

## DIVISION 5 WATER COURT-APRIL 2021 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 APRIL 2021. *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.***

**21CW3062 (14CW3139/01CW187) IN GARFIELD, PITKIN, SUMMIT AND EAGLE COUNTIES, COLORADO APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE.** 1. Names, addresses and telephone numbers of Applicants: (All filings and notices should be provided to Applicants' respective counsel.) A. Carbondale Investments, LLC. c/o Ted Skokos 5121 Park Lane, Dallas, Texas 75220, Telephone: (214) 600-0000. c/o BROWNSTEIN HYATT FARBER SCHRECK, LLP, Wayne F. Forman, #14082, 410 17th Street, Suite 2200, Denver, CO 80202, Phone: (303) 223-1100, Fax: (303) 223-1111, E-mail: wforman@bhfs.com, Roaring Fork Water and Sanitation District, c/o Scott Grosscup, P.O. Box 790, Glenwood Springs, CO 81602, Telephone: (970) 945-6546. 2. Name of Structure: Appropriative Right of Exchange. 3. Description of Conditional Water Right: A. Date of original decree: Case No. 2001CW0187; dated November 4, 2008; District Court, Water Division 5, Colorado. B. Subsequent decrees awarding findings of diligence: Case No. 2014CW3139; dated April 25, 2015; District Court, Water Division 5, Colorado. C. Legal description: The reach of the exchange is between the confluence of the Colorado and the Roaring Fork Rivers, and the points of withdrawal for the Aspen Glen and Coryell Ranch Wells and the Roaring Fork Diversion as described in section II.A., paragraph 7.B. of the decree in Case No. 01CW187. The downstream terminus of the exchange is in the SE¼ of the NW¼, Section 9, Township 6 South, Range 89 West of the 6<sup>th</sup> P.M., 2,150 feet from the north Section line and 2,286 feet from the west Section line. The upstream terminus of the exchange is in the SE¼ of the NE¼ of Section 29, Township 7 South, Range 88 West of the 6<sup>th</sup> P.M., 2,086.54 feet from the north Section line and 86.95 feet from the East Section line. *See* Exhibit A. D Source: Roaring Fork River, tributary to the Colorado River. E. Appropriation date: December 31, 2007; Amount: 0.033 c.f.s. F. Use: Applicants' plan for augmentation incorporates an exchange of water rights currently stored in Green Mountain Reservoir for use in the Roaring Fork River to augment out of priority depletions caused by withdrawals under the Basalt Conduit water right through the alternate points of withdrawal. Green Mountain Reservoir is located on the Blue River, tributary to the Colorado River. Augmentation water may be released from Green Mountain Reservoir pursuant to a Basalt Water Conservancy District contract and delivered to the confluence of the Colorado and Roaring Fork Rivers. G. Depth: N/A. 4. Detailed outline of work done toward completion of the appropriation: During the relevant diligence period, Applicant Carbondale Investments, LLC ("Carbondale"), together with Garfield County Commercial Investments, LLC ("GCCCI"), its affiliate which owns a portion of the property on which the subject water right will be used, has expended more than a million dollars to pursue and maintain the entitlements, approvals, property rights and contract rights necessary to develop the property to allow the subject conditional water rights to be put to beneficial use. The specific diligence activities undertaken by the Applicants include, but are not limited to, the following: A. Carbondale pursued an amendment of its PUD in order to relocate the primary access point to the proposed Development and sought to rezone for commercial development the portion of the property owned by GCCCI, lying between the Rio Grande Trail and State Highway 82. In that effort, Carbondale engaged the law firm of Brownstein Hyatt Farber Schreck, LLP ("Brownstein"), HDR Engineering, the law firm of Garfield & Hecht, P.C. ("G&H"), Galloway and Company, a land planning firm, and EIS Solutions, a consulting firm. The portion of that effort that occurred during the relevant diligence period required the expenditure of approximately \$500,000. That effort, which in total cost over \$1 million, included conducting detailed traffic analyses and obtaining an access permit on SH82 from CDOT, conducting a survey on the desirability of the commercial development, conducting and presenting a legal analysis of Garfield County Land Development Code rezoning criteria, and presenting supporting evidence and information at public hearings before the County Planning Commission and Board of County Commissioners. B. Carbondale engaged G&H to extend development approvals and vested rights previously obtained for the River Edge PUD residential subdivision to be located on the Carbondale and GCCCI properties. On November 7, 2016, the Garfield County Board of County Commissioners approved an amendment to the Carbondale Development Agreement extending that agreement and the vested rights established therein from December 23, 2016, to November 7, 2021. G&H also provided consultation regarding the land use processes and approvals necessary to either (1) incorporate the GCCCI parcels into the River Edge project or (2) develop those parcels under a separate plan. In 2017, G&H pursued a successful tax appeal for both Carbondale and GCCCI, resulting in a valuation reduction of \$770,114 among all of the Carbondale and GCCCI parcels. G&H's total fees and costs for this work was approximately \$30,873.97. C. In December 2016, G&H was also retained as counsel for Cattle Creek Metropolitan District, which was created in 2012 to encompass only the Carbondale and GCCCI parcels. The District's purpose is to finance the construction of access and road improvements, to provide ongoing operations and maintenance services for those improvements, and to establish a governmental entity as required by the PUC rules governing public railroad crossings. The District will be an integral part of developing the project that will put the subject water rights to beneficial use. Carbondale & GCCCI have incurred more than \$11,000 in fees and costs for this representation. D. Carbondale paid the Thompson Glen Ditch Company over \$70,000 in assessments in connection with Carbondale's Glenwood Ditch water stock, which are used for irrigation and will be used for augmentation in connection with the development of the property. E. Carbondale successfully pursued, with representation by the Brownstein firm, a diligence application for complementary conditional water rights to be used on the Development in Case No. 17CW3194, namely, the Coryell Ranch Roaring Fork Diversion River Edge Enlargement, REC Well Field, REC Roaring Fork Diversion and River Edge Exchange. Brownstein also represented Carbondale on several other water-rights-related matters, including discussions with the Basalt Water Conservancy District and organizing and summarizing all of the water rights held to serve the property. Carbondale paid approximately \$30,000 for these water rights activities. F. Carbondale engaged Ultimate Prosperity Planners to irrigate, plant and maintain the tree farm on the property, rid the property of noxious weeds, and perform other on-the-ground maintenance of the property, at a cost of approximately \$58,000. G. Resource Engineering, Inc. provided water resource engineering services for the project, , at a cost of approximately \$5,000. H. Carbondale paid approximately \$63,000 to retain its contract rights to water with the Basalt Water

Conservancy District. I. Economic & Planning Systems performed a market study and a fiscal impact analysis for the Development in 2016, at a cost of approximately \$40,000. J. Carbondale and GCCI have paid in excess of \$400,000 in property taxes to Garfield County for the property. K. Carbondale has paid approximately \$163,000 to the Roaring Fork Conservancy with respect to the Conservancy's easement on a portion of the property bordering the Roaring Fork River. In addition to the actions and expenditures by Carbondale, the Roaring Fork Water and Sanitation District expanded its wastewater treatment plant at a cost of more than \$4.2 million, which capacity is available to serve the Development. 5. If claim to make absolute: N/A. 6. Name(s) and address(es) of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored. Applicants. WHEREFORE, the Applicants, request that the Court enter decree: A. Finding that Applicants have been reasonably diligent in finalizing the appropriation of the subject conditional water rights; B. Continuing the conditional appropriative right of exchange; and C. Granting such other relief as the Court deems just and proper. **YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JUNE 2021 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: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**2. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF APRIL 2021. *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.***

**21CW3063 (14CW3140 & 01CW0188) IN GARFIELD, PITKIN, SUMMIT AND EAGLE COUNTIES, COLORADO. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE** 1. Names, addresses and telephone numbers of Applicants: (All filings and notices should be provided to Applicant's counsel.). A. Carbondale Investments, LLC. c/o Ted Skokos 5121 Park Lane, Dallas, Texas 75220, Telephone: (214) 600-0000. c/o BROWNSTEIN HYATT FARBER SCHRECK, LLP, Wayne F. Forman, #14082, 410 17th Street, Suite 2200, Denver, CO 80202, Phone: (303) 223-1100, Fax: (303) 223-1111, E-mail: wforman@bhfs.com. 2. Name of structure: Bair Chase Lake No. 5. 3. Describe conditional water right: A. Date of Original Decree: Case No. 2001CW0188; dated November 4, 2008; District Court, Water Division 5, Colorado. B. Subsequent decrees awarding findings of diligence: Case No. 2014CW3140; dated April 25, 2015; District Court, Water Division 5, Colorado. C. Legal description: Lake No. 5 will be located within the Development. The precise size and specific location of Lake No. 5 within the Development has not been finalized, but will be located generally as depicted on Exhibit A, in the E½, Section 12, Range 89 West of the 6<sup>th</sup> P.M. In no event will the total surface area and storage volume of the constructed lake exceed 5 acres and 25 acre feet, respectively. D. Source of water: Lake No. 5 will be filled through laterals of the Glenwood and Staton Ditches, from the following sources: (1) Glenwood Ditch: Cattle Creek, tributary to the Roaring Fork River, tributary to the Colorado River; and the Roaring Fork River, tributary to the Colorado River at a rate of up to 0.49 cfs from the Cattle Creek source and 5.0 cfs from the Roaring Fork source. In Case No. W-2910, Water Division No. 5, the Court decreed a corrected legal description for the headgate of the Glenwood Ditch, located in Lot 11 of Section 28, Township 7 South, Range 88 West, 6<sup>th</sup> P.M., located at a point whence the Southwest Corner of Section 28 bears South 24°54'06" W., 2,665.19 feet, and the diversion point is situated in Lot 11 of Section 28, Township 7 South, Range 88 West, 6<sup>th</sup> P.M., located at a point whence the Southwest Corner of Section 28 bears South 28°29'23" West, 2770.32 feet, in Garfield County. From the headgate of the Glenwood Ditch, said ditch runs in a northwesterly direction until it intersects with Cattle Creek, and then down Cattle Creek for about one hundred feet, using the bed of Cattle Creek as part of the Glenwood Ditch, to another headgate of the Glenwood Ditch, located on the northeast bank of Cattle Creek in Section 7, Township 7 South, Range 88 West, of the 6<sup>th</sup> P.M., in Garfield County. The Glenwood Ditch takes its supply of water mainly from the Roaring Fork River, which water so taken from said river is carried through said ditch to and emptied into said Cattle Creek, and is taken from said Creek, together with certain springs and other water flowing in said creek through the headgate of said ditch which is located on the north bank of said creek on the lands then owned by C.C. Chase. The location of the headgate of the Glenwood Ditch may also be described as being located in the NW¼ of the SW¼ of Section 28, Township 7 South, Range 88 West of the 6<sup>th</sup> P.M. at a point approximately 2,390 feet from the South section line and 1,540 feet from the West section line. See Exhibit A. (2) Staton Ditch: Cattle Creek, tributary to the Roaring Fork River, tributary to the Colorado River at a rate of up to 1.84 cfs. In Case No. 13CW19 the point of diversion of Applicant's interest in the Staton Ditch water right was changed to the right bank of Cattle Creek in the SW¼ of Section 7, Township 7 South, Range 88 West, 6<sup>th</sup> P.M., at a point approximately 440 feet from the South section line and 1,240 feet from the West section line. E. Appropriation Date: May 7, 2001. F. Amount Claimed: 25.0 acre feet, conditional, with right to fill and successively refill. (1) Surface area of highwater line: 5 acres. (2) Maximum height of dam in feet: 10 feet. Lake No. 5 will be constructed below grade and may not have a traditional dam. The active capacity of the lake will be controlled by the outlet features and the level of pump intakes for each lake. To the extent a dam is required, the height (which will not exceed 10 feet under any configuration) and length will depend on the final lake location and configuration. (3) Length of dam in feet: The length will depend on the final lake location and configuration. (4) Total capacity of reservoir in acre feet: 25 acre feet. (5) Active capacity: 25 acre feet. (6) Dead storage: 0. G. Use: Lake No. 5 will be used within the Development for recreation, aesthetic, wildlife habitat for birds and fish, water quality enhancement and piscatorial purposes. 4. Detailed outline of work done toward completion of the appropriation: During the relevant diligence period, Applicant Carbondale Investments, LLC ("Carbondale"), together with Garfield County Commercial Investments, LLC ("GCCCI"), its affiliate which owns a portion of the property on which the subject water right will be

used, has expended more than a million dollars to pursue and maintain the entitlements, approvals, property rights and contract rights necessary to develop the property to allow the subject conditional water right to be put to beneficial use. The specific diligence activities undertaken by the Applicant include, but are not limited to, the following: A. Carbondale pursued an amendment of its PUD in order to relocate the primary access point to the proposed Development and sought to rezone for commercial development the portion of the property owned by GCCI, lying between the Rio Grande Trail and State Highway 82. In that effort, Carbondale engaged the law firm of Brownstein Hyatt Farber Schreck, LLP ("Brownstein"), HDR Engineering, the law firm of Garfield & Hecht, P.C. ("G&H"), Galloway and Company, a land planning firm, and EIS Solutions, a consulting firm. 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However, if it is determined that the lake does intercept groundwater, Applicant will line Lake No. 5 in accordance with the lining criteria of the Office of the State Engineer. In the alternative, Applicant may obtain a well permit pursuant to C.R.S. §37-90-137, in which case Applicant shall abandon the water storage right claimed herein and shall apply for underground water rights and an amended augmentation plan taking into consideration lagged depletions. WHEREFORE, the Applicant, requests that the Court enter decree: A. Finding that Applicant has been reasonably diligent in finalizing the appropriation of the subject conditional water rights; B. Continuing conditional storage right for Bair Chase Lake No. 5; and C. Granting such other relief as the Court deems just and proper. **YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JUNE 2021 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: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

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**21CW3064 (14CW3141/01CW189) IN GARFIELD, PITKIN, SUMMIT AND EAGLE COUNTIES, COLORADO. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE** 1. Names, addresses and telephone numbers of Applicants: (All filings and notices should be provided to Applicants' respective counsel.). A. Carbondale Investments, LLC. c/o Ted Skokos 5121 Park Lane, Dallas, Texas 75220, Telephone: (214) 600-0000. c/o BROWNSTEIN HYATT FARBER SCHRECK, LLP, Wayne F.

