (all structures):* 08/23/2012, 11CW41, Water Division No. 5. Slapppy Well Nos. 1-6: Locations: Slapppy Well No. 1 is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 5 South, Range 91 West of the 6th P.M., at a point 4200 feet from the South Section line and 3360 feet from the East Section line of said Section 25. Slapppy Well No. 2 is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 5 South, Range 91 West of the 6th P.M., at a point 1475 feet from the North Section line and 1600 feet from the West Section line of said Section 25. Slapppy Well Nos. 3-6 will be located on a 12-acre parcel in the E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 25, Township 5 South, Range 91 West of the 6th P.M., as more fully described in Book 859 at Page 929 in the Garfield County Clerk Recorder's Office. All wells are or will be located within 100 feet of East Elk Creek and completed within the alluvium of Elk Creek. *Sources:* groundwater tributary to East Elk Creek, tributary to Main Elk Creek, tributary to the Colorado River. *Depth:* Each well is/will be approximately 200 feet. *Approp. Date (all wells):* 01/26/2000. *Amount (all wells):* 15 g.p.m. (0.033 c.f.s.), 0.43 a.f./year. *Use:* In house domestic use in one single family dwelling and the irrigation of 1,000 square feet lawn and garden for each well. *Claim to make absolute:* Slapppy Well No. 1: *Date water applied to beneficial use:* On or before 09/17/2013, when Applicant acquired ownership of property served by well and the water right for the well. *Amount:* 15 g.p.m. (0.033 c.f.s.), 0.43 a.f./year. *Use:* In house domestic use in one single family dwelling and the irrigation of 1,000 square feet lawn and garden. Slapppy Well No. 2: *Date water applied to beneficial use:* On or before 09/17/2013, when Applicant acquired ownership of property served by well and the water right for the well. *Amount:* 15 g.p.m. (0.033 c.f.s.), 0.43 a.f./year. *Use:* In house domestic use in one single family dwelling and the irrigation of 1,000 square feet lawn and garden. Slapppy Pipeline: *Location:* The inlet of the Slapppy Pipeline is in Section 25, Township 5 South, Range 91 West of the 6th P.M., at a point 400 feet from the North Section line and 1550 feet from the West Section line of said Section 25. *Source:* The source of the water is from East Elk Creek, tributary to Main Elk Creek, tributary to the Colorado River. *Approp. Date:* 01/26/2000. *Amount:* 0.25 c.f.s., conditional. *Uses:* Storage to fill Slapppy Pond, fish culture, livestock water, fire protection and augmentation of Slapppy Well Nos. 1 through 6, and Christian Church Camp Well, Case No. 89CW014. *Claim to make absolute:* *Date water applied to beneficial use:* On or before 09/17/2013, when Applicant acquired ownership of property served by pipeline and the water right for the pipeline. *Amount:* 0.25 c.f.s. *Use:* Storage, piscatorial, livestock, fire protection and augmentation. *Remarks:* Pipeline has been used to fill Slapppy Pond No. 1. Slapppy Pond No. 1: *Location:* The center of the dam of

Slappey Pond No. 1 is located in Section 25, Township 5 South, Range 91 West of the 6th P.M., at a point 1650 feet from the West Section line and 900 feet from the North Section line of said Section 25. *Source:* The source of the water is from East Elk Creek, tributary to Main Elk Creek, tributary to the Colorado River via the Slappey Pipeline described above. *Approp. Date:* 01/26/2000. *Amount:* 4.0 a.f./year, conditional. *Uses:* Storage, fish culture, livestock watering, fire protection and augmentation of Slappey Well Nos. 1 through 6, and Christian Church Camp Well, Case No. 89CW14. *Surface Area:* 0.5 acre (i) Maximum Dam Height: 10 feet, (ii) Dam Length: 200 feet. *If claim to make absolute in whole or in part: Date water applied to beneficial use:* On or before 09/17/2013, when Applicant acquired ownership of property served by the pond and the water rights to the pond. *Amount:* 4.0 a.f./year. *Use:* Storage, piscatorial, livestock, fire protection and augmentation. *Remarks:* Pond has been filled and used for storage, piscatorial, livestock, fire protection and augmentation. *Landowner Notification:* All structures are located on lands owned by Applicant. A detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period is outlined in the Application. Applicant prays for a decree of this Court, finding the Applicant has exercised reasonable diligence toward the development of the aforementioned water rights, made a portion thereof absolute and any such other and further relief as the Court may deem appropriate. (7 pages, incl. 1 map)

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6. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2018. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

18CW3126 EAGLE COUNTY, APPLICATION FOR FINDING OF REASONABLE DILIGENCE (REDCLIFF PROJECT).

Applicant: Colorado River Water Conservation District ("River District") c/o Andrew A. Mueller, Secretary/General Manager, 201 Centennial Street, Suite 200, P.O. Box 1120, Glenwood Springs, Colorado 81602 (970) 945-8522. Please direct all pleadings and correspondence in this case to: Peter C. Fleming and Jason V. Turner. **Introduction.** This Application is filed pursuant to C.R.S. § 37-92-301(4) and § 37-92-601. The Colorado River Water Conservation District (hereinafter "River District") is a political subdivision of the State formed by the Colorado Legislature (*See* C.R.S. § 37-46-101, *et seq.*) in 1937 for the purpose of safeguarding for the State of Colorado the beneficial consumptive use in Colorado of that portion of the waters of the Colorado River equitably apportioned to the state by interstate compact. Geographically, the River District encompasses an area of approximately 29,000 square miles, including all of twelve and parts of three western Colorado counties. Included in that area are the headwaters and tributaries of the Colorado River mainstem and its principal tributaries, the Gunnison, the White and the Yampa Rivers. The general powers of the River District, set forth in C.R.S. § 37-46-107, *inter alia*, direct the River District to make surveys and investigations to ascertain the best method of utilizing stream flows within the River District and to make appropriations "... for the use and benefit of the ultimate appropriators" This statute further directs the River District "... to perform all acts and things necessary or advisable to secure and insure an adequate supply of water, present and future, for irrigation, mining, manufacturing, and domestic purposes within said districts." The decree that is the subject of this Application was obtained in furtherance of these statutory directives. The Board of Directors of the River District has maintained its intent to develop the conditional water rights. The rights involved in this Application have been before this Court for reasonable diligence determinations in previous cases as indicated in the caption of this Application. The most recent decrees confirming reasonable diligence in the development of the conditional water rights that are the subject of this Application were entered in Case No. 11CW94, on August 23, 2012. **Describe conditional water right (as to each structure as depicted on the map attached hereto as Exhibit A) giving the following from the Referee's Ruling and Judgment and Decree:**

Name of structure: Cross Creek extension of the Fall and Peterson Creek Conduits. **Date of original decree, case number and court:** July 6, 1979, Case No. W-3472, Water Division No. 5. **Legal Description:** As decreed: SE Corner of Section 35, T. 5 S., R. 81 W. bears N. 33°50' east a distance of 19,390'. **PLSS:** SE 1/4 of the SW 1/4 of Section 16, T. 6 S., R. 81 W., of the 6th P.M. at a point 1,290 feet north of south section line and 2,270 feet east of west section line. **Source:** Cross Creek. **Appropriation Date:** July 1, 1976. **Amount:** 20 cfs. **Use:** Irrigation, Domestic, Municipal, Stock, Industrial, Power, and Storage. **Remarks:** The Applicant abandoned 280 cfs of the Cross Creek Extension of the Fall and Peterson Creek Conduit right as stated in the decree entered in Case No. 11CW94, Water Division 5.

