

DIVISION 5 WATER COURT- JANUARY 2022 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 JANUARY 2022. *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.*

**22CW1(14CW22) MESA COUNTY – COLORADO RIVER.** Window Lake LLC, c/o Robert D. Small; P.O. Box 447; Silverthorne, CO 80498. (970)368-0842. Window Lake Diversion-Application for Finding of Reasonable Diligence. Location: SE¼SE¼NW¼ of Sec. 16, T. 1S., R. 1W. of the Ute P.M. 2,900 ft. from the east sec. line and 2,850 ft. from the south sec. line. Appropriation: Sept. 1, 2006. Amount: 5.0 c.f.s., conditional. Use: Recharge of Adams South Lake Well a/k/a Window Lake and to store and transmit water by recharging aquifer and irrigation. An outline of work performed during the diligence period is included in the application.

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MARCH 2022 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 JANUARY 2022. *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.*

**22CW3000 GARFIELD COUNTY, Application for Findings of Reasonable Diligence. Applicant:** Alleman Nicholas Campbell LLC; 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 requested findings of reasonable diligence with regard to the conditional water rights decreed to the *Anderson Pond No. 1, East Enlargement* described as follows: Date of original decree: October 23, 1996. Case No.: 95CW147. Court: District Court, Water Division No. 5. Subsequent Decrees: 02CW117, 08CW154, 15CW3086. Location: As decreed in Case No. 80CW370, Anderson Pond No. 1 is located in the S 1/2 SW 1/4 of Sect. 17 and in the N 1/2 NW 1/4 of Sect. 20, T. 6 S., R. 93 W. of the 6<sup>th</sup> P.M. The intersection of the westerly line of said pond and the section line between said Sections 17 and 20 lies at a point whence the corner common to Sections 17,18,19 and 20 bears South 89° 33' 08" West 525.66 Ft. The center of Anderson Pond No. 1 East Enlargement is located at a point 150 feet from the south section line and 2350 feet from the west section line of Section 17, T 6 S, R. 93 W of the 6<sup>th</sup> P.M. **Source: The pond is hydraulically connected to the Colorado River and fills with water tributary to the Colorado River.** Appropriation date: August 30, 1994. Amount: 9 acre-feet conditional (Eastern enlargement). Uses: Evaporation losses from the surface of said pond for piscatorial, livestock watering, and recreational purposes. *Owner of land upon which water right 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 MARCH 2022 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.**

3. 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 JANUARY 2022. *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.*

**22CW3001 GARFIELD COUNTY, Application for Findings of Reasonable Diligence and/or to Make Water Rights Absolute. Applicant:** Roaring Fork Preserve HOA; 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). *Applicant requests findings of reasonable diligence with regard to the following water right: Slough Ditch and Banning Lateral, RFP Enlargement.* Location: the approximate location of the point of diversion is at a point from whence the Southwest corner of Section 31, Township 7 South, Range 87 West of the 6<sup>th</sup> P.M. bears south 25 degrees, West 1900 feet, Garfield County, Colorado. **Source: the Roaring Fork River tributary to the Colorado River.** Appropriation date: January 30, 2000. Amount: 2.0 c.f.s., conditional. Uses: To fill the RFP Pond Nos. 1 through 11 for wildlife, aesthetic, piscatorial, recreational uses. The Applicant requests findings of reasonable diligence with regard to nine ponds as follows, all decreed in Case No. 04CW180, District Court in and for Water Division No. 5 (pond locations are shown on **Exhibit A** attached hereto): *Name of structure: RFP Pond No. 1.* Location: the pond will be located on Lot 1 or 2 of the Roaring Fork Preserve Subdivision which is described in the final plat recorded with the Garfield County Clerk and Recorder which subdivision is located in Sections 35 and 36, Township 7 South, Range 88 West of the 6<sup>th</sup> P.M., in Garfield County, Colorado. *Source:* the pond will be filled with the Slough and Banning Lateral RFP Enlargement, which is described above in Paragraph 2 and which will also flow through the pond. The pond will be lined to prevent any interception of groundwater. Appropriation date: January 30, 2000. Amount: 4.0 acre-feet, conditional with the right to fill and refill in priority. Amount: 4 acre-feet. Surface area: .49 acres or