Forman, #14082, 410 17th Street, Suite 2200, Denver, CO 80202, Phone: (303) 223-1100, Fax: (303) 223-1111, E-mail: wforman@bhfs.com. 2. Name of structures: Bair Chase Lakes Nos. 1-4. 3. Describe conditional water rights: A. Date of Original Decree: Case No. 2001CW0189; dated November 4, 2008; District Court, Water Division 5, Colorado. B. Subsequent decrees awarding findings of diligence: Case No. 2014CW3141; dated April 25, 2015; District Court, Water Division 5, Colorado. C. Legal description: Lake Nos. 1-4 will be located within the Development. The precise size and specific locations of Lake Nos. 1-4 within the Development have not been finalized, but will be located generally as depicted on Exhibit A, in the N½ of irregular Section 18, Township 7 South, Range 88 West, the W½ of irregular Section 7, Township 7 South, Range 88 West, the E½ of Section 12, Township 7 South, Range 89 West, and the SE¼ of Section 1, Township 7 South, Range 89 West, all West of the 6<sup>th</sup> P.M. In no event will the total surface area and storage volume of the constructed lakes exceed 20 acres and 100 acre feet, respectively, and the dam height for each storage structure will not exceed 10 feet. D. Source of water: Lake Nos. 1-4 will be filled through laterals of the Glenwood and Staton Ditches, from the following sources: (1) Glenwood Ditch: Cattle Creek, tributary to the Roaring Fork River, tributary to the Colorado River; and the Roaring Fork River, tributary to the Colorado River at a rate of up to 0.49 cfs from the Cattle Creek source and 5.0 cfs from the Roaring Fork source. In Case No. W-2910, Water Division No. 5, the Court decreed a corrected legal description for the headgate of the Glenwood Ditch, located in Lot 11 of Section 28, Township 7 South, Range 88 West, 6<sup>th</sup> P.M., located at a point whence the Southwest Corner of Section 28 bears South 24°54'06" W., 2,665.19 feet, and the diversion point is situated in Lot 11 of Section 28, Township 7 South, Range 88 West, 6<sup>th</sup> P.M., located at a point whence the Southwest Corner of Section 28 bears South 28°29'23" W., 2770.32 feet, in Garfield County. From the headgate of the Glenwood Ditch, said ditch runs in a northwesterly direction until it intersects with Cattle Creek, and then down Cattle Creek for about one hundred feet, using the bed of Cattle Creek as part of the Glenwood Ditch, to another headgate of the Glenwood Ditch, located on the northeast bank of Cattle Creek in Section 7, Township 7 South, Range 88 West, of the 6<sup>th</sup> P.M., in Garfield County. The Glenwood Ditch takes its supply of water mainly from the Roaring Fork River, which water so taken from said river is carried through said ditch to and emptied into said Cattle Creek, and is taken from said Creek, together with certain springs and other water flowing in said creek through the headgate of said ditch which is located on the north bank of said creek on the lands owned by C.C. Chase. The location of the headgate of the Glenwood Ditch may also be described as being located in the NW¼ of the SW¼ of Section 28, Township 7 South, Range 88 West of the 6<sup>th</sup> P.M. at a point approximately 2,390 feet from the South section line and 1,540 feet from the West section line. See Exhibit A. (2) Staton Ditch: Cattle Creek, tributary to the Roaring Fork River, tributary to the Colorado River at a rate of up to 1.84 cfs. 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To the extent a dam is required, the height (which will not exceed 10 feet under any configuration) and length will depend on the final lake location and configuration. (3) Length of dam in feet: The length will depend on the final lake location and configuration. (4) Total capacity of each lake in acre feet: 25 acre feet. (5) Active capacity of each lake: 25 acre feet. (6) Dead storage: 0. G. Use: Lake Nos. 1-4 will be used within the Development for recreation, aesthetic, wildlife habitat for birds and fish, water quality enhancement and piscatorial purposes. 4. Detailed outline of work done toward completion of the appropriation and application of water to beneficial use: During the relevant diligence period, Applicant Carbondale Investments, LLC ("Carbondale"), together with Garfield County Commercial Investments, LLC ("GCCCI"), its affiliate which owns a portion of the property on which the subject water rights will be used, has expended more than a million dollars to pursue and maintain the entitlements, approvals, property rights and contract rights necessary to develop the property to allow the subject conditional water rights to be put to beneficial use. The specific diligence activities undertaken by the Applicant include, but are not limited to, the following: A. Carbondale pursued an amendment of its PUD in order to relocate the primary access point to the proposed Development and sought to rezone for commercial development the portion of the property owned by GCCCI, lying between the Rio Grande Trail and State Highway 82. 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railroad crossings. The District will be an integral part of developing the project that will put the subject water rights to beneficial use. Carbondale & GCCI have incurred more than \$11,000 in fees and costs for this representation. D. Carbondale paid the Thompson Glen Ditch Company over \$70,000 in assessments in connection with Carbondale's Glenwood Ditch water stock, which are used for irrigation and will be used for augmentation in connection with the development of the property. E. Carbondale successfully pursued, with representation by the Brownstein firm, a diligence application for complementary conditional water rights to be used on the Development in Case No. 17CW3194, namely, the Coryell Ranch Roaring Fork Diversion River Edge Enlargement, REC Well Field, REC Roaring Fork Diversion and River Edge Exchange. Brownstein also represented Carbondale on several other water-rights-related matters, including discussions with the Basalt Water Conservancy District and organizing and summarizing all of the water rights held to serve the property. Carbondale paid approximately \$30,000 for these water rights activities. F. Carbondale engaged Ultimate Prosperity Planners to irrigate, plant and maintain the tree farm on the property, rid the property of noxious weeds, and perform other on-the-ground maintenance of the property, at a cost of approximately \$58,000. G. Resource Engineering, Inc. provided water resource engineering services for the project, , at a cost of approximately \$5,000. H. Carbondale paid approximately \$63,000 to retain its contract rights to water with the Basalt Water Conservancy District. I. Economic & Planning Systems performed a market study and a fiscal impact analysis for the Development in 2016, at a cost of approximately \$40,000. J. Carbondale and GCCI have paid in excess of \$400,000 in property taxes to Garfield County for the property. K. Carbondale has paid approximately \$163,000 to the Roaring Fork Conservancy with respect to the Conservancy's easement on a portion of the property bordering the Roaring Fork River. 5. Claim to make absolute: N/A. 6. Name and address of owner of land on which structure for the water storage right is located: Carbondale Investments, LLC, 5121 Park Lane, Dallas, Texas 75220. 7. Remarks: It is not anticipated that Lake Nos. 1-4 will intercept groundwater. However, if it is determined that the lakes do intercept groundwater, Applicant will line the lakes in accordance with the lining criteria of the Office of the State Engineer. In the alternative, Applicant may obtain a well permit pursuant to C.R.S. §37-90-137, in which case Applicant shall abandon the water storage right claimed herein and shall apply for underground water rights and an amended augmentation plan taking into consideration lagged depletions. WHEREFORE, the Applicant, requests that the Court enter decree: A. Finding that Applicant has been reasonably diligent in finalizing the appropriation of the subject conditional water rights; B. Continuing conditional storage right for Bair Chase Lakes Nos. 1-4; and C. Granting such other relief as the Court deems just and proper.

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**4. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF APRIL 2021. *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.***

**21CW3065 PITKIN COUNTY, Application for Approval of Change of Location for Water Right. Applicant:** Gary Young; please direct all correspondence to Applicant's attorneys: Mary Elizabeth Geiger, Garfield & Hecht, P.C., 901 Grand Avenue, Suite 201, Glenwood Springs, CO 81601, (970)947-1936, [megeiger@garfieldhecht.com](mailto:megeiger@garfieldhecht.com). *Name of Water Right for Which Change in Location is Requested:* **Ruedi Southshore Well No. 12.** Original decree: Entered on July 26, 1983, Case No. 82CW357, in the District Court in and for Water Division No. 5. Subsequent decrees: Subsequent decrees finding reasonable diligence were entered in Case Nos. 93CW142, 99CW229, 10CW123, 17CW3159, District Court, Water Division No. 5. Decreed Location: In the NW ¼ SW ¼ of Section 14, Township 8 South, Range 84 West of the Sixth Principal Meridian, Pitkin County, Colorado; said well location is more fully described as follows: Commencing at the witness Corner to the West Quarter Corner of Section 14, said Township and Range, a Forest Service aluminum cap in place (whence the True West Quarter Corner of said Section 14 bears S. 01°14'00" E. 14.52 feet); thence S 35°26'46" E. 844.24 feet to the true location of the proposed well, being also described as 486 feet from the West Section line and 1953 feet from the South Section line of said Section 14. **Source: groundwater tributary to the Frying Pan River, tributary to the Roaring Fork River, tributary to the Colorado River.** Date of appropriation: October 14, 1982. Amount: 15 g.p.m. Uses: domestic, irrigation, and livestock watering. Depth of well: approximately 300 feet. Owner of land upon which well is located: Applicant. **Description of change in location for Ruedi Southshore Well No. 12:** Applicant drilled a monitoring hole for Well No. 12 and will apply for a new Well Permit for the same at this new location as it is more than 200 feet from the decreed location. The originally decreed location is set forth above in paragraph 2.C. The legal description of the proposed as built location for the Ruedi Southshore Well No. 12 to which the decreed location should be changed is: UTM Zone 13, Easting 349245 Northing 4357318. A map depicting the proposed as built location of Ruedi Southshore Well No. 12, and the original decreed location, is attached to the Application. No injury will occur to any vested water rights due to this change in location of Ruedi Southshore Well No. 12 as the well is still located on Lot 12, Ruedi Southshore Subdivision, and will still be operated in accordance with the augmentation plans approved in Case Nos. 82CW357 and 94CW214 approved by this Court. No expansion of the decreed use is proposed or will occur. (4 pages).

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attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

**5. 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 APRIL 2021. *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.***