Name of structure: Iron Mountain Reservoir. **Date of original decree, case number and court:** December 13, 1965, Case No. 1193, Eagle County District Court. **Legal Description:** As decreed: W 1/4 Corner of Section 4, T. 7 S., R. 80 W. bears S. 34°13' east a distance of 14,885'. **PLSS:** NE 1/4 of the NW 1/4 of Section 30, T. 6 S., R. 80 W., of the 6th P.M. at a point 983 feet south of north section line and 1,681 feet east of west section line. **Source:** Eagle River and Homestake Creek. **Appropriation Date:** August 10, 1956. **Amount:** 30,000 AF. **Use:** Power, Irrigation, Domestic, Municipal, and Industrial. **Remarks:**

The Applicant abandoned 38,042.72 AF of the Iron Mountain Reservoir right and the ability to use Peterson and Fall Creeks as a source of supply to fill the reservoir as stated in the decree entered in Case No. 11CW94, Water Division 5. Name of structure: Iron Mountain Reservoir Second Filling. Date of original decree, case number and court: June 18, 1986, Case No. 81CW345, Division 5 Water Court. Legal Description: As decreed: W 1/4 Corner of Section 4, T. 7 S., R. 80 W. bears S. 34°13' east a distance of 14,885'. PLSS: NE 1/4 of the NW 1/4 of Section 30, T. 6 S., R. 80 W., of the 6th P.M. at a point 983 feet south of north section line and 1,681 feet east of west section line. Source: Eagle River and Homestake Creek. Appropriation Date: July 29, 1981. Amount: 30,000 AF. Use: Irrigation, Municipal, Domestic, Industrial, and Recreation. Remarks: The Applicant abandoned 38,043 AF of the Iron Mountain Reservoir Second Filling right and the ability to use Peterson and Fall Creeks as a source of supply to fill the reservoir as stated in the decree entered in Case No. 11CW94, Water Division 5. Name of structure: Pando Feeder Canal. Date of original decree, case number and court: December 13, 1965, Case No. 1193, Eagle County District Court. Legal Description: As decreed: W 1/4 Corner of Section 4, T. 7 S., R. 80 W. bears N. 47°57'30" west a distance of 7,574'. PLSS: SW 1/4 of the NW 1/4 of Section 10, T. 7 S., R. 80 W., of the 6th P.M. at a point 2,318 feet south of north section line and 412 feet east of west section line. Source: Eagle River. Appropriation Date: August 10, 1956. Amount: 320 cfs. Use: Power, Irrigation, Domestic, Municipal, and Industrial. Remarks: 80 cfs of the Pando Feeder Canal was conveyed to the Eagle Park Reservoir Company and changed for the reservoir company's use in Case No. 97CW288, Water Division No. 5. The 80 cfs conveyed to the Reservoir Company is not the subject of this application. **Integrated Project.** This Court has previously determined that the subject conditional water rights are part of an integrated project. Pursuant to C.R.S. §37-92-301(4)(b), "when a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system." Where work on a component of a system is "necessary to the ultimate goal of putting the water to beneficial use, it is considered part of an integrated system." *Metropolitan Suburban Water Users Ass'n v. Colorado River Water Cons. Dist.*, 365 P.2d 273, 289 (Colo.1961). Each of the subject rights, therefore, should be considered an integrated component of the whole, and work on any of these rights should be considered in finding that reasonable diligence has been shown in the development of all these rights. **Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed including expenditures.** The explanation of work accomplished during the diligence period is not all inclusive but is merely representative. Unless otherwise noted, the expenditures listed herein do not include attorney's fees or salaries of staff of the River District, but the Applicant does claim those significant expenses toward diligence. A. Applicant has undertaken the following specific activities over the last six years that demonstrate its diligence with regard to the subject conditional rights: 1. Federal environmental legislation and related regulations on water development activities often make successful acquisition of needed federal permits one of the most predominant concerns regarding a water development project. A significant concern regarding the development of projects in Colorado Water Division No. 5 is the status of four native fish species which have been listed as "endangered" by the Fish and Wildlife Service pursuant to the federal Endangered Species Act. Because water depletions in the Colorado River basin are alleged to jeopardize the continued existence of those fish species, it is necessary for the River District and others who may need federal permit authorizations for their water projects to successfully address the alleged jeopardy of those species. The River District extensively participated and partially funded a multi-phase study to identify a source of the 10,825 acre feet of water necessary to satisfy the obligation of water users' within the State of Colorado to the recovery of the endangered fish. Due to these efforts the River District has obtained a contract with Bureau of reclamation for 5,412.5 acre feet of water in Ruedi Reservoir to satisfy the West Slope's obligation. During the diligence period the River District has maintained and administered that contract for the benefit of the endangered fish. These efforts are necessary and appropriate in order for the River District and other water users within its boundaries to secure permitting approvals for the construction and operation of water projects, including the projects that are the subject of this Application. 2. The River District continues to participate and fund efforts to reduce the salinity of the Colorado River, as well as the operation of the Colorado River mainstem reservoirs, to ensure to the River District, as well as to the State of Colorado, an adequate supply of water from the Colorado River as provided by the Colorado River Compacts. 3. The River District participates in the funding of United States Geological Survey gauging stations throughout the River District in order to better assess the availability of water for development pursuant to its various projects, including, but not limited, to funding gauging stations on the Eagle River. 4. The River District provided funding throughout the diligence period to the Center for Snow and Avalanche Studies for ongoing research regarding the impacts that dust on snow events have on water supplies. This work will be used by the River District to assess its water supply projects, including the projects that are the subject of this Application. 5. During the diligence period, the River District has been actively engaged in the operation of its Water Marketing Program. While the water rights utilized in the Water Marketing Program are not the subject of this Application, the successful operation of the Water Marketing Program and the receipt of lease revenues by the River District will assist the River District in developing other water projects in Division 5, including projects such as those that are the subject of this Application. 6. Throughout the diligence period, the River District has been participating in, and is now administering, the Central Colorado Mountains River Basin Weather Modification Program. The program is designed to increase snow fall, and thus improve water supplies, over the central Colorado mountains including areas in the vicinity of the projects that are the subject of this Application. 7. During the diligence period, River District staff conducted inspections at the Redcliff Project sites. The sites and water rights were evaluated by staff during the diligence period. The River District staff also evaluated the potential development of joint

use projects with other entities, pursuant to the 1998 Eagle River Memorandum of Understanding, that would maximize the beneficial uses associated with the water rights that are the subject of this Application. Staff prepared memoranda for the River District's Board of Directors regarding these investigations to inform the Board's decision regarding the development of the Redcliff Project rights. 8. River District staff identified and mapped owners of lands on which structures may be located or water may be stored. 9. The River District owns lands within the project footprint. During the diligence period River District staff negotiated a short term lease of those lands. 10. In addition to extensive staff time, the River District expended in excess of \$7 million in furtherance of the activities described herein. 11. The River District Board at its April 2018 Quarterly Board Meeting reaffirmed its intent to develop the subject conditional water rights. **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.** The structures are or may be located and water is or may be stored on land owned by the agencies, entities, and individuals identified in Exhibit B, attached hereto and incorporated herein by this reference. The water will be placed to beneficial use within the extensive boundaries of the River District. The specific owners of land upon which the water rights will be placed to beneficial use will be determined at future dates as the project is developed. The water rights may be put to beneficial use on lands owned by many thousands of individuals and entities. Therefore, it is not feasible to list at this time the names and addresses of the owners of land upon which water may be placed to beneficial use. WHEREFORE, the Applicant requests that the Court adjudge and decree that it has exercised reasonable diligence in the development of the water rights that are the subject of this Application, that the conditional water rights be continued in full force and effect, and that a date be set for a subsequent application for a finding of reasonable diligence. The Applicant also requests that the Court confirm that the subject conditional water rights are features of an integrated system of water rights, and that work done on one feature of the project shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project. (10 pages, 2 Exhibits)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2018 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$158.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

7. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2018. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

18CW3127 (06CW267) PITKIN COUNTY, DRY CREEK TRIBUTARY TO WEST SOPRIS CREEK, SOPRIS CREEK, AND ROARING FORK RIVER. Application for Finding of Reasonable Diligence. Applicant: Deadwood Ranch I, LLC, 7000 Bahia Beach Blvd., Ocean Drive Residences, Unit 1102, Rio Grande, PR 00745, c/o Garfield & Hecht, P.C., 901 Grand Avenue, Suite 201, Glenwood Springs, CO 81601, (970)947-1936. Name of structures: Middle Ranch Pond Nos. 1-9. Original Decree: Entered on August 23, 2012 in Case No. 06CW267, District Court, Water Division No. 5. Legal Descriptions (see location map attached to the application as Exhibit A): Middle Ranch Pond No. 1 is located in the NW ¼ NE ¼ of Section 34, Township 8 South, Range 87 West of the 6th P.M. at a point 767 feet from the north section line and 1748 feet from the east section line. Middle Ranch Pond No. 2 is located in the SE ¼ SE ¼ of Section 27, Township 8 South, Range 87 West of the 6th P.M. at a point 343 feet from the south section line and 1141 feet from the east section line. Middle Ranch Pond No. 3 is located in the SE ¼ SE ¼ of Section 27, Township 8 South, Range 87 West of the 6th P.M. at a point 560 feet from the south section line and 969 feet from the east section line. Middle Ranch Pond No. 4 is located in the SW ¼ SE ¼ of Section 27, Township 8 South, Range 87 West of the 6th P.M. at a point 877 feet from the south section line and 1345 feet from the east section line. Middle Ranch Pond No. 5 is located in the SW ¼ SE ¼ of Section 27, Township 8 South, Range 87 West of the 6th P.M. at a point 958 feet from the south section line and 2615 feet from the east section line. Middle Ranch Pond No. 6 is located in the NW ¼ SE ¼ of Section 27, Township 8 South, Range 87 West of the 6th P.M. at a point 1458 feet from the south section line and 2199 feet from the east section line. Middle Ranch Pond No. 7 is located in the NW ¼ SE ¼ of Section 27, Township 8 South, Range 87 West of the 6th P.M. at a point 1852 feet from the south section line and 2174 feet from the east section line. Middle Ranch Pond No. 8 is located in the NW ¼ SE ¼ of Section 27, Township 8 South, Range 87 West of the 6th P.M. at a point 2413 feet from the south section line and 2534 feet from the east section line. Middle Ranch Pond No. 9 is located in the SE ¼ NW ¼ of Section 27, Township 8 South, Range 87 West of the 6th P.M. at a point 2634 feet from the north section line and 1778 feet from the west section line. Sources: Dry Creek, tributary to West Sopris Creek, tributary to Sopris Creek, the Roaring Fork River, and the Colorado River; via Swearingen Ditch, Cerise Brothers No. 1 Ditch, and Cerise Brothers No. 2 Ditch. West Sopris Creek, tributary to Sopris Creek, the Roaring Fork River, and the Colorado River; via Highland No. 2 Ditch. Information on the ditches and sources used to fill each pond is presented in the table included in the application. Name, capacity, and legal description of point of diversion for ditches used to fill the ponds (see Exhibit A location map): Swearingen Ditch: Capacity: 1.0 cfs.

Source: Dry Creek, a/k/a Hell Roaring Creek, tributary to West Sopris Creek, tributary to Sopris Creek, tributary to the Roaring Fork River and the Colorado River. Headgate legal description: Located in the NE ¼ of the NE ¼ of Section 34, Township 8 South, Range 87 West of the 6th P.M. at a point approximately 20 feet from the north section line and 870 feet from the east section line. Cerise Brothers No. 1 Ditch. Capacity: 3.19 cfs. Source: Dry Creek, a/k/a Hell Roaring Creek, tributary to West Sopris Creek, tributary to Sopris Creek, the Roaring Fork River, and the Colorado River. Headgate legal description: At a point in Pitkin County whence the northeast corner of Section 34, Township 8 South, Range 87 West of the 6th P.M. bears North 9°27' East 2047 feet. Cerise Brothers No. 2 Ditch. Capacity: 3.75 cfs. Source: Dry Creek, a/k/a Hell Roaring Creek, tributary to West Sopris Creek, tributary to Sopris Creek, the Roaring Fork River and the Colorado River. Headgate legal description: At a point in Pitkin County whence the northeast corner of Section 34, Township 8 South, Range 87 West of the 6th P.M. bears North 12°03' East 2221.7 feet. Highland No. 2 Ditch. Capacity: 5.61 cfs. Source: West Sopris Creek, tributary to Sopris Creek, the Roaring Fork River and the Colorado River. Headgate legal description: At a point in Lot 3, Section 33, Township 8 South, Range 87 West, 6th P.M., whence the northeast corner of said Section 33, bears N 43°03' East 3197.8 feet. Date of appropriation for all ponds: November 30, 2005. Amount: Volume: 96 acre-feet, cumulative for all ponds, conditional. The volume of each pond is as follows: Middle Ranch Pond No. 1: surface area = 3.0 acres and volume = 27.6 af; Middle Ranch Pond No. 2: surface area = 0.55 acres and volume = 3.5 af; Middle Ranch Pond No. 3: surface area = 0.7 acres and volume = 4.9 af; Middle Ranch Pond No. 4: surface area = 1.0 acres and volume = 6.75 af; Middle Ranch Pond No. 5: surface area = 0.3 acres and volume = 1.8 af; Middle Ranch Pond No. 6: surface area = 1.1 acres and volume = 8.8 af; Middle Ranch Pond No. 7: surface area = 0.4 acres and volume = 2.6 af; Middle Ranch Pond No. 8: surface area = 2.0 acres and volume = 20 af; Middle Ranch Pond No. 9: surface area = 2.95 acres and volume = 20 af. Rate of diversion for filling ponds: Swearingen Ditch: 0.7 cfs, conditional. Cerise Brothers No. 1 Ditch: 3.19 cfs, conditional. Cerise Brothers No. 2 Ditch: 3.75 cfs, conditional. Highland No. 2 Ditch: 5.61 cfs, conditional. Uses for all ponds: Irrigation, augmentation, piscatorial, aesthetic, recreation, stock watering, and fire protection. Remarks: The Middle Ranch Pond Nos. 1-9 are a component part of Applicant's integrated water supply system. Integrated System. The Middle Ranch Pond Nos. 1-9 are part of an integrated water supply system to provide water to the Applicant's property in conjunction with the water rights decreed in Case Nos. 07CW87 and 07CW251. Pursuant to C.R.S. § 37-92-301(4)(b), work on any one feature of the water supply system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the system as a whole. The application includes a detailed outline of what has been done toward or for completion of the appropriations and application of water to beneficial use as conditionally decreed, including expenditures. Name and address of the owner or reputed owner of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Middle Ranch Pond Nos. 1-9: Applicant. Swearingen Ditch Headgate: Applicant. Cerise Brothers No. 1 Ditch Headgate and Cerise Brothers No. 2 Ditch Headgate: Two Lazy S Ranch, LLC, P.O. Box 3289, Basalt, CO 81621. Highland No. 2 Ditch Headgate: Barbara Sheffer, P.O. Box 2763, Basalt, CO 81621. Wherefore, the Applicant requests the Court to enter a decree finding and concluding that (i) the Middle Ranch Pond Nos. 1-9 are part of an integrated water supply system in conjunction with the water rights decreed in Case Nos. 07CW87 and 07CW251 serving the Applicant's property, and (ii) the Applicant has shown reasonable diligence in the development of the Middle Ranch Pond Nos. 1-9 and continuing such conditional water rights throughout the next diligence period.