less. *Depth:* 10 feet. *Active storage:* 100% *Dam Height:* less than 10 feet. *Dam Length:* less than 200 feet. *Uses:* recreation, piscatorial, aesthetic and wildlife. *Name of structure:* **RFP Pond No. 2.** *Location:* the pond will be located on Lot 1 or 2 of the Roaring Fork Preserve Subdivision which is described in the final plat recorded with the Garfield County Clerk and Recorder which subdivision is located in Sections 35 and 36, Township 7 South, Range 88 West of the 6<sup>th</sup> P.M., in Garfield County, Colorado. *Source:* the pond will be filled with the Slough Ditch and Banning Lateral, RFP Enlargement, which is described above in Paragraph 2 which water will also flow through the pond. The pond will be lined to prevent any interception of groundwater. *Appropriation date:* January 30, 2000. *Amount:* 4.0 acre-feet, conditional, with right to fill and refill in priority. *Surface area:* .49 acres or less. *Depth:* 10 feet. *Active storage:* 100%. *Dam Height:* less than 10 feet. *Dam Length:* less than 200 feet. *Uses:* recreation, piscatorial, wildlife, aesthetic and stock watering. *Name of structure:* **RFP Pond No. 3.** *Location:* the pond will be located on Lot 3 of the Roaring Fork Preserve Subdivision which is described in the final plat recorded with the Garfield County Clerk and Recorder which subdivision is located in Sections 35 and 36, Township 7 South, Range 88 West of the 6<sup>th</sup> P.M., in Garfield County, Colorado. *Source:* the pond will be filled with the Slough and Banning Lateral RFP Enlargement, which is described above in Paragraph 2, and which ditch rights will also flow through the pond. The pond will be lined to prevent any interception of groundwater. *Appropriation date:* January 30, 2000. *Amount:* 4.0 acre-feet, conditional, with right to fill and refill in priority. *Surface area:* .49 acres or less. *Depth:* 10 feet. *Active storage:* 100%. *Dam Height:* less than 10 feet. *Dam Length:* less than 200 feet. *Uses:* recreation, aesthetic, piscatorial and wildlife. *Name of structure:* **RFP Pond No. 4.** *Location:* the pond will be located on Lot 4 of the Roaring Fork Preserve Subdivision which is described in the final plat recorded with the Garfield County Clerk and Recorder which subdivision is located in Sections 35 and 36, Township 7 South, Range 88 West of the 6<sup>th</sup> P.M., in Garfield County, Colorado. *Source:* the pond will be filled with the Slough and Banning Lateral RFP Enlargement, which is described above in Paragraph 2, and which ditch rights will also flow through the pond. The pond will be lined to prevent any interception of groundwater. *Appropriation date:* January 30, 2000. *Amount:* 4.0 acre-feet, conditional, with right to fill and refill in priority. *Surface area:* .49 acres. *Depth:* 10 feet. *Active storage:* 100%. *Dam Height:* less than 10 feet. *Dam Length:* less than 200 feet. *Uses:* recreation, piscatorial, wildlife, and aesthetic. *Name of structure:* **RFP Pond No. 5.** *Location:* the pond will be located on Lot 5 of the Roaring Fork Preserve Subdivision which is described in the final plat recorded with the Garfield County Clerk and Recorder which subdivision is located in Sections 35 and 36, Township 7 South, Range 88 West of the 6<sup>th</sup> P.M., in Garfield County, Colorado. *Source:* the pond will be filled with the Slough and Banning Lateral RFP Enlargement, which is described above in Paragraph 2, and which ditch rights will also flow through the pond. The pond will be lined to prevent any interception of groundwater. *Appropriation date:* January 30, 2000. *Amount:* 4.0 acre-feet, conditional, with right to fill and refill in priority. *Surface area:* .49 acres. *Depth:* 10 feet. *Active storage:* 100%. *Dam Height:* less than 10 feet. *Dam Length:* less than 200 feet. *Uses:* recreation, piscatorial, wildlife, and aesthetic. *Name of structure:* **RFP Pond No. 6.