**21CW3066 GRAND COUNTY, COLORADO.** Sunset Ridge Estates Homeowners Association, c/o Kris Schneider, President, P.O. Box 1192, Fraser, CO 80442. Applicant is represented by Kent Whitmer and Katie Randall, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN PART. Name of Structures for Underground Water Rights: Sunset Ridge Estates Well Nos. 1-10. Type of Structures: Wells. Source: The source of water is wells to be constructed in Upper Troublesome formation and/or alluvium of sand, gravel or other sedimentary materials hydraulically connected to Ranch Creek, then Fraser River, then Colorado River. Legal Descriptions: Sunset Ridge Estates Well No. 1: NE1/4 NW1/4, Section 8, Township 1 South, Range 75 West of the 6<sup>th</sup> P.M., 550 feet from the North line and 3000 feet from the East line. Sunset Ridge Estates Well No. 2: SE1/4 NW1/4 of Section 8, Township 1 South, Range 75 West of the 6<sup>th</sup> P.M., 1700 feet from the North line and 3000 feet from the East line. Sunset Ridge Estates Well No. 3: SE1/4 NW1/4 of Section 8, Township 1 South, Range 75 West of the 6<sup>th</sup> P.M., 2200 feet from the North line and 3880 feet from the East line. Sunset Ridge Estates Well No. 4: NW1/4 SW1/4 of Section 8, Township 1 South, Range 75 West of the 6<sup>th</sup> P.M., 1700 feet from the South line and 850 feet from the West line. Sunset Ridge Estates Well No. 5: SE1/4 SW1/4 of Section 8, Township 1 South, Range 75 West of the 6<sup>th</sup> P.M., 150 feet from the South line and 1500 feet from the West line. Sunset Ridge Estates Well No. 6: NW1/4 SE1/4 of Section 8, Township 1 South, Range 75 West of the 6<sup>th</sup> P.M., 2500 feet from the South line and 2300 feet from the East line. Sunset Ridge Estates Well No. 7: NE1/4 SE1/4 of Section 8, Township 1 South, Range 75 West of the 6<sup>th</sup> P.M., 1800 feet from the South line and 800 feet from the East line. Sunset Ridge Estates Well No. 8: SE1/4 SE1/4 of Section 8, Township 1 South, Range 75 West of the 6<sup>th</sup> P.M., 300 feet from the South line and 900 feet from the East line. Sunset Ridge Estates Well No. 9: SW1/4 SE1/4 of Section 8, Township 1 South, Range 75 West of the 6<sup>th</sup> P.M., 200 feet from the South line and 2000 feet from the East line. Sunset Ridge Estates Well No. 10: SW1/4 SE1/4 of Section 8, Township 1 South, Range 75 West of the 6<sup>th</sup> P.M., 1200 feet from the South line and 2000 feet from the East line. Depth: Well No. 1: 300 ft. Well No. 2: 300 ft. Well No. 3: 300 ft. Well No. 4: 250 ft. Well No. 5: 275 ft. Well No. 6: 295 ft. Well No. 7: 285 ft. Well No. 8: 300 ft. Well No. 9: 300 ft. Well No. 10: 300 ft. Use: Household and livestock watering. Amount: 15 g.p.m. per well, annual diversions for each well will not exceed 0.36 acre-feet. The total diversions for all wells is limited to 3.55 acre-feet per year. Conditional Appropriative Right of Exchange; Exchange Amount: the total exchange rate per year shall be limited to the annual calculated depletions of 0.55 acre-feet, conditional. Exchange Reach: The location to which the exchange is to be made is from the confluence of the Colorado and Fraser Rivers to the reaches of Ranch Creek and the Fraser River where depletions associated with the wells listed above impact these stream systems. Upstream Termini: The terminus or upper most location of the depletions on the Fraser River shall be at a point where the Fraser River crosses the North section line of Section 18, Township 1 South, Range 75 West of the 6<sup>th</sup> P.M. The terminus or upper most location of the depletions on Ranch Creek shall be at a point where Ranch Creek crosses the North line of the Southwest quarter of Section 9, Township 1 South, Range 75 West of the 6<sup>th</sup> P.M. Downstream Terminus: The confluence of the Fraser River and the Colorado River in the SW1/4 SW1/4 of Section 25, Township 2 North, Range 77 West of the 6<sup>th</sup> P.M., a distance of 500 feet from the West line of said Section 25 and 575 feet from the South line of said Section 25. Source of Exchange Water: The subject water rights will operate pursuant to the plan for augmentation decreed in Case No 94CW46. Augmentation will be provided by Granby Reservoir. Appropriation Date for Wells and Exchange: March 30, 1994. Original Decree: January 19, 1995, Case No. 94CW046 Water Court Division No. 5. Subsequent Decrees: December 31, 2001, Case No. 01CW007; December 3, 2008, Case No. 07CW216; April 25, 2015, Case No. 14CW3159; all in Water Court Division 5. Claim to Make Absolute in Part: Applicant has placed Sunset Ridge Estates Well Nos. 1, 2, 4, 5, 6, 7, and 9 and a portion of the Exchange water rights to beneficial use for the decreed purposes as follows. Sunset Ridge Estates Well No. 1 (Permit No. 80337-F) was completed on 10/26/2016. A pump was installed on 8/29/2017 and was tested at a rate of 7 g.p.m. on the same day. Well No. 1 is connected to a house that was constructed during the diligence period and currently operates to supply the house with water for decreed uses. Applicant requests that 7 g.p.m. of the Sunset Ridge Estates Well No. 1 be made absolute, with 8 g.p.m. remaining conditional. Sunset Ridge Estates Well No. 2 (Permit No. 48825-F) was completed on 7/11/1996. A pump was installed on 11/12/1997. The pumping rate claimed on the Statement of Beneficial Use is 12 g.p.m. Well No. 2 is currently in operation to supply a residence with water for decreed uses. Applicant requests that 12 g.p.m. of the Sunset Ridge Estates Well No. 2 be made absolute, with 3 g.p.m. remaining conditional. Sunset Ridge Estates Well No. 4 (Permit No. 65951-F) was completed on 10/29/2007. A pump was installed on 2/20/2008 and demonstrated a pumping capacity of 14 g.p.m. on the same day. Well No. 4 is currently in operation to supply a residence with water for decreed uses. Applicant requests that 14 g.p.m. of the Sunset Ridge Estates Well No. 4 be made absolute, with 1 g.p.m. remaining conditional. Sunset Ridge Estates Well No. 5 (Permit No. 49255-F) was completed on 9/13/1996. A pump was installed on 7/6/1998, and the Statement of Beneficial Use claims a pumping rate of 12 g.p.m. as of 8/15/1998. Well No. 5 is currently in operation to supply a residence with water for decreed uses. Applicant requests that 12 g.p.m. of the Sunset Ridge Estates Well No. 5 be made absolute, with 3 g.p.m. remaining conditional. Sunset Ridge Estates Well No. 6 (Permit No. 49193-F) was completed on 8/19/1998. A pump was installed on 12/4/1998 and was tested at a rate of 9.5 g.p.m. on the same day. Well No. 6 is currently in operation to supply a residence with water for decreed uses. Applicant requests that 9.5 g.p.m. of the Sunset Ridge Estates Well No. 6 be made absolute, with 5.5 g.p.m. remaining conditional. Sunset Ridge Estates



Well No. 7 (Permit No. 47639-F) was completed on 6/27/1997. A pump was installed on 8/12/1997 and was tested at a rate of 9 g.p.m. on the same day. Well No. 7 is currently in operation to supply a residence with water for decreed uses. Applicant requests that 9 g.p.m. of the Sunset Ridge Estates Well No. 7 be made absolute, with 6 g.p.m. remaining conditional. Sunset Ridge Estates Well No. 9 (Permit No. 47640-F) was completed on 10/20/1995. A pump was installed on 9/7/1996. According to the Statement of Beneficial Use dated 12/5/1996, the pumping rate claimed for Well No. 9 is 6 g.p.m. Well No. 9 is currently in operation to supply a residence with water for decreed uses. Applicant requests that 6 g.p.m. of the Sunset Ridge Estates Well No. 9 be made absolute, with 9 g.p.m. remaining conditional. Appropriative Rights of Exchange: during the diligence period, Applicant has legally exchanged water in priority to replace depletions associated with the operation of the Sunset Ridge Estates Wells. Applicant requests that the appropriative rights of exchange be made absolute in the amount of annual calculated depletions of 0.225 acre-feet, with the remaining 0.325 acre-feet continued conditionally. Additional Information: The original decree at Case No. 94CW46 sets forth additional terms and conditions, including a plan for augmentation, that continue to be in effect for the water rights of this application. The application and attached exhibits contain a detailed outline of the work performed during the diligence period (23 pages).

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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 APRIL 2021. *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.***

**21CW3067 GRAND COUNTY.** Lake Granby Tract B, LLC, c/o James Donahue, Manager, 1101 S. Gilpin St., Denver, CO 80210. Applicant is represented by Kent Whitmer and Katie Randall, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name of Structures for Underground Water Rights: Lake Granby Tract B LLC Well Nos. 1-3. Source: Groundwater from unconsolidated sand and gravel and bedrock formations tributary to Granby Reservoir, tributary to the Colorado River. Well Locations: Lake Granby Tract B LLC Well No. 1 is located in the SW1/4 SW1/4 of Section 34, Township 3 North, Range 76 West of the 6th P.M., a distance of 1150 feet from the South section line and 1200 feet from the West section line. Lake Granby Tract B LLC Well No. 2 is located in the SW1/4 SW1/4, Section 34, Township 3 North, Range 76 West of the 6th P.M., a distance of 1075 feet from the South section line and 1160 feet from the West section line. Lake Granby Tract B LLC Well No. 3 is located in the SW1/4 SW1/4, Section 34, Township 3 North, Range 76 West of the 6th P.M., a distance of 1000 feet from the South section line and 1120 feet from the West section line. Depth: Lake Granby Tract B LLC Well No. 1: 260 feet. Lake Granby Tract B LLC Well No. 2: 320 feet. Lake Granby Tract B LLC Well No. 3 has not yet been drilled. Uses: In-house uses for total of three (3) single family residences, irrigation of 10 trees and 20 shrubs per residence. The irrigation use is limited to the first three years after the wells are permitted and made absolute. Type of Structure: Wells. Quantity: Maximum pumping rate for the wells will not exceed 15 gallons per minute ("g.p.m."), up to 0.392 acre-foot per year ("af/yr") for each well. Appropriation Date for Wells: February 28, 2007. Conditional Appropriative Right of Exchange: Exchange Reach: Upstream Termini: the points of diversion for Lake Granby Tract B LLC Well Nos. 1-3, as set forth above. Downstream Terminus: Colorado River to a point where releases from Wolford Mountain Reservoir meet the Colorado River (confluence of Muddy Creek with the Colorado River). Releases from Wolford Mountain Reservoir meet the Colorado River in the NW1/4 NE1/4 of Section 19, Township 1 North, Range 80 West of the 6th P.M., at a point approximately 2,000 feet from the East line of said Section 19 and 200 feet from the North line of said Section 19. Appropriation Date for Exchange: July 30, 2007. Exchange Amount: 0.0003 cubic feet per second ("c.f.s."), conditional, consumptive use of no more than 0.2 acre-feet. Source of Exchange Water: The subject water rights will operate pursuant to the plan for augmentation decreed in Case No 07CW134. Augmentation will be provided by Wolford Mountain Reservoir or Granby Reservoir. Decrees: December 3, 2008, Case No. 07CW134; April 25, 2015, Case No. 14CW3150; both in Water Court Division No. 5. Additional Information: The previous decrees set forth additional terms and conditions, including a plan for augmentation, that continue to be in effect for the water rights of this application. The application and attached exhibits contain a detailed outline of the work performed during the diligence period (21 pages).

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**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 APRIL 2021. *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.***

**21CW3068 SUMMIT COUNTY, BLUE AND COLORADO RIVERS.** Application for Findings of Reasonable Diligence and to Make Partially Absolute. Pebble Creek Ranch Foundation, *et al.* c/o Beattie Houpt & Jarvis, PO Box 1669, Basalt, CO 81621, 970-945-8659. All structures: The subject water rights operate under a plan for augmentation approved in 82CW405/82CW406, entered 01/31/86; subsequent decrees: 90CW10, 96CW12, 02CW207, 14CW3124. Location: Summit County. All wells: Location: Sec 8, T 4 S, R 78 W of the 6<sup>th</sup> PM. Amounts: 15 gpm, total (each well). Absolute portions decreed in 11CW5. Source: drainages of Pebble Creek and North Rock Creek, tributary to the Blue River, tributary to the Colorado River. Depths: Approx 150 to 380 ft. Pebble Creek Ranch Well Nos. 2-18: Appropriation date: 05/21/81. Ditches and Reservoir: Appropriation date: 06/01/81. Pebble Creek Ranch Well No. 1: In NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, 1,150 ft from N Sec Line and 1,100 ft from W Sec Line. Appropriation date: 06/19/80. Amounts and uses: 6 gpm absolute and 9 gpm conditional for domestic purposes, including the watering of horses and irrigation of up to ½ acre. Pebble Creek Ranch Well No. 2: In NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, 666.35 ft from N Section Line and 1,285.52 ft from W Sec Line. Amounts and uses: 5 gpm absolute and 10 gpm conditional for household use. Pebble Creek Ranch Well No. 3: Location: In NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, 743.27 ft from N Sec Line and 1,642.17 ft from W Sec Line. Amounts and uses: 5 gpm absolute and 10 gpm conditional for household use. Pebble Creek Ranch Well No. 4: In NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, 858.10 ft from N Sec Line and 1,906.13 ft from W Sec Line. Amounts and uses: 6 gpm absolute and 9 gpm conditional for household use. Additional 5 gpm applied to household use on 09/04/20 on Pebble Creek Ranch Lot 4. Pebble Creek Ranch Well No. 5: In NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, 793.74 ft from N Sec Line and 2,317.24 ft from W Sec Line. Amounts and uses: 3 gpm absolute and 12 gpm conditional for household use. Pebble Creek Ranch Well No. 6: In NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, 774.64 ft from N Sec Line and 2,626.22 ft from W Sec Line. Amounts and uses: 8 gpm absolute and 7 gpm conditional for household use. Pebble Creek Ranch Well No. 7: In NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, 640.54 ft from N Sec Line and 2,957.59 ft from W Sec Line. Amounts and uses: 3 gpm absolute and 12 gpm conditional for household use. Pebble Creek Ranch Well No. 8: In NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, 539.75 ft from N Sec Line and 3,217.83 ft from W Sec Line. Amounts and uses: 6 gpm absolute and 9 gpm conditional for household use. Pebble Creek Ranch Well No. 9: In NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, 472.50 ft from N Sec Line and 3,473.16 ft from W Sec Line. Amounts and uses: 6 gpm absolute and 9 gpm conditional for household use. Pebble Creek Ranch Well No. 10: In NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, 31.78 ft from N Sec Line and 4,214.93 ft from W Sec Line. Amounts and uses: 12 gpm absolute and 3 gpm conditional for household use. Pebble Creek Ranch Well No. 11: In NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, 94.28 ft from N Sec Line and 4,545.47 ft from W Sec Line. Amounts and uses: 12 gpm absolute and 3 gpm conditional for household use. Pebble Creek Ranch Well No. 12: In NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, 81.36 ft from N Sec Line and 4,845.46 ft from W Sec Line. Amount: 15 gpm, conditional. Use: Household use. 5 gpm applied to household use on 06/07/16 on Pebble Creek Ranch Lot 12. Pebble Creek Ranch Well No. 13: In NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, 953.45 ft from N Sec Line and 5,026.65 ft from W Sec Line. Amounts and uses: 10 gpm absolute and 5 gpm conditional for household use. Pebble Creek Ranch Well No. 14: In NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, 921.83 ft from N Sec Line and 4,746.24 ft from W Sec Line. Amount: 15 gpm, conditional. Use: Household use only. Pebble Creek Ranch Well No. 15: In NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, 1,049.18 ft from N Sec Line and 4,496.88 ft from W Sec Line. Amounts and uses: 1 gpm absolute and 14 gpm conditional for household use. Additional 13 gpm applied to household use on 09/23/20 on Pebble Creek Ranch Lot 15. Pebble Creek Ranch No. 16: In NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, 1,103.66 ft from N Sec Line and 4,235.65 ft from W Sec Line. Amounts and uses: 3 gpm absolute and 12 gpm conditional for household use. Additional 2 gpm applied to household use on 09/19/20 on Pebble Creek Ranch Lot 16. Pebble Creek Ranch Well No. 17: In NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, 1,149.98 ft from N Sec Line and 3,982.26 ft from W Sec Line. Amounts and uses: 8 gpm absolute and 7 gpm conditional for household use. Pebble Creek Ranch Well No. 18: In NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, 1,202.67 ft from N Sec Line and 3,711.47 ft from W Sec Line. Amounts and uses: 8 gpm absolute and 7 gpm conditional for household use. Pebble Creek Ranch Well No. 19: In NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, 50 ft from N Sec Line and 400 ft from W Sec Line. Appropriation date: 09/09/80. Amounts and uses: 5 gpm absolute and 10 gpm conditional for domestic purposes, including the watering of horses and irrigation of up to ½ acre. Columbus Ditch, Third Enlargement, Headgate No. 1: On North, or left, bank of Rock Creek in NW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> of Sec 8, T 4 S, R 78 W 6<sup>th</sup> PM, at a point whence the S<sup>1</sup>/<sub>4</sub> corner, Sec 4, T 4 S, R 78 W 6<sup>th</sup> PM bears N. 67°15' E. a distance of 8,292 ft; which point may be calculated as being approx 300 ft from W Sec Line and 3,300 ft from N Sec Line. Source: North Rock and Pebble Creeks. Amounts and uses: 4.0 cfs total (4.0 cfs, absolute, for irrigation purposes; and 4.0 cfs, conditional, for piscatorial, recreation, and electricity generation purposes). Columbus Ditch, Third Enlargement, Headgate No. 2: At a point on the left bank of Pebble Creek in the NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> of Sec 8, T 4 S, R 78 W 6<sup>th</sup> PM, which point bears S. 82°44'43" W. a distance of 6,853.66 ft from the quarter corner between Sections 4 and 9; which point may be calculated as being approx 1,800 ft from W Sec Line and 850 ft from N Sec Line. Source: North Rock and Pebble Creeks. Amounts and uses: 3.0 cfs, total (3.0 cfs, absolute, for irrigation purposes; and 3.0 cfs, conditional, for piscatorial, recreation, and electricity generation purposes). Wyler Reservoir: The mid-point of the dam is located in the NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> of Sec 8, T 4 S, R 78 W 6<sup>th</sup> PM, at a point that bears S. 82°11'49" W. a distance of 7,231.64 ft from the quarter corner between Sections 4 and 9, T 4 S, R 78 W 6<sup>th</sup> PM; which point may be calculated as being approx 900 ft from W Sec Line and 1,000 ft from N Sec Line. Source: diversions via the Columbus Ditch from the Pebble and North Rock Creeks. Amounts and uses: 15 af, total (15 af, absolute, for irrigation purposes; and 15 af, conditional, for household, piscatorial, electricity generation, stockwatering, domestic, commercial, fire protection, and recreation purposes, either directly or by exchange). As determined by this Court in 82CW405/82CW406, Wyler Reservoir was originally filled to its capacity of 15 af beginning 06/15/81. Section 37-92-301(4)(e), CRS, took effect 08/07/13, and provides that a conditional water storage right shall be made absolute for all decreed purposes to the extent of the volume of the appropriation that has been captured, possessed, and controlled. Therefore, Applicants claim the date of beneficial use of the remaining conditional portion of Wyler Reservoir to be 08/07/13. Amount applied to beneficial use: 15 af. Additional beneficial uses made absolute: household, piscatorial, electricity generation, stockwatering, domestic, commercial, fire protection, and recreation purposes. Place of application to beneficial use: Applicants' property, Pebble Creek Ranch. The application on file with the court includes a list of activities demonstrating diligence. Owners of land: Applicants. (24 pages)