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18CW3128 (07CW251) PITKIN COUNTY, TRIBUTARY TO DRY CREEK, WEST SOPRIS CREEK, SOPRIS CREEK, AND ROARING FORK RIVER. Application for Finding of Reasonable Diligence. Applicant: Deadwood Ranch I, LLC, 7000 Bahia Beach Blvd., Ocean Drive Residences, Unit 1102, Rio Grande, PR 00745, c/o Garfield & Hecht, P.C., 901 Grand Avenue, Suite 201, Glenwood Springs, CO 81601, (970)947-1936. Name of structure: Middle Ranch Ditch No. 1. Original Decree: Entered on August 23, 2012 in Case No. 07CW251, District Court, Water Division No. 5. Legal description of point of diversion: The headgate is located in Pitkin County in the SE ¼ SW ¼ of Section 27, Township 8 South, Range 87 West of the 6th P.M. a distance of 350 feet from the south section line and 2,510 feet from the west section line. See map attached to the application as Exhibit A. Source: An unnamed drainage tributary to Dry Creek (a/k/a Hell Roaring Creek) and all seeps, springs, drainages, tributaries, gullies, gulches, and drainage ditches tributary to said unnamed drainage which in any way contribute water to said unnamed drainage. Said unnamed

drainage is sometimes referred to as "Monique's Gulch." Dry Creek is tributary to West Sopris Creek, Sopris Creek, the Roaring Fork River, and the Colorado River. Date of Appropriation: December 31, 2007. Amount: 4.0 c.f.s., conditional. The cumulative rate of diversion for both Middle Ranch Ditch Nos. 1 and 2 is limited to 4.0 c.f.s. total. Uses: Aesthetic, irrigation by direct use, and filling of the Middle Ranch Pond Nos. 1-9 (decreed in Case No. 06CW267) for subsequent irrigation, augmentation, piscatorial, aesthetic, recreation, stock watering, and fire protection uses. Name of Structure: Middle Ranch Ditch No. 2. Original Decree: Entered on August 23, 2012 in Case No. 07CW251, District Court, Water Division No. 5. Legal description of point of diversion: The headgate is located in Pitkin County in the SW ¼ SE ¼ of Section 27, Township 8 South, Range 87 West of the 6th P.M. a distance of 945 feet from the south section line and 2,560 feet from the east section line. See Exhibit A map. Source: An unnamed drainage tributary to Dry Creek (a/k/a Hell Roaring Creek) and all seeps, springs, drainages, tributaries, gullies, gulches, and drainage ditches tributary to said unnamed drainage which in any way contribute water to said unnamed drainage. Said unnamed drainage is sometimes referred to as "Monique's Gulch." Dry Creek is tributary to West Sopris Creek, Sopris Creek, the Roaring Fork River, and the Colorado River. Date of Appropriation: December 31, 2007. Amount: 4.0 c.f.s., conditional. The cumulative rate of diversion for both Middle Ranch Ditch Nos. 1 and 2 is limited to 4.0 c.f.s. total. Uses: Aesthetic, irrigation by direct use, and filling of the Middle Ranch Pond Nos. 1-9 (decreed in Case No. 06CW267) for subsequent irrigation, augmentation, piscatorial, aesthetic, recreation, stock watering, and fire protection uses. Integrated System. The Middle Ranch Ditch Nos. 1-2 are part of an integrated water supply system to provide water to the Applicant's property in conjunction with the water rights decreed in Case Nos. 06CW267 and 07CW087. Pursuant to C.R.S. § 37-92-301(4)(b), work on any one feature of the water supply system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the system as a whole. The application includes a detailed outline of what has been done toward or for completion of the appropriations and application of water to beneficial use as conditionally decreed, including expenditures. Name and address of the owner or reputed owner of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including, any modification to the existing storage pool: Middle Ranch Ditch No. 1: Mike and Angie Falconite, 1500 Luigs Road, Paducah, KY 42001. Middle Ranch Ditch No. 2: Applicant. Wherefore, the Applicant requests the Court to enter a decree finding and concluding that (i) the Middle Ranch Ditch Nos. 1 and 2 are part of an integrated water supply system in conjunction with the water rights decreed in Case Nos. 06CW267 and 07CW87 serving the Applicant's property, and (ii) the Applicant has shown reasonable diligence in the development of the Middle Ranch Ditch Nos. 1 and 2 and continuing such conditional water rights throughout the next diligence period.

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18CW3129 (07CW87) PITKIN COUNTY, WEST SOPRIS CREEK TRIBUTARY TO SOPRIS CREEK AND ROARING FORK RIVER. Application for Finding of Reasonable Diligence. Applicant: Deadwood Ranch I, LLC, 7000 Bahia Beach Blvd., Ocean Drive Residences, Unit 1102, Rio Grande, PR 00745, c/o Garfield & Hecht, P.C., 901 Grand Avenue, Suite 201, Glenwood Springs, CO 81601, (970)947-1936. Name of exchange: Middle Ranch Exchange. Original Decree: Entered on August 23, 2012 in Case No. 07CW87, District Court, Water Division No. 5. Location: West Sopris Creek between the headgate of the Highland No. 2 Ditch (upstream terminus) and the confluence with Dry Creek (downstream terminus) as those points are depicted on the map attached as Exhibit A to the application and described below. Upstream Terminus: Highland No. 2 Ditch: Located in the SW¼ NE¼ of Section 33, Township 8 South, Range 87 West of the 6th P.M. at a point approximately 2,130 feet from the east section line and 2,380 feet from the north section line. Downstream Terminus: Confluence of West Sopris Creek and Dry Creek: Located in the NE¼ NW¼ of Section 27, Township 8 South, Range 87 West of the 6th P.M., at a point approximately 2,230 feet from the west section line and 550 feet from the north section line. Source: Release of water stored in Middle Ranch Ponds and West Sopris Creek. Date of Appropriation: April 30, 2007. Amount: 54.6 acre-feet, conditional. Rate: 0.17 c.f.s., conditional. Use Enabled by Exchange: Irrigation of 6 new acres of land and pond filling and refilling to replace evaporation. Integrated System. The Middle Ranch Exchange is part of an integrated water supply system to provide water to the Applicant's property in conjunction with the water rights decreed in Case Nos. 06CW267 and 07CW251. Pursuant to C.R.S. § 37-92-301(4)(b), work on any one feature of the water supply system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the system as a whole. The application includes a detailed outline of what has been done toward or for completion of the appropriation and application

of water to beneficial use as conditionally decreed, including expenditures. Wherefore, the Applicant requests the Court to enter a decree finding and concluding that (i) the Middle Ranch Exchange is part of an integrated water supply system serving the Applicant's property and (ii) the Applicant has shown reasonable diligence in the development of the Middle Ranch Exchange and continuing such conditional right of exchange throughout the next diligence period.