** *Location:* the pond will be located on Lot 6 of the Roaring Fork Preserve Subdivision which is described in the final plat recorded with the Garfield County Clerk and Recorder which subdivision is located in Sections 35 and 36, Township 7 South, Range 88 West of the 6<sup>th</sup> P.M., in Garfield County, Colorado. *Source:* the pond will be filled with the Slough and Banning Lateral RFP Enlargement, which is described above in Paragraph 2, and which ditch rights will also flow through the pond. The pond will be lined to prevent any interception of groundwater. *Appropriation date:* January 30, 2000. *Amount claimed:* 4.0 acre-feet, conditional, with right to fill and refill in priority. *Surface area:* .49 acres. *Depth:* 10 feet. *Active storage:* 100%. *Dam Height:* less than 10 feet. *Dam Length:* less than 200 feet. *Uses:* recreation, piscatorial, wildlife, and aesthetic. *Name of structure:* **RFP Pond No. 7.** *Location:* the pond will be located on Lot 7 of the Roaring Fork Preserve Subdivision which is described in the final plat recorded with the Garfield County Clerk and Recorder which subdivision is located in Sections 35 and 36, Township 7 South, Range 88 West of the 6<sup>th</sup> P.M., in Garfield County, Colorado. *Source:* the pond will be filled with the Slough and Banning Lateral RFP Enlargement, which is described above in Paragraph 4, and which ditch rights will also flow through the pond. The pond will be lined to prevent any interception of groundwater. *Appropriation date:* January 30, 2000. *Amount claimed:* 4.0 acre-feet, conditional, with right to fill and refill in priority. *Surface area:* .49 acres. *Depth:* 10 feet. *Active storage:* 100%. *Dam Height:* less than 10 feet. *Dam Length:* less than 200 feet. *Uses:* recreation, piscatorial, wildlife, and aesthetic. *Name of structure:* **RFP Pond No. 8.** *Location:* the pond will be located on Lot 8 of the Roaring Fork Preserve Subdivision which is described in the final plat recorded with the Garfield County Clerk and Recorder which subdivision is located in Sections 35 and 36, Township 7 South, Range 88 West of the 6<sup>th</sup> P.M., in Garfield County, Colorado. *Source:* the pond will be filled with the Slough and Banning Lateral RFP Enlargement, which is described above in Paragraph 4, and which ditch rights will also flow through the pond. The pond will be lined to prevent any interception of groundwater. *Appropriation date:* January 30, 2000. *Amount claimed:* 4.0 acre-feet, conditional, with right to fill and refill in priority. *Surface area:* .5 acres. *Depth:* 10 acre feet. *Active storage:* 100%. *Dam Height:* less than 10 feet. *Dam Length:* less than 200 feet. *Uses:* recreation, piscatorial, wildlife, and aesthetic. *Name of structure:* **RFP Pond No. 9.** *Location:* the pond will be located on Lot 9 of the Roaring Fork Preserve Subdivision which is described in the final plat recorded with the Garfield County Clerk and Recorder which subdivision is located in Sections 35 and 36, Township 7 South, Range 88 West of the 6<sup>th</sup> P.M., in Garfield County, Colorado. *Source:* the pond will be filled with the Slough and Banning Lateral RFP Enlargement, which is described above in Paragraph 4, and which ditch rights will also flow through the pond. The pond will be lined to prevent any interception of groundwater. *Appropriation date:* January 30, 2000. *Amount claimed:* 4.0 acre-feet, conditional, with right to fill and refill in priority. *Surface area:* .5 acres. *Depth:* 10 feet. *Active storage:* 100%. *Dam Height:* less than 10 feet. *Dam Length:* less than 200 feet. *Uses:* recreation, piscatorial, wildlife, and aesthetic. *Applicant requests that the following ponds be made absolute in part and that findings of reasonable diligence be entered with regard to the remaining conditional amounts:* *Name of structure:* **RFP Pond No. 10-Entrance.** *Location:* the pond is located in the Common Area of the Roaring Fork Preserve Subdivision as described in the Final Plat located in Section 36, Township 7 South, Range 88 West of the 6<sup>th</sup> P.M., the middle of the pond located at a point 490 feet from the West section line and 3000 feet from the North section line of said Section 36, in Garfield County, Colorado. *Source:* the pond is filled with the Slough and Banning Lateral RFP Enlargement, which is described above in