**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JUNE 2021 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: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**8. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF APRIL 2021. *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.***

**21CW3069 PITKIN COUNTY - SNOWMASS CREEK.** Northern Trust, as Successor Trustee of the Gaylord Donnelley T/U/A dated June 28, 1941 for the benefit of Laura Donnelley, c/o Patrick, Miller & Noto, P.C., Scott C. Miller, Esq. 229 Midland Ave. Basalt, CO 81621, (970) 920-1030. APPLICATION TO MAKE WATER RIGHT ABSOLUTE. **Name of water right:** Donnelley Exchange. **Description of conditional water right:** Original Decree: Case No. 12CW186, Division No. 5 Water Court, April 25, 2015. Legal description: Downstream Termini: The points of replacement on the Roaring Fork and/or Colorado Rivers of the BWCD's water rights described with particularity as follows: Exchange of Green Mountain Reservoir water: The confluence of the Roaring Fork and Colorado Rivers, located in the SE ¼ of the NW ¼ of Section 9, Township 6 South, Range 89 West of the 6<sup>th</sup> P.M., at a point approximately 2,200 feet south of the North Section line and 2,350 feet east of the West Section line of said Section 9. Exchange of Ruedi Reservoir and/or Troy and Edith Ditch water: The confluence of the Roaring Fork and Frying Pan Rivers located in the SW ¼ of the SE ¼ of Section 7, Township 8 South, Range 86 West of the 6<sup>th</sup> P.M., at a point 647 feet north of the South Section line and 1,475 feet west of the East Section line of said Section 7. Exchange of Robinson Ditch water: The point of diversion for the Robinson Ditch on the Roaring Fork River, located in the NW ¼ of the SE ¼ of Section 11, Township 8 South, Range 87 West of the 6<sup>th</sup> P.M., at a point 2,307 feet north of the South Section line and 2,309 feet west of the East Section line of said Section 11. A map of the BWCD's augmentation supplies is on file with the court as Figure 3. Upstream Terminus: The Donnelley Ditch, which diverts water from Snowmass Creek, tributary to the Roaring Fork and Colorado Rivers, directly into the sedimentation well pond before discharging into the main well pond. Legal description of the Donnelley Ditch headgate: The SE ¼ of the SE ¼ of Section 34, Township 8 South, Range 86 West of the 6<sup>th</sup> P.M., at a point approximately 1,064 feet north of the South Section line and 595 feet west of the East Section line of said Section 34 (Pitkin County). A map is on file with the court as Figure 2. Source: 0.5 acre-feet total of Basalt Water Conservancy District ("BWCD") water marketing supplies, released under Applicants' Water Allotment Contract No. 618 and comprised of the following water rights: Green Mountain Reservoir. Source: Blue River, tributary to the Colorado River. Legal description: NE ¼ of the SE ¼ of Section 15, Township 2 South, Range 80 West of the 6<sup>th</sup> P.M., 2312 feet from the south section line and 992 feet from the east section line (Summit County). UTM coordinates: Northing 4414928, Easting 386227.9, Zone 13. **Note:** The distances from section lines and UTM coordinates were obtained from the Division of Water Resources' CDSS database and/or Aquamap program. Ruedi Reservoir. Source: Frying Pan River, tributary to the Colorado River. Legal description: NW ¼ of the NW ¼ of Section 18, Township 8 South, Range 84 West of the 6<sup>th</sup> P.M., 324 feet from the north section line and 984 feet from the west section line (Eagle and Pitkin Counties). UTM coordinates: Northing 4358646, Easting 343227.7, Zone 13. **Note:** The distances from section lines and UTM coordinates were obtained from the Division of Water Resources' CDSS database and/or Aquamap program. Troy Ditch and Edith Ditch water rights: Legal descriptions: Troy Ditch: NW ¼ of the NE ¼ of Section 14, Township 8 South, Range 84 West of the 6<sup>th</sup> P.M., 285 feet from the south section line and 967 feet from the east section line (Pitkin County). UTM coordinates: Northing 4356860, Easting 350640, Zone 13. **Note:** Distances from section lines and UTM coordinates were obtained from the Division of Water Resources' CDSS database and/or Aquamap program. When AquaMap converts the UTM coordinates, the quarter quarter coordinates are SE ¼ of the SE ¼. Edith Ditch: SW ¼ of the SW ¼ of Section 12, Township 8 South, Range 84 West of the 6<sup>th</sup> P.M., 326 feet from the south section line and 981 feet from the west section line (Eagle County). UTM coordinates: Northing 4358454, Easting 351278.1, Zone 13. **Note:** Distances from section lines and UTM coordinates were obtained from the Division of Water Resources' CDSS database and/or Aquamap program. Robinson Ditch water rights: Legal descriptions: NW ¼ of the SE ¼ of Section 11, Township 8 South, Range 87 West, of the 6<sup>th</sup> P.M., 2307 feet from the south section line and 2309 feet from the east section line (Eagle County). **Claim to make absolute:** Date of beneficial use: August 26, 2015. Amount: 0.006 c.f.s. (0.5acre feet). Use: Exchange in the plan for augmentation decreed in Case No. 12CW186. Description of place of use; Applicant's property at 2262 Snowmass Creek Road, Snowmass, CO 81654. See maps on file with the court as Figures 1 and 2. Statement of beneficial use: The Donnelley Exchange first operated on August 26, 2015 to replace out-of-priority diversions by the Donnelley Ditch. Applicant attaches records from the Division of Water Resources as evidence the Donnelley Ditch was out-of-priority on August 26, 2015 and that the Donnelley Exchange needed to operate to replace out-of-priority diversions. See exhibit on file with the court as Exhibit A. **Statement of ownership:** Applicant owns the land upon which the structure is located and where water will be put to beneficial use.

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JUNE 2021 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: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**9. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF APRIL 2021. *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.***

**21CW3070 EAGLE COUNTY, Application for Findings of Reasonable Diligence.** Applicant: Town of Eagle; please direct all correspondence to Applicants' attorneys: Mary Elizabeth Geiger, Garfield & Hecht, P.C., 901 Grand Avenue, Suite 201, Glenwood Springs, CO 81601, (970)947-1936, [megeiger@garfieldhecht.com](mailto:megeiger@garfieldhecht.com). *Applicant requests findings of reasonable diligence with regard to the following water rights: Town of Eagle Well No. 1 and Town of Eagle Well No. 2. Date of original decree:* Date of original decree: November 19, 1980, in Case No. W-3677, in the District Court in and for Water Division No. 5. Subsequent findings of reasonable diligence in Case Nos. 95CW016; 01CW164; 07CW206; 14CW3134. *Location:* The Town of Eagle Well No. 1 is decreed to be located in the SE1/4 of the NW1/4 of Section 33, Township 4 South, Range 84 West of the 6th P.M., at a point approximately 2,940 feet from the South section line and 2,515 feet from the West section line of Section 33. See Exhibit A attached to the Application. The Town of Eagle Well No. 2 is decreed to be located in the SE1/4 of the NW1/4 of Section 33, Township 4 South, Range 84 West of the 6th P.M., at a point approximately 2,890 feet from the South section line and 2,215 feet from the West section line of Section 33. See Exhibit A attached to the Application. *Source: groundwater tributary to the Eagle River, tributary to the Colorado River. Appropriation date:* November 30, 1977. *Amount:* 0.55 c.f.s., conditional, for each well. *Uses:* Municipal uses including irrigation, domestic, manufacturing, commercial, industrial, mechanical, fire protection, power generation, fish and wildlife propagation, recreational, and storage for system balance and adjustment purposes. *Owner of land upon which wells will be located:* Applicant. The Application includes a detailed description of activities undertaken during the diligence period toward the application of the subject water rights to beneficial use. (4 pages).

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JUNE 2021 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: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**10. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF APRIL 2021. *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.***

**21CW3071 GRAND COUNTY, COLORADO.** Middle Park Water Conservancy District, c/o Jack Buchheister, President, P.O. Box 145, Granby CO 80446. Applicant is represented by Kent Whitmer and Katie Randall, The Whitmer Law Firm, LLC, P.O. Box 38, Hot Sulphur Springs, CO 80451, (970) 725-3460. APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN PART. Name of Water Right: Wolford Mountain for Windy Gap Substitution including exchange. The Application lists previously approved entities and water right decrees covered by the substitution. Original Decree: November 2, 2008, Case No. 02CW375, Water Court Division No. 5. Subsequent Decree: April 19, 2015, Case No. 14CW3131, Water Court Division No. 5. Location: Granby Reservoir is located in parts of Township 3 North, Township 2 North, Range 76 West and Township 2 North, Range 75 West of the 6<sup>th</sup> P.M. Wolford Mountain Reservoir, the dam of which is located in the SW1/4 NE1/4 of Section 25, Township 2 North, Range 81 West of the 6<sup>th</sup> P.M. The names and legal description of structures subject to this Application are identified by their respective Water Division No. 5 Decrees as follows: 87CW261, 94CW337, 00CW286, 84CW444, 92CW305, 85CW567, 87CW243, 84CW670, 85CW580, 86CW261, 96CW049, 84CW346, 84CW682, 87CW218, 95CW035, 01CW202, 87CW195, 87CW198, 95CW141, 98CW229, 99CW228, 85CW337, 90CW235, 92CW305, 84CW455, 85CW292, 80CW416, 81CW486. Existing Source: Granby Reservoir. The water in Granby Reservoir is a portion of the 3,000 acre feet which the Municipal Subdistrict, Northern Colorado Water Conservancy District has agreed to annually place in storage in Granby Reservoir, which is located on the Colorado River upstream from the confluence of the Fraser and Colorado Rivers. Substituted Source: Wolford Mountain Reservoir. Middle Park may make available water stored under the decree adjudicated in Case No. 87CW283 and any amendment thereto. Middle Park has an interest in 3,000 acre feet of water in Wolford Mountain by virtue of an agreement between the Colorado River Water Conservation District, the Board of County Commissioners of Grand County, and the Middle Park Water Conservancy District, dated December 17, 1992. Uses: Substitution and exchange for the augmentation and exchange water identified in the decrees listed above. Appropriation Date: December 30, 2002. Amount: All plans described in the list of Division 5 Decrees above provide the timing and amount of replacement releases and shall be subject to the administration of the Division Engineer, Water Division No. 5. The maximum daily rate of release and exchange is based on Stream Reach Classifications set forth in detail in the application. The Maximum Rate of Release from Wolford Mountain as an Additional Source: 8.82 c.f.s., conditional, limited to 271.1 acre feet maximum per month. Claim to Make Absolute in Part: during the diligence period when Windy Gap water was unavailable, MPWCD released water from Wolford Mountain Reservoir as a substitute supply for Windy Gap water consistent with the water rights decreed in Case No. 02CW375. The Wolford Reservoir releases were used to offset depletions by Blue River contractees to the Colorado River during a senior call. Substitute supplies were also released from Wolford Mountain Reservoir for exchange to the confluence of the Fraser River and the Colorado River and to the outlet of Granby Reservoir dam to replace depletions from the Fraser River and Upper Colorado River contractees, respectively.