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18CW3130 MESA COUNTY, COLORADO RIVER. Application for Absolute Water Right. Thomas & Ginger Latham c/o Jeff Hout & Ryan Jarvis of Beattie, Hout & Jarvis, 932 Cooper Ave, Glenwood Springs, 970-945-8659. Structure: Latham Spring. Location: In the SE¼SW¼ of Sec 16, T 8 S, R 99 W 6th PM at a point having the following coordinates: Easting: 203670.1696; Northing: 4361822.3605. Source: Spring trib to South Dry Fork, trib to Dry Fork, trib to Roan Creek, trib to Colo River. Date of appropriation: 05/30/89. Date of beneficial use: 05/30/89. Amount: 5 gpm, absolute. Use: Stockwatering. Owners of land: Applicants. (3 pages)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2018 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$158.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

11. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2018. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

18CW3131 (11CW59, 03CW307) PITKIN COUNTY – PRINCE CREEK, TRIBUTARY TO CRYSTAL RIVER AND ROARING FORK RIVER. Ranch I, LLC c/o Paul L. Noto, Esq. and Jason M. Groves, Esq., Patrick, Miller & Noto, P.C., 197 Prospector Road, Suite 2104A, Aspen, CO 81611, (970) 920-1030. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE. **First Claim - Diligence:** Beaver Camp Ditch No. 1. Original Decree: April 5, 2005, Case No. 03CW307 Division 5 Water Court. Legal: SW ¼, SE ¼ of Section 31, Township 8 South, Range 87 West of the 6th P.M., approximately 803 feet from the south section line and 1,350 feet from the east section line of said Section 31. Source: Prince Creek, tributary to Crystal River and Roaring Fork River. Appropriation date: February 25, 2003. Amount: 0.55 c.f.s., conditional. 1.45 c.f.s. of total 2.0 c.f.s. previously made absolute. Use: Fill Beaver Creek Ponds Nos. 1 and 2. **Second Claim – Diligence & Absolute:** Beaver Camp Pond No. 2. Original Decree: April 5, 2005, Case No. 03CW307 Division 5 Water Court. Legal: SE ¼, SE ¼ of Section 31, Township 8 South, Range 87 West of the 6th P.M., approximately 860 feet from the south section line and 1,236 feet from the east section line of said Section 31. Source: Prince Creek, tributary to Crystal River and Roaring Fork River. Appropriation date: February 25, 2003. Amount: 0.4 c.f.s., conditional, with right to fill and refill. Use: Piscatorial, recreational, firefighting, aesthetic, and augmentation purposes. Claim for absolute: Date of beneficial use: September 30, 2005. Amount: 0.4 acre-feet. Use: All decreed uses described above. Place of use is Applicant's property. **Third Claim – Diligence & Absolute:** Beaver Camp Pond No. 3. Original Decree: April 5, 2005, Case No. 03CW307 Division 5 Water Court. Legal: SE ¼, SE ¼ of Section 31, Township 8 South, Range 87 West of the 6th P.M., approximately 1,258 feet from the south section line and 958 feet from the east section line of said Section 31 (for 1.31 acre-feet); and SE ¼, SE ¼ of Section 31, Township 8 South Range 87 West of the 6th P.M., approximately 860 feet from the south section line and 1,236 feet from the east section line of Said Section 31 (for 0.09 acre-feet). Source: Prince Creek, tributary to Crystal River and Roaring Fork River. Appropriation date: February 25, 2003. Amount: 0.65 acre-feet, conditional, with the right to fill and refill. 0.75 acre-feet of original 1.4 acre-feet previously made absolute. Uses: Piscatorial, recreational, firefighting, and aesthetic. Claim for absolute: Date of beneficial use: September 30, 2005. Amount: 0.09 acre-feet, 0.56 acre-feet remaining conditional. Use: All decreed uses described above. Place of use is Applicant's property. Applicant owns the land where the above

structures are located and water is put to beneficial use. Subject water rights are components of an integrated water supply project serving Applicant's property. Map of water rights and place of use is on file with the court as Exhibit A. A description of work done toward completion of appropriation of water rights is included in the Application on file with the court.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2018 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$158.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

12. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2018. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

18CW3132 (11CW61, 03CW322) PITKIN COUNTY – THOMAS CREEK, TRIBUTARY TO CRYSTAL RIVER AND ROARING FORK RIVER. Ranch I, LLC and Ranch IV, LLC c/o Paul L. Noto, Esq. and Jason M. Groves, Esq., Patrick, Miller & Noto, P.C., 197 Prospector Road, Suite 2104A Aspen, CO 81611, (970) 920-1030. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND CLAIM TO MAKE ABSOLUTE IN PART. **First Claim - Diligence:** Cow Camp Pipeline No. 1. Original Decree: April 5, 2005, Case No. 03CW322 Division 5 Water Court. Legal: NE ¼, SE ¼ of Section 36, Township 8 South, Range 88 West of the 6th P.M., approximately 1,920 feet from the south section line and 86 feet from the east section line of said Section 36. Source: Thomas Creek. Appropriation date: February 25, 2003. Amount: 2.0 c.f.s., conditional. Use: Fill Cow Camp Pond. **Second Claim - Diligence:** Homestead Pump Back Pipeline. Original Decree: April 5, 2005, Case No. 03CW322 Division 5 Water Court. Legal: SE ¼, NW ¼ of Section 31, Township 8 South, Range 87 West of the 6th P.M., approximately 2,736 feet from the south section line and 1,862 feet from the west section line of said Section 31. Source: An intermittent unnamed draw tributary to Thomas Creek as described in the Application on file with the court. Appropriation date: February 25, 2003. Amount: 2.87 c.f.s. conditional. 0.13 c.f.s. of original 3.0 c.f.s. previously made absolute. Use: Recirculate water into Homestead Pond Nos. 1-3. **Third Claim – Diligence & Absolute:** Cow Camp Pond. Original Decree: April 5, 2005, Case No. 03CW322 Division 5 Water Court. Legal: NE ¼, SE ¼ of Section 36, Township 8 South, Range 88 West of the 6th P.M., approximately 2,182 feet from the south section line and 620 feet from the east section line of said Section 33. Source: Thomas Creek. Appropriation date: February 25, 2003. Amount: 20.0 acre-feet, conditional. Use: Piscatorial, recreational, firefighting, aesthetic, and augmentation. Claim for absolute: Date applied to beneficial use: September 30, 2007. Amount: 12.66 acre-feet, absolute, 7.34 acre-feet remaining conditional. Use: All decreed uses described above. Place of use is on Applicant's property. **Fourth Claim – Diligence:** Homestead Camp Pond No. 1. Original Decree: April 5, 2005, Case No. 03CW322 Division 5 Water Court. Legal: SW ¼, NE ¼ of Section 31, Township 8 South, Range 87 West of the 6th P.M., approximately 3,065 feet from the south section line and 2,781 feet from the west section line of said Section 31. Source: On-channel receiving its supply from seeps, springs and irrigation return flow from the Bane Meadow, tributary to Thomas Creek. Appropriation date: February 25, 2003. Amount: 1.06 acre-feet, conditional, with right to fill and refill. 2.44 acre-feet of original 3.5 acre-feet previously made absolute. Use: Piscatorial, recreational, firefighting, and aesthetic. **Fifth Claim – Diligence:** Homestead Camp Pond No. 2. Original Decree: April 5, 2005, Case No. 03CW322 Division 5 Water Court. Legal: SE ¼, NW ¼ of Section 31, Township 8 South, Range 87 West of the 6th P.M., approximately 2,878 feet from the south section line and 2,311 feet from the west section line of said Section 31. Source: On-channel receiving its supply from seeps, springs and irrigation return flow from the Bane Meadow, tributary to Thomas Creek. Appropriation date: February 25, 2003. Amount: 1.23 acre-feet, conditional, with right to fill and refill. 7.47 acre-feet of original 7.7 acre-feet previously made absolute. Use: Piscatorial, recreational, firefighting, and aesthetic. **Sixth Claim – Diligence:** Homestead Camp Pond No. 3. Original Decree: April 5, 2005, Case No. 03CW322 Division 5 Water Court. Legal: SE ¼, NW ¼ of Section 31, Township 8 South, Range 87 West of the 6th P.M., approximately 2,703 feet from the south section line and 1,858 feet from the west section line of said Section 31. Source: On-channel receiving its supply from seeps, springs and irrigation return flow from the Bane Meadow, tributary to Thomas Creek. Appropriation date: February 25, 2003. Amount: 0.36 acre-feet, conditional, with right to fill and refill. 0.84 acre-feet of original 1.2 acre-feet previously made absolute. Use: Piscatorial, recreational, firefighting, and aesthetic. **Seventh Claim – Diligence:** Homestead Camp Pond No. 4. Original Decree: April 5, 2005, Case No. 03CW322 Division 5 Water Court. Legal: NW ¼, SW ¼ of Section 31, Township 8 South, Range 87 West of the 6th P.M., approximately 2,359 feet from the south section line and 1,140 feet from the west section line of said Section 31. Source: On-channel receiving its supply from seeps, springs and irrigation return flow from the Bane Meadow, tributary to Thomas Creek. Appropriation date: February 25, 2003. Amount: 0.02 acre-feet, conditional, with right to fill and refill. 0.38 acre-feet of original 0.4 acre-feet previously made absolute. Use: Piscatorial, recreational, firefighting, and aesthetic. **Eighth Claim – Diligence:** Homestead Camp Pond No. 5. Original Decree: April 5, 2005, Case No. 03CW322 Division 5 Water Court. Legal: NE ¼, SW ¼ of Section 31, Township 8 South, Range 87 West of the 6th P.M., approximately 2,510 feet from the south section line and 1,460 feet from the west

section line of said Section 31. Source: On-channel receiving its supply from seeps, springs and irrigation return flow from the Bane Meadow, tributary to Thomas Creek. Appropriation date: February 25, 2003. Amount: 0.25 acre-feet, conditional, with right to fill and refill. 0.35 acre-feet of original 0.6 acre-feet previously made absolute. Use: Piscatorial, recreational, firefighting, and aesthetic. **Ninth Claim – Diligence:** Homestead Exchange. Original Decree: April 5, 2005, Case No. 03CW322 Division 5 Water Court. Legal: Lower terminus - NE ¼, SE ¼ of Section 36, Township 8 South, Range 88 West of the 6th P.M., approximately 2,182 feet from the south section line and 620 feet from the east section line of said Section 33. Upper terminus - SW ¼, NE ¼ of Section 31, Township 8 South, Range 87 West of the 6th P.M., approximately 3,065 feet from the south section line and 2,781 feet from the west section line of said Section 31. Source: Thomas Creek. Appropriation date: February 25, 2003. Amount: 2.988 c.f.s., conditional. 0.012 c.f.s. of original 3.0 c.f.s. previously made absolute. Use: Augmentation by exchange. Map of water rights and place of use is on file with the court as Exhibit A. Engineering Plans on file with the court as Exhibit B. A description of work done toward completion of appropriation of water rights is included in the Application on file with the court. The subject water rights are component parts of an integrated water supply project as decreed in Case No. 03CW322. Applicants own the land where the above structures are located and water is put to beneficial use.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2018 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$158.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

13. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2018. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

18CW3133 MESA COUNTY - COLORADO RIVER; Laura Sudler 1993 Trust; c/o John R. Pierce, Dufford, Waldeck, Milburn & Krohn, LLP, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; Application for Storage Rights and Surface Water Right; Name and contact information of applicant: Laura Sudler 1993 Trust, P.O. Box 114, Mesa, CO 81643; Request for storage rights: Name of structures: Brook Pond, Native Pond, Brown Pond, Rainbow Pond; Legal descriptions: NE¼ SW¼ of Section 30, Township 10 South, Range 96 West of the 6th P.M. The center of the dam for each pond will be located as follows:

Pond	Feet from South Section Line	Feet from East Section Line
Brook Pond	1,950	3,500
Native Pond	2,250	3,500
Brown Pond	2,600	3,400
Rainbow Pond	2,550	2,800

Source: Brook Spring, run-off, seepage and return flows tributary to Tate Creek, tributary to Mesa Creek, tributary to Plateau Creek, tributary to the Colorado River; Date of appropriation: June 1, 2017; Date water applied to beneficial use: N/A; Amount claimed: (all active); Brook Pond: 2.5 acre-feet, conditional; Native Pond: 5.0 acre-feet, conditional; Brown Pond: 7.5 acre-feet, conditional; Rainbow Pond: 8.0 acre-feet, conditional; Use: storage, irrigation, livestock watering, domestic, piscatorial, wetlands creation, wildlife watering, evaporation, fire protection, augmentation, and exchange, with right to fill and refill in priority. Irrigation use will occur on approximately 30 acres located east and west of the ponds; Surface area of high water line: Brook Pond: 0.5 acres; Native Pond: 0.75 acres; Brown Pond: 1.0 acre; Rainbow Pond: 1.0 acre; Dimensions of dams: The height of water stored in each structure will not exceed 10 vertical feet; Length of dams: Brook Pond: 150 feet; Native Pond: 180 feet; Brown Pond: 210 feet; Rainbow Pond: 210 feet; Request for surface water right: Name of structure: Brook Spring; Legal description: At a point 1,900 feet from the south section line and 3,500 feet from the east section line in the NE¼ SW¼ of Section 30, Township 10 South, Range 96 West of the 6th P.M.; Source: Surface water tributary to Tate Creek, tributary to Mesa Creek, tributary to Plateau Creek, tributary to the Colorado River; Date of appropriation: June 1, 2017; Date of beneficial use: N/A; Amount claimed: 0.50 c.f.s., conditional; Use: Filling the above-described ponds, irrigation, livestock watering, domestic, wildlife watering, fire protection, augmentation, and exchange. (4 pages)