Applicant claims the following amount as absolute: Blue River Substitution: 0.067 c.f.s.; Fraser River Substitution and Exchange: 0.151 c.f.s.; Upper Colorado River Substitution and Exchange: 0.002 c.f.s. Additional Information: The original decree at Case No. 02CW375 sets forth additional terms and conditions that continue to be in effect for the water rights of this application. Applicant requests that the Court make absolute in the amounts set forth above the appropriate rights of exchange, and rule that the remaining conditional water rights be continued in full force and effect. The application and attached exhibits contain a detailed outline of the work performed during the diligence period (32 pages).

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JUNE 2021 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: \$192.00) 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 APRIL 2021. *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.***

**21CW3072 MESA COUNTY - COLORADO RIVER; A&G Partnership, LLP; c/o Bruce C. Walters and John R. Pierce, DUFFORD WALDECK, 744 Horizon Court, Suite 300, Grand Junction, CO 81506, (970) 248-5865; APPLICATION TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE AND FOR FINDING OF DILIGENCE; Name, address, and telephone number of Applicant: A&G Partnership, LLP; 710 South 15<sup>th</sup> Street; Grand Junction, CO 81501; (970) 242-8134; Request to make absolute and for finding of diligence: Name of structure: Wanda's Wash Pump and Wanda's Wash Ditch; Background: Wanda's Wash Pump and the Wanda's Wash Ditch were originally decreed in Case No. 92CW301 ("Original Decree") for 6.0 c.f.s. Wanda's Wash Ditch was decreed as an alternate point of diversion for Wanda's Wash Pump in the Original Decree. Applicant owns 75% of the water right associated with Wanda's Wash Ditch and Wanda's Wash Pump.; Description of conditional right: Original decree: 92CW301; May 11, 1993, Water Division 5; Subsequent decrees awarding findings of diligence: 14CW3120, 05CW261, 99CW95, and 99CW80 (Water Division 5); Legal description: Wanda's Wash Pump: NE1/4 of the SE1/4 of Section 21, Township 1 South, Range 1 East of the Ute P.M., at a point from which the SE corner of said NE1/4 of the SE1/4 bears South 78°59'54" East 886.1 feet (UTM Zone 13 NAD83; Easting: 198637.2m; Northing: 4328403.4); Wanda's Wash Ditch: NE1/4 of the SE1/4 of Section 21, Township 1 South, Range 1 East of the Ute P.M., at a point from which the SE corner of said NE1/4 of the SE1/4 bears South 58°57'46" East 1,266.76 feet (UTM Zone 13 NAD83; Easting: 198649.8; Northing: 4328426.7); Source: **Wanda's Wash, tributary to the Colorado River**; Appropriation date: March 15, 1992; Amounts remaining conditional: 4.067 c.f.s., conditional, for irrigation uses; 0.5 c.f.s., conditional, for recreation and piscatorial purposes; and 0.0165 c.f.s. for stock watering. The original water right for Wanda's Wash Pump was decreed for 6.0 c.f.s., conditional, of which Applicant owns a 75% interest (meaning 4.5 c.f.s. of the original 6.0 c.f.s. water right.); Use: Irrigation (including for residential, lawn and garden, reclamation, and re-vegetation purposes), recreation, piscatorial, and stock watering.; Outline of work toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: Applicant continues to apply steady effort in developing the water right decreed in Case No. 92CW301 as part of Applicant's ongoing gravel mining operations on the property described in the Original Decree. Average annual gravel production has been approximately 174,000 tons per year during the most recent diligence period. A total of 87 acres on Applicant's property was originally permitted for gravel mining and approximately all of those acres have been mined as of the date of this Application. As Applicant nears the conclusion of its mining operations, the Wanda's Wash Pump and Wanda's Wash Ditch water right will be an essential part of Applicant's reclamation and re-vegetation activities. During the latest diligence cycle, Applicant diverted water from the Wanda's Wash Pump to provide lawn and garden irrigation on Applicant's property. In addition, Applicant diverted water from the Wanda's Wash Ditch to irrigate approximately fourteen (14) acres of fields located in the northernmost portion of Applicant's property and previously described in the decree entered in Case No. 05CW261. Diversion records reported to the Division of Water Resources ("DWR") show that water for irrigation was diverted from Wanda's Wash Pump in 2017, 2018, and 2019, and through Wanda's Wash Ditch in 2015 and 2016. Diversion records from 2017 further show a maximum diversion rate for irrigation in the amount of 0.9 c.f.s. from Wanda's Wash Pump. Applicant continues to invest in improvements to the system which supports Applicant's gravel operations. During this diligence period, Applicant invested roughly \$22,000.00 to extend by approximately 800 feet the existing pipeline associated with the A&G Wastewater Collection System (the "Collection System") decreed in Case No. 14CW3165. Finally, the Wanda's Wash Pump and Wanda's Wash Ditch are critical features of Applicant's overall development plans as Applicant proceeds to reclaim and re-vegetate the property once mining operations have concluded. Because of the integrated nature of Applicant's water supply system and given Applicant's considerable efforts to develop the Wanda's Wash water rights during the diligence period, Applicant requests that the Court confirm the Wanda's Wash Pump and Wanda's Wash Ditch are individual components of an integrated water supply system pursuant to C.R.S. § 37-92-301(4)(b), so that diligence shown for one of the rights shall constitute evidence of diligence for the other; If claim to make absolute in whole or in part: Date water applied to beneficial use: April 3, 2017; Amount: 0.467 c.f.s., absolute, resulting in 0.90 c.f.s. absolute for irrigation use, and 3.60 c.f.s. remaining conditional for irrigation use; Use: Irrigation (including for residential, lawn and garden, reclamation and re-vegetation purposes). Wherefore, Applicant respectfully requests the Court enter a decree which: 1) Approves a finding of reasonable diligence with regard to the conditional water right decreed to the Wanda's Wash Pump and Wanda's Wash Ditch, as described in paragraph 2, above; 2) Approves the request to**

make the above-described conditional water right absolute; 3) Determines that the Wanda's Wash Pump and Wanda's Wash Ditch are part of an integrated water supply system to serve Applicant's property, and that diligence with respect to one component of the integrated system shall constitute diligence with respect to the other components; and 3) Grants to Applicant such other and additional relief as the Court deems just and proper, including a finding of diligence with respect to any existing conditional water rights in the structures described in this Application. (6 pages)

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JUNE 2021 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: \$192.00) 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 APRIL 2021. *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.***

**2021CW3073 (14CW3136) GARFIELD COUNTY. CEASE CREEK, TRIBUTARY TO SWEETWATER CREEK, TRIBUTARY TO THE COLORADO RIVER.** Application for Finding of Reasonable Diligence. Applicant: Rivi's Ranch LLC, 5435 E. 6<sup>th</sup> Avenue Parkway, Denver, CO 80220; c/o Garfield & Hecht, P.C., 901 Grand Ave., Suite 201, Glenwood Springs, CO 81601, (970)947-1936. Names of Structures: Stephens Pond No. 2, Perry Pond No. 1, Perry Pond No. 2, Perry Pond No. 3. Description of Conditional Water Rights: Stephens Pond No. 2. Decree Information: Original decree was entered on May 15, 1989 in Case No. 89CW018, District Court, Water Division No. 5. Subsequent decrees finding reasonable diligence and/or making partially absolute were entered in Case Nos. 95CW082, 01CW349 (decree 2 of 2), and 14CW3136. By decree entered in Case No. 01CW349 (Decree 1 of 2), the location of place of storage for 7.5 acre-feet of the 10 acre-feet decreed to the Stephens Pond No. 2 was changed to the Perry Pond Nos. 1-3. In Case No. 01CW349 (Decree 2 of 2), 2.81 acre-feet of the Stephens Pond No. 2 water right was made absolute due to storage in and beneficial use from the Perry Pond Nos. 1-3. By decree entered in Case No. 14CW3136, 2.4 acre-feet of the remaining (unchanged) water right decreed to the Stephens Pond No. 2 was made absolute. Location from Original Decree: Ponds, inlets, outlets and diversion points are all situated in Section 21, Township 3 South, Range 87 West of the 6<sup>th</sup> P.M. in Garfield County. Ditch used to fill reservoir is Four Creek Ditch with capacity of 15 c.f.s. Primary point of diversion from said ditch is into Cease Creek at Tie #1 described to W1/4 Sec. 21, bearing N. 08°33'42" E. a distance of 940.90'. From this point water flows through Cease Creek to Tie #2 described W1/4 Sec. 21, bearing N. 60°37'38" W. a distance of 994.71' diverting flow to proposed Stephens Pond No. 3 at inlet Tie #4, W1/4 Sec. 21, S. 64°30'10" W. for a distance of 772.13' through proposed outlet Tie #5, W1/4 Sec. 21, S. 74°37'50" W. 878.69'. Flow from this point returns to Cease Creek drainage on to a diversion point of Tie #6, W1/4 Sec. 21, bearing S. 81°54'46" W. 1800.43' into existing ditch of 2 c.f.s. capacity to proposed inlet of proposed Stephens Pond No. 2 at Tie #7, W1/4 Sec. 21 bearing N. 80°38'15" W. 2168.15'. Flow from pond #2 outlet Tie #8, W1/4 Sec. 21 bearing N. 80°11'34" W. 2475.68' into natural drainage to existing inlet of Stephens Pond No. 1 located by Tie #9, E1/4 Sec. 21, bearing N. 45°26'33" E., 1150.96'. Outlet of existing pond #1 is Tie #10, E1/4 Sec. 21, N. 25°53'41" E. 799.74'. Flow from pond #1 is into existing drainage of Riland Creek flowing into Sweetwater Creek. The as-built pond location is in the NE1/4 SW1/4 of Section 21, Township 3 South, Range 87 West of the 6<sup>th</sup> P.M., at a location 1480 feet east of the west Section Line and 2334 feet north of the south Section Line of said Section 21. See map attached to application. Source: Cease Creek and the Four Creek Ditch, tributary to Sweetwater Creek, a tributary to the Colorado River. Date of Appropriation: October 25, 1988. Amount: 10 acre-feet, total; of which 5.21 acre-feet is absolute and 4.79 acre-feet is conditional, as follows: 2.4 acre-feet absolute and 0.1 acre-foot conditional at Stephens Pond No. 2; and 2.81 acre-feet absolute and 4.69 acre-feet conditional at Perry Pond Nos. 1-3. Uses: Fish culture for recreational purposes. Perry Pond Nos. 1, 2, and 3. Decree Information: In Water Court Case No. 01CW349 (Decree 1 of 2), the Court changed the place of storage for 7.5 acre-feet of the Stephens Pond No. 2 water right (described above) to storage in Perry Pond Nos. 1, 2, and 3. In Case No. 01CW349 (Decree 2 of 2), 2.81 acre-feet of the Stephens Pond No. 2 water right (described above) was made absolute due to storage in and beneficial use from Perry Pond Nos. 1, 2, and 3. Decreed Locations: Perry Pond No. 1: The outlet is located in the NW1/4 of the SW1/4 of Section 21, Township 3 South, Range 87 West of the 6<sup>th</sup> P.M., 200 feet from the west section line and 2550 feet from the south section line of said Section 21. Perry Pond No. 2: The outlet is located in the SW1/4 of the NW1/4 and the NW1/4 of the SW1/4 of Section 21, Township 3 South, Range 87 West of the 6<sup>th</sup> P.M., 150 feet from the west section line and 2680 feet from the south section line of said Section 21. Perry Pond No. 3: The outlet is located in the SW1/4 of the NW1/4 of Section 21, Township 3 South, Range 87 West of the 6<sup>th</sup> P.M., 400 feet from the west section line and 2700 feet from the south section line of said Section 21. Source: Cease Creek and Gruner Creek (delivered via the Four Creek Ditch), tributary to Sweetwater Creek, a tributary to the Colorado River. Date of Appropriation: October 25, 1988. Amounts: Perry Pond No. 1: 2.0 acre-feet total; of which 0.66 acre-foot is absolute and 1.34 acre-feet is conditional. Perry Pond No. 2: 2.0 acre-feet total; of which 0.66 acre-foot is absolute and 1.34 acre-feet is conditional. Perry Pond No. 3: 3.5 acre-feet total; of which 1.49 acre-feet is absolute and 2.01 acre-feet is conditional. Uses: Fish culture for recreational purposes. Remarks: The Perry Pond Nos. 1-3 have absolute water rights decreed to them in Water Court Case No. 01CW351, which are independent of the Stephens Pond No. 2 water right at issue herein. The application includes a detailed description of what has been done toward or for completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures. Integrated System. The Stephens Pond No. 2 and Perry Pond Nos. 1-3 are component parts of an integrated water supply system to serve Applicant's property that also includes the Stephens Pond No. 3.