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14. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF AUGUST 2018. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.*

18CW3027 Douglas L. Zook, P.O. Box 1750, Granby, CO 80446, (970) 531-8563 (c/o Jennifer M. DiLalla, John E. Peckler, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Blvd., Suite 300, Boulder, CO 80302) **AMENDED APPLICATION FOR CONDITIONAL WATER RIGHTS AND PLAN FOR AUGMENTATION INCLUDING EXCHANGE IN GRAND COUNTY**

2. Purpose of Amended Application: Applicant owns Crestview Ranch, a short-term rental property located in Granby, Colorado. Crestview Ranch's rentals focus on weddings, reunions, and retreats. In the original Application filed on March 2, 2018, Applicant sought conditional ground water rights for two wells that supply or will supply water to Crestview Ranch, along with a plan for augmentation to allow the wells to continue to pump when those ground water rights are not in priority. In the Summary of Consultation filed on July 3, 2018, the Division Engineer raised questions about the adequacy of the Applicant's proposed augmentation supply. Subsequently, the Water Commissioner raised questions about an existing pond on Crestview Ranch. In response to those questions, Applicant files this Amended Application seeking conditional ground water rights for two wells to supply water to Crestview Ranch, along with a plan for augmentation within which the wells will operate; a conditional recharge water right to be used for augmentation and replacement purposes within the plan for augmentation; and a conditional storage water right for the existing pond on Crestview Ranch.

3. Conditional ground water rights: 3.1 Crestview Ranch Well No. 1 3.1.1 Location: SE ¼ NW ¼ Section 34, Township 2 North, Range 76 West of the 6th P.M., 2,840 feet from the south section line and 1,520 feet from the west section line of said Section 34, in Grand County, Colorado, as shown on Exhibit A. Approximate UTM coordinates of the well are 423595 Easting, 4438268 Northing, NAD 83, Zone 13. The street address of Crestview Ranch is 1463 County Road 608, Granby, CO, 80446 (Great Divide Head Lettuce Colony Subdivision, Lot 27). 3.1.2 Depth: 127 feet. 3.1.3 Existing Permit: 195865-A. Applicant will re-permit the well following entry of a decree in this case. 3.1.4 Source: Ground water tributary to Smith Creek, tributary to the Colorado River. 3.1.5 Rate claimed: 15 gallons per minute ("gpm"), CONDITIONAL. 3.1.6 Volume claimed: 4.6 acre-feet per year, CONDITIONAL, cumulative with the volume decreed to Crestview Ranch Well No. 2, as described in paragraph 3.2 below. 3.1.7 Appropriation date: March 2, 2018. 3.1.8 How appropriation initiated: By the filing of the original Application. 3.1.9 Use: Those beneficial uses associated with current and future operation of Crestview Ranch, including without limitation commercial use; domestic indoor use at existing facilities and a planned caretaker or staff residence; landscape irrigation of approximately 10,000 square feet of bluegrass lawn and 1,000 square feet of trees, shrubs, flowers, and gardens; livestock watering; wash-down of equipment and outdoor facilities; hot tub use; and maintenance of water levels in Crestview Ranch Pond by replacement of evaporation and seepage losses. The location of all uses will be Crestview Ranch, as described in paragraph 3.1.1 above and as shown on Exhibit A. Use for maintenance of water levels will be within the high-water line of Crestview Ranch Pond. 3.1.10 Plan for augmentation: As described in paragraph 5 below, Crestview Ranch Well No. 1 will operate under the plan for augmentation for which Applicant seeks approval herein.

3.2 Crestview Ranch Well No. 2 3.2.1 Location: SE ¼ NW ¼ Section 34, Township 2 North, Range 76 West of the 6th P.M., 2,500 feet from the north section line and 1,940 feet from the west section line of said Section 34, in Grand County, Colorado, as shown on Exhibit A. Approximate UTM coordinates of the well are 423724 Easting, 4438231 Northing, NAD 83, Zone 13. The street address of Crestview Ranch is as provided in paragraph 3.1.1 above. 3.2.2 Depth: N/A (not yet completed). 3.2.3 Existing permit: None. Applicant will permit the well following entry of a decree in this case. 3.2.4 Source: Ground water tributary to Smith Creek, tributary to the Colorado River. 3.2.5 Rate claimed: 15 gpm, CONDITIONAL. 3.2.6 Volume claimed: 4.6 acre-feet per year, CONDITIONAL, cumulative with the volume claimed for Crestview Ranch Well No. 1, as described in paragraph 3.1 above. 3.2.7 Appropriation date: March 2, 2018. 3.2.8 How appropriation initiated: By the filing of the original Application. 3.2.9 Use: All beneficial uses also claimed for Crestview Ranch Well No. 1, as described in paragraph 3.1.9 above. 3.2.10 Plan for augmentation: As described in paragraph 5 below, Crestview Ranch Well No. 2 will operate under the plan for augmentation for which Applicant seeks approval herein.

4. Crestview Ranch Recharge Right: 4.1 Location: The Crestview Ranch Recharge Site will be located in the SE ¼ NW ¼ and the SW ¼ NW ¼ Section 34, Township 2 North, Range 76 West of the 6th P.M., 2,058 feet from the north section line and 1,227 feet from the west section line of said Section 34, in Grand County, Colorado, as shown on Exhibit A. Approximate UTM coordinates of the Recharge Site are 423535 Easting, 4438386 Northing, NAD 83, Zone 13. 4.2 Source: Strawberry Creek. Applicant will divert water at the Vail Irrigation System Headgate No. 2 for delivery to the Recharge Site via the Vail Ditch. 4.3 Rate claimed: 1.0 cfs, CONDITIONAL. 4.4 Volume claimed: 4.0 acre-feet per year, CONDITIONAL. 4.5 Appropriation date: August 29, 2018. 4.6 How appropriation initiated: By the filing of the Amended Application. 4.7 Use: Recharged water will be used for fully consumptive augmentation and replacement purposes within the plan for augmentation described in paragraph 5 below.

5. Plan for augmentation 5.1 Structures to be augmented: Crestview Ranch Well No. 1 and Crestview Ranch Well No. 2, as described in paragraphs 3.1 and 3.2 above ("Augmented Structures"). The locations of the Augmented Structures are shown on Exhibit A. 5.2 Location of depletions: Depletions attributable to pumping of the Augmented Structures will impact Smith Creek, tributary to the Colorado River, at a point approximately in the center of Section 28, Township 2 North, Range

76 West of the 6th P.M., as shown on Exhibit A ("Depletion Location"). 5.3 Water rights to be used for augmentation: 5.3.1 The Crestview Ranch Recharge Right, as described in paragraph 4 above. Recharge credits will accrue to Smith Creek, tributary to the Colorado River, at a point approximately in the center of Section 28, Township 2 North, Range 76 West of the 6th P.M., as shown on Exhibit A ("Accretion Location"). Applicant's consultant has determined the amount and timing of the recharge credits' accrual to the stream, as shown on Table 4 of Exhibit B, and Applicant will account for the amount and timing of such accretions. The Crestview Ranch Recharge Right is intended as Applicant's primary augmentation supply. 5.3.2 The Crestview Ranch Pond storage water right, as described in paragraph 6 below. The Crestview Ranch Pond water right is intended as Applicant's backup augmentation supply. 5.3.3 Applicant's approved Water Allotment Contract with the Middle Park Water Conservancy District ("Middle Park District") for an annual entitlement to 0.8 acre-foot of fully consumable Windy Gap Project water available to the Middle Park District under the Windy Gap Agreement dated April 30, 1980, as supplemented ("Middle Park Contract"). 5.3.3.1 The Middle Park Contract is intended as Applicant's backup augmentation supply. During the period of the Court's retained jurisdiction over the plan for augmentation, Applicant may seek to demonstrate that the Crestview Ranch Recharge Right, in combination with the Crestview Ranch Pond storage water right, is a sufficient augmentation supply to allow Applicant to operate the augmentation plan without injury to the vested or decreed conditional water rights of others; and that Applicant therefore may release the Middle Park Contract. 5.3.3.2 The Windy Gap Project water rights were decreed in Civil Action 1768, District Court, Grand County; and in Case Nos. W-4001, 80CW108, 85CW135, 88CW169, 88CW170, 88CW171, and 89CW298, District Court, Water Division No. 5. Applicant will use Windy Gap Project water through releases from Granby Reservoir, which is located on the Colorado River upstream of its confluence with Smith Creek and with the Fraser River. The outlet structure for Granby Reservoir is located in the NE1/4 SE1/4 of Section 11, Township 2 North, Range 76 West of the 6th P.M., in Grand County, Colorado, as shown on the map attached as Exhibit C. As an alternate source of augmentation supply, Applicant may use a portion of the 3,000 acre-feet of water available to the Middle Park District in Wolford Mountain Reservoir by virtue of an agreement dated December 17, 1992, between the Colorado River Water Conservation District, the Board of County Commissioners of Grand County, and the Middle Park District. The Middle Park District's supply in Wolford Mountain Reservoir is part of the storage water right decreed in Case No. 87CW283. The outlet structure for Wolford Mountain Reservoir is located in the SW1/4 of the NE1/4 of Section 25, Township 2 North, Range 81 West of the 6th P.M., on Muddy Creek, tributary to the Colorado River, as shown on Exhibit C. 5.3.4 Consistent with section 37-92-305(8)(c), C.R.S., additional or alternative sources of replacement water, including water leased on a yearly or less frequent basis, provided that the use of such additional or alternative sources is part of a substitute water supply plan approved pursuant to section 37-92-308, C.R.S., or if such sources are decreed for such use. 5.4 Statement of plan for augmentation: 5.4.1 Replacement of out-of-priority depletions: Applicant's consultant has determined the amount and timing of the impact to the stream from depletions attributable to pumping of the Augmented Structures, as shown on Table 4 of Exhibit B. Applicant will account for the amount and timing of such depletions. 5.4.1.1 When depletions attributable to pumping of the Augmented Structures are out of priority, they will be replaced with fully consumable recharge credits accruing to the stream at a constant rate under the Crestview Ranch Recharge Right. Because of the proximity of the Crestview Ranch Recharge Site to Crestview Well No. 1 and Crestview Well No. 2, the Depletion Location and Accretion Location are identical. 5.4.1.2 In the event that the Crestview Ranch Recharge Right does not generate sufficient recharge accretions to replace all out-of-priority depletions, Applicant will replace any remaining out-of-priority depletions with fully consumable water available under either the Crestview Ranch Pond storage water right or the Middle Park Contract. To the extent that replacement with water available under the Middle Park Contract entails the operation of a water exchange project as described in C.R.S. §§ 37-92-103(9) and 37-92-305(3)(a), Applicant hereby claims such a water exchange project as an element of the plan for augmentation described herein. Under the water exchange project, the maximum instantaneous rate of exchange will be 0.003 cfs; the maximum annual volume of exchange will be 1.98 acre-feet. The exchange-to point will be the Depletion Location, as described in paragraph 5.2 above; the exchange-from point will be the confluence of Smith Creek and the Colorado River for water delivered from Granby Reservoir, or the location of the outlet structure for Wolford Mountain Reservoir, as described in paragraph 5.3.2.2 above, for water delivered from that reservoir. The use of any such exchanged water will be augmentation and replacement within the plan for augmentation described herein. 5.4.2 Calculation of depletions: Applicant will calculate the amount of depletions attributable to pumping of the Augmented Structures as follows, and as summarized in the tables attached as Exhibit B. 5.4.2.1 Indoor use: Indoor wastewater will be treated with an onsite septic system. Consumptive use of water pumped for indoor use will be calculated as 10% of pumping for such use. 5.4.2.2 Landscape irrigation use: Consumptive use of water pumped for irrigation of bluegrass will be calculated as 80% of pumping for such use. Consumptive use of water pumped for irrigation of trees, shrubs, flowers, and gardens will be calculated as 95% of pumping for such use. 5.4.2.3 Water level maintenance use (replacement of evaporation and seepage losses): Consumptive use of water pumped for maintenance of water levels in Crestview Ranch Pond will be calculated as shown on Table 3 within Exhibit B. Because seepage losses will accrue to the stream system, there is no consumptive use associated with replacement of those losses. 5.4.2.4 All other uses: Consumptive use of water pumped for livestock watering, wash-down, and hot tub use will be calculated as 100% of pumping for such uses. 5.4.3 Estimated demand: As shown on Table 4 within Exhibit B, for all beneficial uses, Applicant's annual pumping demand will total approximately 4.6 acre-feet, and Applicant's annual depletions will total approximately 1.984 acre-feet. 6. Crestview Ranch Pond storage water right: 6.1 Location: The Crestview Ranch Pond is located in the SE 1/4 NW 1/4 Section 34, Township 2 North, Range 76 West of the 6th P.M., 2,175 feet from the north section line and 1,458

feet from the west section line of said Section 34, in Grand County, Colorado, as shown on Exhibit A. Approximate UTM coordinates of the Crestview Ranch Pond are 423594 Easting, 4438347 Northing, NAD 83, Zone 13. 6.2 Maximum surface area: 0.929 acres. 6.3 Maximum storage volume: 2.112 acre-feet, as shown on Table 5 of Exhibit B. 6.4 Source: Strawberry Creek. Applicant will divert water at the Vail Irrigation System headgate No. 2 for delivery to Crestview Ranch Pond via the Vail Ditch. 6.5 Rate claimed: 1.0 cfs, CONDITIONAL. 6.6 Volume claimed: 4.224 acre-feet per year, CONDITIONAL, which is the volume of water needed to fill and re-fill the pond. 6.7 Appropriation date: August 29, 2018. 6.8 How appropriation initiated: By the filing of this Amended Application. 6.9 Use: Stored water will be used within the high-water mark of Crestview Ranch Pond for recreational, piscatorial, and wildlife purposes. Water will be used after storage for irrigation and livestock-watering purposes on Crestview Ranch; and for augmentation and replacement purposes within the plan for augmentation described in paragraph 5 above. 7. Owner(s) of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored: Applicant. WHEREFORE, Applicant respectfully requests that the Court enter a decree confirming the conditional water rights described in paragraphs 3, 4, and 6 above; approving the plan for augmentation described in paragraph 5 above; and determining that operation of the plan for augmentation will not cause injury to the vested or decreed conditional water rights of others.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of OCTOBER 2018 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$158.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.