Applicant requests a finding, pursuant to C.R.S. § 37-92-301(4)(b), that 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. 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: Applicant. Applicant requests the Court to enter a decree finding and concluding that the Applicant has shown reasonable diligence in the development of the remaining conditional portion of the Stephens Pond No. 2 water right at the Stephens Pond No. 2 and at the Perry Pond Nos. 1-3 and continuing such conditional water right in full force and effect.

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JUNE 2021 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: \$192.00) 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 APRIL 2021. *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.***

**21CW3075 IN GRAND COUNTY, COLORADO.** Municipal Subdistrict, Northern Colorado Water Conservancy District, c/o Brad Wind, General Manager, 220 Water Avenue, Berthoud, Colorado 80513, Phone: 1 (800) 369-7246, E-mail: bwind@northernwater.org. Please address all correspondence to: Bennett W. Raley, Peggy E. Montañó, and William Davis Wert, Trout Raley, 1120 Lincoln Street, Suite 1600, Denver, CO 80203, Phone: (303) 861-1963. **APPLICATION FOR CORRECTION TO ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINTS OF DIVERSION UNDER C.R.S. § 37-92-305(3.6)** 1. Names, mailing address, email address and telephone numbers of applicant(s): See above. 2. Overview: Pursuant to C.R.S. § 37-92-305(3.6), this Application seeks corrections to established but erroneously described points of diversion for four absolute water rights, collectively referred to herein as the "Windy Gap Project Water Rights": (1) Windy Gap Reservoir; (2) Windy Gap Pump, Pipeline, and Canal; (3) Windy Gap Pump, Pipeline, and Canal, First Enlargement; and (4) Windy Gap Pump, Pipeline, and Canal, Second Enlargement. As described in further detail below, the legal descriptions of the points of diversion for the Windy Gap Project Water Rights contained in the relevant decrees do not coincide with the actual physical locations of those points of diversion as they have existed since completion of construction of the Windy Gap Project in 1985 and since the water rights were confirmed and decreed absolute in 1989 (Case No. 88CW169, for Windy Gap Reservoir and the Windy Gap Pump, Pipeline, and Canal) and 1990 (Case No. 89CW298, for the Windy Gap Pump, Pipeline, and Canal, First and Second Enlargements). The Municipal Subdistrict therefore seeks to correct these erroneous legal descriptions under the procedures and terms of C.R.S. § 37-92-305(3.6). 3. Decreed Water Rights Subject to Correction: A. **Name of Structure:** Windy Gap Reservoir, a part of the Windy Gap Water System. i. Relevant Decrees (District Court, Water Division No. 5, unless noted otherwise): a. Civil Action No. 1768, Grand County District Court (Oct. 27, 1980). b. 84CW112 (Nov. 4, 1985). c. 85CW135 (Aug. 26, 1985). d. 88CW169 (Feb. 6, 1989). e. 95CW33 (Aug. 28, 1995). f. 01CW203 (Jul. 25, 2002). g. 08CW92 (Apr. 12, 2012). h. 17CW3176 (Aug. 16, 2020). ii. Decreed legal description of point of diversion and storage: An onstream reservoir located in Sections 25 and 26, T. 2 N., R 77 W. of the 6th P.M. The Northwest corner of the proposed dam is located at a point which bears S. 52°00' W. 1,660 feet from the N.E. corner of section 26, T. 2 N., R. 77 W. of the 6th P.M. iii. Source: Colorado River. iv. Amount: 445 acre-feet, absolute. v. Decreed appropriation date and amounts: June 22, 1967. vi. Decreed beneficial uses: municipal, irrigation, industrial, and recreational. B. **Name of structure:** Windy Gap Pump, Pipeline, and Canal, a part of the Windy Gap Water System. i. Relevant Decrees (District Court, Water Division No. 5, unless noted otherwise): a. Civil Action No. 1768, Grand County District Court (Oct. 27, 1980). b. 84CW112 (Nov. 4, 1985). c. 85CW135 (Aug. 26, 1985). d. 88CW169 (Feb. 6, 1989). e. 89CW298 (Jul. 19, 1990). f. 17CW3176 (Aug. 16, 2020). ii. Decreed legal description of point of diversion: A point on the north bank of the Colorado River whence the northwest corner of Section 25, T. 2 N., R. 77 W. of the 6th P.M. bears north 17°30' west a distance of 2,380 feet. iii. Sources: Colorado River through the Windy Gap Reservoir. iv. Appropriation date: June 22, 1967. v. Amount: 300 cfs, absolute. vi. Decreed beneficial uses: municipal, irrigation, industrial, and recreational. C. **Name of structure:** Windy Gap Pump, Pipeline, and Canal, First Enlargement. i. Relevant Decrees (all District Court, Water Division No. 5): a. W-4001 (Oct. 27, 1980). b. 84CW110 (Nov. 4, 1985). c. 85CW135 (Aug. 26, 1985). d. 88CW170 (Feb. 6, 1989). e. 89CW298 (Jul. 19, 1990). f. 17CW3176 (Aug. 16, 2020). ii. Decreed legal description of point of diversion: A point on the north bank of the Colorado River whence the northwest corner of Section 25, T. 2 N., R. 77 W. of the 6th P.M. bears north 17°30' west a distance of 2,380 feet. iii. Sources: Colorado River. iv. Appropriation date: July 9, 1976. v. Amount: 100 cfs, absolute. vi. Decreed beneficial uses: municipal, irrigation, industrial, and recreational. D. **Name of structure:** Windy Gap Pump, Pipeline, and Canal, Second Enlargement. i. Relevant Decrees (all District Court, Water Division No. 5): a. 80CW108 (Oct. 27, 1980). b. 84CW111 (Nov. 4, 1985). c. 85CW135 (Aug. 26, 1985). d. 88CW171 (Feb. 6, 1989). e. 89CW298 (Jul. 19, 1990). f. 17CW3176 (Aug. 16, 2020). ii. Decreed legal description of point of diversion: A point on the north bank of the Colorado River whence the northwest corner of Section 25, T. 2 N., R. 77 W. of the 6th P.M. bears north 17°30' west a distance of 2,380 feet. iii. Sources: Colorado River. iv. Appropriation date: April 30, 1980. v. Amount: 200 cfs, absolute. vi. Decreed beneficial uses: municipal, irrigation, industrial, and recreational. 4. Requested Correction to Established But Erroneously Described Points of Diversion: A. The points of diversion for the Windy Gap Project Water Rights are established but erroneously described points of diversion, as that term is defined in C.R.S. § 37-92-305(3.6)(a)(II): i. Each Windy Gap Project Water Right has been diverted at the same physical location since each

was confirmed and decreed absolute in 1989 (Case No. 88CW169, for Windy Gap Reservoir and the Windy Gap Pump, Pipeline, and Canal) and 1990 (Case No. 89CW298, for the Windy Gap Pump, Pipeline, and Canal, First and Second Enlargements). No modifications have been made to the physical locations of the diversion points of the Windy Gap Project Water Rights since completion of construction of the project structures in 1985. ii. The actual physical locations of the points of diversion for the Windy Gap Project Water Rights are not located at the locations specified in the applicable decrees confirming the water rights. The Windy Gap Reservoir water right is diverted approximately 760 feet from the decreed point of diversion. The Windy Gap Pump, Pipeline, and Canal water rights are diverted approximately 2,400 feet from their decreed point of diversion. Figure 1 attached to the Application depicts the actual physical locations of the points of diversion for the Windy Gap Project Water Rights as compared to the decreed locations for those rights. iii. The Municipal Subdistrict has, for the more than thirty five years since the Windy Gap Project was constructed, diverted water for beneficial use under the Windy Gap Project Water Rights at the actual physical locations of the points of diversion with the intent to divert pursuant to the decrees confirming the water rights. B. The Municipal Subdistrict is authorized under C.R.S. § 37-92-305(3.6)(d)(IV) to apply for a correction to the established but erroneously described points of diversion for the Windy Gap Project Water Rights. The points of diversion for the rights are already in place, and one or more water rights are diverted at the corrected points of diversion. C. Pursuant to C.R.S. § 37-92-305(3.6)(e)(II), a presumption that a correction under C.R.S. § 37-92-305(3.6) will not cause an enlargement of the subject water right and will not injuriously affect the owner of or persons entitled to use water under a vested water right or a decreed conditional water right arises if the applicant proves by a preponderance of the evidence that the point of diversion satisfies the requirements of the definition for “established but erroneously described point of diversion” in C.R.S. § 37-92-305(3.6)(a)(II). As shown in Paragraph 4.A, supra, the points of diversion for the Windy Gap Project Water Rights are established but erroneously described points of diversion, as that term is defined in C.R.S. § 37-92-305(3.6)(a)(II). The correction sought herein will not injuriously affect the owner of or persons entitled to use water under a vested water right or a decreed conditional water right. The erroneously described points of diversion for the Windy Gap Project Water Rights did not alter the fact that the Windy Gap Reservoir water right is an on stream reservoir and that the Pump, Pipeline, and Canal water rights pump water stored in the reservoir. There are no intervening inflows or water rights that divert between the erroneously described points of diversion and the corrected points of diversion. The Windy Gap Project Water Rights will continue to be diverted up to the decreed amounts and flow rates, and subject to decreed volumetric limits and the terms and conditions of the decree entered in Case No. 17CW3176 (“17CW3176 Decree”), at the existing points of diversion. D. In accordance with C.R.S. § 37-92-305(3.6)(d)(V), this Application for correction of the established but erroneously described points of diversion for the Windy Gap Project Water Rights does not include an action seeking any other type of change of water right or diligence proceeding or application to make a water right absolute. Other than correction to the legal descriptions of the points of diversion, the Windy Gap Project Water Rights and all of the decrees referenced in Paragraph 3 relating thereto will remain unchanged by this case. Specifically, and without limitation, all of the terms and conditions of the 17CW3176 Decree (other than the legal descriptions of the points of diversion) will remain unchanged and in full force and effect, including incorporation of the 2012 Windy Gap Firming Project Intergovernmental Agreement dated July 12, 2016, as an integral and non-severable part of the Windy Gap Decrees, 17CW3176 Decree ¶ 44. E. By this Application, the Municipal Subdistrict requests that the Court enter a decree pursuant to C.R.S. § 37-92-305(3.6) correcting the established but erroneously described points of diversion of the Windy Gap Project Water Rights to the following corrected points of diversion, which are the actual physical locations of the points of diversion for the Windy Gap Project Water Rights: i. Windy Gap Reservoir. a. **Corrected legal description of point of diversion:** A point located in the SW/4 NE/4 of Section 26, T2N, R77W, 6th P.M., Grand County, Colorado, at the following UTM coordinates, NAD83, Zone 13: 4440257.30 Northing, 416217.64 Easting. ii. Windy Gap Pump, Pipeline, and Canal; Windy Gap Pump, Pipeline, and Canal, First Enlargement; and Windy Gap Pump, Pipeline, and Canal, Second Enlargement. a. **Corrected legal description of point of diversion:** A point located in the SW/4 NE/4 of Section 26, T2N, R77W, 6th P.M., Grand County, Colorado, at the following UTM coordinates, NAD83, Zone 13: 4440251.92 Northing, 416302.81 Easting. 5. Landowner Notice: C.R.S. § 37-92-302(2)(b)(II) requires notice to the owners or reputed owners of land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored. All of the structures that are the subject of this Application are located on land owned by Applicant. 6. Exhibit: Figure 1: Map – Decreed and Actual Points of Diversion for the Windy Gap Project Water Rights. (6 pages)

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JUNE 2021 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: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**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 APRIL 2021. *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.***

**21CW3076 GARFIELD COUNTY. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE. Roaring River Ranch, LLC c/o Mark E. Hamilton, Esq., and Hayley K. Siltanen, Esq., Holland & Hart LLP, 600 E. Main St., Ste. 104, Aspen, CO 81611-1991, (970) 925-3476, mehamilton@hollandhart.com, hksiltanen@hollandhart.com. 2. Names of Structures: Pines Grove Pipeline Enlargement (surface diversion); Roaring River Ranch**



("RRR") Pond System (storage right). 3. Description of Conditional Water Rights: *a. Pines Grove Pipeline Enlargement:* i. Date of Original Decree: decree entered 03/30/2008 in Case No. 03CW138, Water Div. 5. ii. Subsequent Decrees Awarding Findings of Diligence: Case No. 14CW3032, Water Div. 5, decree entered 04/25/2015. iii. Legal Description: The Pines Grove Pipeline Enlargement is diverted at the point of diversion for the Pines Grove Pipeline water right, as decreed in Case No. 94CW380. This point is located on the left bank of the Roaring Fork River, whence the SE Corner of Sec. 6, T. 9 S., R. 85 W. of the 6th P.M. bears S. 17°30' E. 1,750, also described as in the NE1/4 of the SE1/4, said Sec. 6, approximately 1,630 feet from the S. sec. line and 600 feet from the E. sec. line. See the map attached to the Application as Exhibit A. iv. Source: Roaring Fork River. v. Approp. Date: 02/10/2002. vi. Amount: 0.29 c.f.s., cond. vii. Uses: Irrigation, piscatorial, recreation, and wildlife purposes (delivery of water into storage in the Pines Grove Pond and RRR Pond System). viii. Irrigation Information: The Pines Grove Pipeline Enlargement is used as a supplemental irrigation supply for 3.8 acres of historically irrigated acreage located on property shown on Exhibit A. *b. RRR Pond System:* i. Date of Original Decree: decree entered 03/30/2008 in Case No. 03CW138, Water Div. 5. ii. Subsequent Decrees Awarding Findings of Diligence: Case No. 14CW3032, Water Div. 5, decree entered 04/25/2015. iii. Legal Description: The RRR Pond System, generally located in the NE1/4 of the SE1/4 of Sec. 6, T. 9 S., R. 85 W. of the 6th P.M., is a pond system that consists of three interconnected ponds. The center point of each pond is as follows: 1) RRR Pond No. 2. The center of Pond No. 2 is located at a point in the NE1/4 of the SE1/4 of Sec. 6, T. 9 S., R. 85 W. of the 6th P.M., 1400 feet from the S. sec. line and 1000 feet from the E. sec. line. A man-made stream channel connects Pond No. 2 to Pond No. 3. 2) RRR Pond No. 3. The center of Pond No. 3 is located at a point in the NE1/4 of the SE1/4 of Sec. 6, T. 9 S., R. 85 W. of the 6th P.M., 1575 feet from the S. sec. line and 1225 feet from the E. sec. line. A man-made stream channel connects Pond No. 3 to Pond No. 4, which is included as a part of Pond No. 4. 3) RRR Pond No. 4. The center of Pond No. 4 is located at a point in the NE1/4 of the SE1/4 of Sec. 6, T. 9 South, R. 85 W. of the 6th P.M., 1950 feet from the S. sec. line and 1475 feet from the E. sec. line. The locations of the ponds are depicted on Exhibit A. iv. Source: **Roaring Fork River via the Pines Grove Pipeline.** v. Approp. Date: 02/10/2002. vi. Amount: The RRR Pond System is decreed absolute in the amount of 3.78 acre-feet for piscatorial and wildlife purposes, and in the amount of 0.73 acre-feet for recreation purposes. 3.05 acre-feet remains conditionally decreed for recreation purposes. The existing storage capacity for the RRR Pond System is allocated among the three ponds and associated stream channel as follows: 1) RRR Pond No. 2: 1.14 acre-feet. 2) RRR Pond No. 3: 2.08 acre-feet. 3) RRR Pond No. 4 and associated stream channel: 0.29 acre-feet. vii. Uses: Piscatorial, recreation, and wildlife purposes. Water in the RRR Pond System may be recirculated and thereby used and reused. Water that flows into Pond No. 4 (the terminal pond) may be pumped into the irrigation system and/or recirculated into Pond No. 2. Such recirculation will not increase the estimated stream depletions. Only water diverted in priority or augmented will be recirculated. 4. Claims to Make Absolute: *a. Pines Grove Pipeline Enlargement:* Applicant has diverted and utilized 0.29 c.f.s. of water pursuant to the Pines Grove Pipeline Enlargement for irrigation of 3.8 acres shown on Exhibit A, with a first date of use of 04/21/2015. Diversion records show that Applicant diverted water in priority under the Pines Grove Pipeline Enlargement starting in late April, prior to the dates when diversions were made under the Snowmass Divide Ditch and Brush Creek Ditch. Diversion records for the Pines Grove Pipeline structure, Snowmass Divide Ditch, and Brush Creek Ditch are attached to the Application as Exhibits B, C, and D, respectively. Call records for the Roaring Fork and Colorado Rivers are attached to the Application as Exhibits E and F, respectively. *b. RRR Pond System:* C.R.S. § 37-92-301(4)(e) provides that "a decreed conditional storage right shall be made absolute for all decreed purposes to the extent of the volume of the appropriation that has been captured, possessed and controlled at the decreed storage structure." As set forth above, 3.78 acre-feet of storage capacity exists, and the RRR Pond System has already been made absolute in the amount of 3.78 acre-feet for piscatorial and wildlife purposes as confirmed in Case No. 14CW3032. Because this amount of water has already been stored in priority for these other beneficial purposes, the conditional water storage right originally decreed in Case No. 03CW138 for this structure should also be made absolute and unconditional for recreation use, such that all decreed amounts and uses for this structure will be absolute and unconditional. 5. Integrated System. The Pines Grove Pipeline Enlargement and RRR Pond System, along with the augmentation plan, including Pines Grove Exchange, decreed in Case No. 03CW137, Water Div. 5, are part of an integrated water supply system to serve the Roaring River Ranch property. 03CW138 Decree, Para. 34. Diligence with respect to one component of the integrated water supply system constitutes diligence with respect to the entirety of the system. 6. Outline of what has been done toward completion of the appropriation and application of water to beneficial use as conditionally decreed: A detailed outline of activities and expenditures by Applicant during the diligence period is included in the Application. 7. Names and addresses of owners of land on which structure is located and upon which water is placed to beneficial use: Applicant. (7 pages + Exhibits)  
**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JUNE 2021 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: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**15. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF APRIL 2021. 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.**

**21CW3077 EAGLE, PITKIN AND GRAND COUNTIES, EAGLE, ROARING FORK AND COLORADO RIVERS.** Application for changes of water rights, conditional water right, and amendment to plan for augmentation. Siena Lake, LLC c/o Beattie Houpt & Jarvis, PO Box 1669, Basalt, CO 81621, 970-945-8659. Applicant is the successor in interest to previous owners and developers of real

property near Gypsum, Colorado formerly known as the proposed Saddle Ridge development. Conditional water rights and plans for augmentation for that development were originally adjudicated by 2001 Properties LLC in 01CW239, 01CW240 and 01CW241 (referred to herein as the "Original Water Rights"). A successor in interest, Owens Realty Mortgage, Inc., obtained findings of reasonable diligence for the conditional water rights confirmed in those cases in 14CW3091. In December, 2020, Siena Lake, LLC took title to a portion of the former Saddle Ridge property and a 77.29% interest in the Original Water Rights. Applicant has revised the development plan for its property, which is now referred to as the "Siena Lake Development." The purpose of this Application is to modify Applicant's interest in the Original Water Rights to meet the needs of the Siena Lake Development. Potable water service to the Siena Lake Development will be provided by the Town of Gypsum; the water rights and plan for augmentation that are the subject of this Application are designed to address certain raw water demands of the Siena Lake development, including irrigation of lawns, gardens and landscaping, raw water storage, and evaporation from open water surfaces. Modifications to Applicant's interest in the Original Water Rights described below include: the consolidation of water storage rights for Saddle Ridge Reservoir Nos. 1-15 into a single water storage facility comprised of one large lake and a smaller settling pond, connected by a short watercourse; a change in use and enlargement of the conditional water right that delivers water from the Eagle River into storage; amendment of the augmentation plan decreed in 01CW239 to comport with the new development plan for the property; and a corresponding change of the conditional right of exchange used in connection with the augmentation plan. Saddle Ridge Reservoir Nos. 1-15: Original decree entered on 07/24/08 in 01CW241; subsequent decree entered on 06/01/15 in 14CW3091. Source: Eagle River, trib to the Colo River. Appropriation date: 09/28/01. Water right used to fill reservoirs: Eagle Ranch Pump and Pipeline, Saddle Ridge Enlargement. Decreed Uses: Irrigation inside the Saddle Ridge Development, including irrigation of lawns, gardens, landscaping and a golf course, and for recreational, aesthetic, and piscatorial purposes. Number of acres irrigated: 115 acres. Location of irrigated area: Within portions of the SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, Sec 2, SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, Sec 3, NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, Sec 10, SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, Sec 11, T 5 S, R 85 W 6<sup>th</sup> PM. Saddle Ridge Reservoir Nos. 1-15 will be constructed below grade and may not have traditional dams. Applicant proposes the following changes to all reservoirs: The place of use of the water rights will be enlarged to include the S<sup>1</sup>/<sub>2</sub>N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub> of Sec 2, T 5 S R 85 W 6<sup>th</sup> PM, and the place of storage of these water rights will be changed to the Siena Lake Water Storage Facility, described as follows: The high water line of Siena Lake at the inlet channel is located in the NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of Sec 11, T 5 S, R 85 W 6<sup>th</sup> PM at a point having the following UTM coordinates: Northing: 4389360 Easting: 337525. Source: Eagle River, trib to the Colo River. Name and capacity of structure used to fill reservoir: Up to 2.0 cfs via the Eagle Ranch Pump and Pipeline by exercise of water rights for Eagle Ranch Pump and Pipeline, Saddle Ridge Enlargement and Eagle River Pump and Pipeline, Siena Lake Enlargement. Surface area: Not to exceed 7.3 acres. Vertical height: Less than 10 ft. Length: Approx 500 ft. Total capacity: Approx 93 af. Active capacity: Approx 79 af. Dead storage: Approx 14 af. Owner of land: Applicant. This structure is comprised of one large, excavated reservoir ("Siena Lake"), a small settling pond and a short connecting channel, and associated recirculation channels. Saddle Ridge Reservoir No. 1: Location: In the SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, Sec 11, T 5 S, R 85 W 6<sup>th</sup> PM at a point whence the SW corner of Sec 2, T 5 S, R 85 W 6<sup>th</sup> PM bears N 40°10'03" W a distance of 3,329.44 ft. Amount: 10.0 af, conditional, with right to fill and refill at a max rate of 1.5 cfs. Surface area: 1.0 acre. Total capacity: 10.0 af. Active capacity: 9.0 af. Dead storage: 1.0 af. Amount to be changed: 7.729 af. Saddle Ridge Reservoir No. 2: Location: In the SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, Sec 11, T 5 S, R 85 W 6<sup>th</sup> PM at a point whence the SW corner of Sec 2, T 5 S, R 85 W 6<sup>th</sup> PM bears N 34°38'9" W a distance of 2,080.92 ft. Amount: 8.0 af, conditional, with right to fill and refill at a max rate of 1.5 cfs. Surface area: 0.8 acres. Total capacity: 8.0 af. Active capacity: 7.2 af. Dead storage: 0.8 af. Amount to be changed: 6.183 af. Saddle Ridge Reservoir No. 3: Location: In the NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, Sec 11, T 5 S, R 85 W 6<sup>th</sup> PM at a point whence the SW corner of Sec 2, T 5 S, R 85 W 6<sup>th</sup> PM bears N 45°40'43" W a distance of 1,505.34 ft. Amount: 8.0 af, conditional, with right to fill and refill at a max rate of 1.5 cfs. Surface area: 0.8 acres. Total capacity: 8.0 af. Active capacity: 7.2 af. Dead storage: 0.8 af. Amount to be changed: 6.183 af. Saddle Ridge Reservoir No. 4: Location: In the SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, Sec 3, T 5 S, R 85 W 6<sup>th</sup> PM at a point whence the SW corner of Sec 2, T 5 S, R 85 W 6<sup>th</sup> PM bears S 77°16'55" E a distance of 101.75 ft. Amount: 5.0 af, conditional, with right to fill and refill at a max rate of 1.5 cfs. Surface area: 0.5 acres. Total capacity: 5.0 af. Active capacity: 4.5 af. Dead storage: 0.5 af. Amount to be changed: 3.865 af. Saddle Ridge Reservoir No. 5: Location: In the SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, Sec 3, T 5 S, R 85 W 6<sup>th</sup> PM at a point whence the SW corner of Sec 2, T 5 S, R 85 W 6<sup>th</sup> PM bears S 36°9'22" E a distance of 481.94 ft. Amount: 5.0 af, conditional, with right to fill and refill at a max rate 1.5 cfs. Surface area: 0.5 acres. Total capacity: 5.0 af. Active capacity: 4.5 af. Dead storage: 0.5 af. Amount to be changed: 3.865 af. Saddle Ridge Reservoir No. 6: Location: In the NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, Sec 11, T 5 S, R 85 W 6<sup>th</sup> PM at a point whence the SW corner of Sec 2, T 5 S, R 85 W 6<sup>th</sup> PM bears S 61°29'12" W a distance of 1,118.0 ft. Amount: 10.0 af, conditional, with right to fill and refill at a maximum rate of 1.5 cfs. Surface area: 1.0 acres. Total capacity: 10.0 af. Active capacity: 9.0 af. Dead storage: 1.0 af. Amount to be changed: 7.729 af. Saddle Ridge Reservoir No. 7: Location: In the NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, Sec 11, T 5 S, R 85 W 6<sup>th</sup> PM at a point whence the SW corner of Sec 2, T 5 S, R 85 W 6<sup>th</sup> PM bears N 63°53'35" W a distance of 1,332.33 ft. Amount: 12.0 af, conditional, with right to fill and refill at a max rate of 1.5 cfs. Surface area: 1.2 acres. Total capacity: 12.0 af. Active capacity: 10.8 af. Dead storage: 1.2 af. Amount to be changed: 9.275 af. Saddle Ridge Reservoir No. 8: Location: In the NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, Sec 11, T 5 S, R 85 W 6<sup>th</sup> PM at a point whence the SW corner of Sec 2, T 5 S, R 85 W 6<sup>th</sup> PM bears N 83°6'32" W a distance of 1,804.21 ft. Amount: 10.0 af, conditional, with right to fill and refill at a max rate of 1.5 cfs. Surface area: 1.0 acres. Total capacity: 10.0 af. Active capacity: 9.0 af. Dead storage: 1.0 af. Amount to be changed: 7.729 af. Saddle Ridge Reservoir No. 9: Location: In the NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, Sec 11, T 5 S, R 85 W 6<sup>th</sup> PM at a point whence the SW corner of Sec 2, T 5 S, R 85 W 6<sup>th</sup> PM bears N 78°35'36" W a distance of 2,029.52 ft. Amount: 10.0 af, conditional, with right to fill and refill at a max rate of 1.5 cfs. Surface area: 1.0 acres. Total capacity: 10.0 af. Active capacity: 9.0 af. Dead storage: 1.0 af. Amount to be changed: 7.729 af. Saddle Ridge Reservoir No. 10: Location: In the SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, Sec 2, T 5 S, R 85 W 6<sup>th</sup> PM at a point whence the SW corner of Sec 2, T 5 S, R 85 W 6<sup>th</sup> PM bears S 87°11'37" W a distance of 2,322.65 ft. Amount: 12.0 af, conditional, with right to fill and refill at a maximum rate of 1.5 cfs. Surface area: 1.2 acres. Total capacity: 12.0 af. Active capacity: 10.8 af. Dead storage: 1.2 af. Amount to be changed: 9.275 af. Saddle Ridge

Reservoir No. 11: Location: In the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec 2, T 5 S, R 85 W 6<sup>th</sup> PM at a point whence the SW corner of Sec 2, T 5 S, R 85 W 6<sup>th</sup> PM bears S 68°56'30" W a distance of 2,117.64 ft. Amount: 5.0 af, conditional, with right to fill and refill at a maximum rate of 1.5 cfs. Surface area: 0.5 acres. Total capacity: 5.0 af. Active capacity: 4.5 af. Dead storage: 0.5 af. Amount to be changed: 3.865 af. Saddle Ridge Reservoir No. 12: Location: In the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec 2, T 5 S, R 85 W 6<sup>th</sup> PM at a point whence the SW corner of Sec 2, T 5 S, R 85 W 6<sup>th</sup> PM bears S 59°5'5" W a distance of 2,149.42 ft. Amount: 5.0 af, conditional, with right to fill and refill at a max rate of 1.5 cfs. Surface area: 0.5 acres. Total capacity: 5.0 af. Active capacity: 4.5 af. Dead storage: 0.5 af. Amount to be changed: 3.865 af. Saddle Ridge Reservoir No. 13: Location: In the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec 2, T 5 S, R 85 W 6<sup>th</sup> PM at a point whence the SW corner of Sec 2, T 5 S, R 85 W 6<sup>th</sup> PM bears S 73°53'18" W a distance of 3,075.08 ft. Amount: 10.0 af, conditional, with right to fill and refill at a max rate of 1.5 cfs. Surface area: 1.0 acres. Total capacity: 10.0 af. Active capacity: 9.0 af. Dead storage: 1.0 af. Amount to be changed: 7.729 af. Saddle Ridge Reservoir No. 14: Location: In the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec 2, T 5 S, R 85 W 6<sup>th</sup> PM at a point whence the SW corner of Sec 2, T 5 S, R 85 W 6<sup>th</sup> PM bears S 80°30'6" W a distance of 3,330.39 ft. Amount: 5.0 af, conditional, with right to fill and refill at a max rate of 1.5 cfs. Surface area: 0.5 acres. Total capacity: 5.0 af. Active capacity: 4.5 af. Dead storage: 0.5 af. Amount to be changed: 3.865 af. Saddle Ridge Reservoir No. 15: Location: In the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec 2, T 5 S, R 85 W 6<sup>th</sup> PM at a point whence the SW corner of Sec 2, T 5 S, R 85 W 6<sup>th</sup> PM bears S 83°19'36" W a distance of 3,706.036 ft. Amount: 5.0 af, conditional, with right to fill and refill at a max rate of 1.5 cfs. Surface area: 0.5 acres. Total capacity: 5.0 af. Active capacity: 4.5 af. Dead storage: 0.5 af. Amount to be changed: 3.865 af. Eagle Ranch Pump and Pipeline, Saddle Ridge Enlargement: Original decree entered 07/24/08 in 01CW241; subsequent decrees entered in 14CW3091 (diligence) and 15CW3028 (correcting the legal description of the point of diversion). Location : In the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec 1, T 5 S, R 85 W 6<sup>th</sup> PM at a point whence the SW corner of Sec 2, T 5 S, R 85 W 6<sup>th</sup> PM bears S 68°38'47" W a distance of 8,815 ft. Source: Eagle River, trib to Colo River. Appropriation date: 09/28/01. Amount: 1.5 cfs, conditional. Decreed uses: Water will be used to fill and refill Saddle Ridge Reservoir Nos. 1-15, and for irrigation inside the Saddle Ridge Development, and for recreational, aesthetic, and piscatorial purposes. A total of 115 acres were decreed to be irrigated, including 25 acres of lawn, gardens and landscaping, and 90 acres of golf course irrigation. Location of irrigated area: Within portions of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec 2, SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec 3, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec 10, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec 11, T 5 S, R 85 W 6<sup>th</sup> PM. Amount to be changed: Applicant's 77.29% ownership interest in the 1.5 cfs conditionally decreed to this water right, being 1.16 cfs. Applicant proposes to change the use of this water right from those described above to use for filling and refilling the Siena Lake Water Storage Facility for recreational, aesthetic, and piscatorial purposes and for irrigation of 16.5 acres of lawns, gardens, and landscaping within the Siena Lake Development. Although the area to be irrigated is reduced from the originally-decreed 25 acres to 16.5 acres, Applicant proposes to include within the area to be irrigated land located in the S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$  of Sec 2, T 5 S, R 85 W 6<sup>th</sup> PM. Eagle Ranch Pump and Pipeline, Siena Lake Enlargement: Location: In the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec 1, T 5 S, R 85 W 6<sup>th</sup> PM at a point whence the SW corner of Sec 2, T 5 S, R 85 W 6<sup>th</sup> PM bears S 68°38'47" W a distance of 8,815 ft. Source: Eagle River, trib to Colo River. Appropriation date: 04/30/21. Amount: 0.84 cfs, conditional. Use: to fill and refill the Siena Lake Water Storage Facility for recreational, aesthetic, and piscatorial purposes and for irrigation. Number of acres irrigated: Approx 16.5 acres. Location of irrigated area: Within and adjacent to the Siena Lake Development located in SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$  Sec 2, SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec 3, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec 10, and SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec 11, T 5 S, R 85 W 6<sup>th</sup> PM. 01CW239 Ruedi/Wolford Exchange: Original decree entered 10/03/08 in 01CW239; subsequent decree entered 06/01/15 in 14CW3091. Decreed reach of exchange: Upstream terminus: point of diversion of the Eagle Ranch Pump and Pipeline, Saddle Ridge Enlargement, located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec 1, T 5 S, R 85 W 6<sup>th</sup> PM at a point whence the SW corner of Sec 2, T 5 S, R 85 W 6<sup>th</sup> PM bears S 68°38'47" W a distance of 8,815 ft. Downstream termini: (a) During times when water is being released from Ruedi Reservoir under the decree entered in 01CW239, the downstream terminus of the exchange is at the confluence of the Roaring Fork and Colo Rivers, located in the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Sec 9, T 6 S, R 89 W of the 6<sup>th</sup> PM, at a point approx 2,200 ft from N line and 2,350 ft from W line of said Sec 9; (b) During times when water is being released from Wolford Mountain Reservoir under the decree entered in 01CW239, the downstream terminus of the exchange is at the confluence of the Eagle and Colo Rivers is located in the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Sec 5, T 5 S, R 86 W 6<sup>th</sup> PM, at a point approx 2,500 ft from N sec line and 2,300 ft from E sec line of said Sec 5. Source: Ruedi Reservoir and/or Wolford Mountain Reservoir, pursuant to a water allotment contract with the Colorado River Water Conservation District ("CRWCD"). Appropriation date: 07/08/02. Amount: 1.5 cfs, conditional, up to the amount of Applicant's actual augmentation requirements, estimated to be 58.0 af per year. The 1.5 cfs exchange rate is the total allowable amount of exchange under the decrees entered in 01CW239 and 01CW240. Use: Irrigation of approx 25 acres of lawns, gardens and landscaping inside Saddle Ridge Development, and to fill and refill Saddle Ridge Reservoir Nos. 1-15. Amount to be changed: 1.16 cfs. Applicant proposes to change the decreed uses to allow the exchanged water to be used to fill and refill the Siena Lake Water Storage Facility for the irrigation of approx 25 acres of lawns, gardens and landscaping within and adjacent to the Siena Lake Development including land in the S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$  of Sec 2, T 5 S, R 85 W 6<sup>th</sup> PM. Amendment to plan for augmentation: By decree entered 10/03/08, in 01CW239, this Court approved a plan for augmentation designed to support the previously-proposed Saddle Ridge Development, referred to herein as the "Existing Augmentation Plan." Under that plan, out-of-priority depletions to the Eagle and Colorado Rivers resulting from the exercise of the conditional water right decreed to the Eagle Ranch Pump and Pipeline, Saddle Ridge Enlargement were to be replaced with water released from Ruedi and/or Wolford Mountain Reservoirs pursuant to a Water Supply Contract with CRWCD. The anticipated depletions were associated with irrigation of 25 acres within the Saddle Ridge Development and evaporation from 12 acres of open water surfaces of Saddle Ridge Reservoir Nos. 1-15. The total annual augmentation requirement of the plan was expected to be 58 af. Applicant seeks to amend the Existing Augmentation Plan to comport with its development plan, as follows: The extent and location of open water surface area will be reduced from 12 acres at the sites of Saddle Ridge Reservoir Nos. 1 – 15 to 7.3 acres at the site of the Siena Lake Water Storage Facility; the areal extent of irrigation under the plan will be reduced from 25 acres within the Saddle Ridge Development to 16.5 acres within and adjacent to the Siena Lake Development; the max rate at which

water may be diverted to deliver irrigation water and to fill and refill the Siena Lake Storage Facility will be increased from 1.5 cfs to 2.0 cfs by the addition of the conditional water right claimed herein for the Eagle Ranch Pump and Pipeline, Siena Lake Enlargement as a structure to be augmented; and pursuant to C.R.S. §37-92-305(8)(c), Applicant proposes that the plan allow for the use of additional or alternative sources of augmentation or replacement water, including water released from Eagle Park Reservoir pursuant to a water supply contract with the CRCWD, provided that such sources are decreed for such use. Total annual augmentation requirements under the amended plan are estimated to be 55.43 af. Owners of land: Eagle Ranch Pump and Pipeline, Siena Lake Enlargement: Hillis of Snowmass, Inc., PO Box 5739, Eagle, CO 81631; all other structures: Applicant. (32 pages)

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JUNE 2021 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: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**

**16. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF APRIL 2021. *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.***

**21CW3055 GARFIELD COUNTY. COLORADO RIVER.** Jennifer and Jared Street, c/o Corona Water Law, Craig Corona, Esq. 1018 Lauren Lane, Basalt, CO 81621. (970) 948-6523. AMENDED APPLICATION FOR SIMPLE CHANGE IN SURFACE POINT OF DIVERSION PURSUANT TO § 37-92-305(3.5), C.R.S. Structure to change: L & T Pump Station. Original decree: 93CW306, May 16, 1994. Subsequent decrees: 00CW70, March 7, 2001; 07CW28, October 2, 2007; 12CW143, dismissed; 13CW59, September 13, 2015; 13CW3058, June 22, 2017. Legal description: The point of diversion is located 2,120 feet from the West section line and 1,875 feet from the South section line in Section 27, Township 6 South, Range 92 West of the 6<sup>th</sup> P.M. **Decreed source of water: Dry Hollow Creek, tributary to the Colorado River.** Appropriation date: July 14, 1992. Amount decreed: 2.1 c.f.s., total. 2.0 c.f.s. for irrigation and 0.1 c.f.s. for domestic and livestock purposes. Amount owned by Applicants: 0.875 c.f.s., conditional, for irrigation. Decreed uses: Irrigation, domestic, and livestock. The Applicants use is irrigation. Amount Applicants intend to change: 0.875 c.f.s. Statement of change: Applicants propose to change the point of diversion for their interest in the L & T Pump Station water right to a location that is less than 200 feet from the decreed location of the structure. Applicants request a simple change in location for their portion of the L & T Pump Station water right. The point of diversion requested herein is within 200 feet of the decreed location. There are no intervening surface diversion points or inflow between the new point of diversion and the original decreed point of diversion. Location of the new surface point of diversion: NE ¼ SW ¼ Section 27, Township 6 South, Range 92 West, 6<sup>th</sup> P.M. Easting: 271725. Northing: 4375180. Street Address: 3692 331 County Road, Silt, CO 81652. Copies of the application may be obtained from Craig Corona at [cc@craigcoronalaw.com](mailto:cc@craigcoronalaw.com).

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of JUNE 2021 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: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.**