Paragraph 2, and which ditch rights will also flow through the pond. The pond is lined to prevent the interception of groundwater. *Appropriation date:* January 30, 2000. *Date applied to beneficial use:* May 12, 2009, by construction and filling of pond in the amount of 0.67 acre-feet. *Amount claimed:* 2.0 acre-feet, conditional, with right to fill and refill in priority. *Surface area:* .17 acres. *Depth:* 10 feet. *Active storage:* 100%. *Dam Height:* less than 10 feet. *Dam Length:* less than 200 feet. *Uses:* recreation, piscatorial, wildlife, aesthetic and stock watering. *Remarks:* Pursuant to C.R.S. § 37-92-301(4)(e), this pond shall be made absolute for all decreed purposes in the amount of 2.61 acre-feet. *Name of structure:* **RFP Pond No. 11-Entrance**. *Location:* the pond is located in the common area of the Roaring Fork Preserve Subdivision as it is shown on the Final Plat recorded with the Garfield County Clerk and Recorder located in Section 36, Township 7 South, Range 88 West of the 6<sup>th</sup> P.M., a point of the pond is located 250 feet from the West section line and 2900 feet from the North section line of said Section 36, in Garfield County, Colorado. *Source:* the pond is filled with the Slough and Banning Lateral RFP Enlargement, which is described above Paragraph 2, and which ditch rights will also flow through the pond. The pond is lined to prevent the interception of groundwater. *Appropriation date:* January 30, 2000. *Date applied to beneficial use:* May 12, 2009 at a capacity of 2.61 acre-feet. *Amount claimed:* 3.0 acre-feet, conditional, with right to fill and refill in priority. *Surface area:* .40 acres. *Depth:* 10 feet. *Active storage:* 100%. *Dam Height:* less than 10 feet. *Dam Length:* less than 200 feet. *Uses:* recreation, piscatorial, wildlife, and aesthetic. *Remarks:* Pursuant to C.R.S. § 37-92-301(4)(e), this pond shall be made absolute for all decreed purposes in the amount of 2.61 acre-feet. *Owners of land upon which ponds will be located:* Each numbered pond will be located on the corresponding Lot number. Owners are as follows: Lot 1 – Nathan & Mindy Kaegebein, PO Box 102, Carbondale, CO 81623. Lot 2 – Johnathan C Whitman Revocable Trust, 21 Silver Spruce Drive, Carbondale, CO 81623. Lot 3 – William Hutton, 5231 Farquhar Lane, Dallas, TX 75209. Lot 4 – Travis & Cresta Stewart, 13 Silver Spruce Drive, Carbondale, CO 81623. Lot 5 – Bradley & Elizabeth Tucker, 4770 Bow Mar Drive, Bow Mar, CO 80123. Lot 6 – Bradley & Elizabeth Tucker, 6 Silver Spruce Drive, Carbondale, CO 81623. Lot 7 – Karla Miller, 110 Weeping Willow Lane, Carbondale, CO 81623. Lot 8 – Federico and Graciela Pena, 1026 Highway 133, Carbondale, CO 81623. Lot 9 – Matthew and Julie Fadden, 2815 W. 115<sup>th</sup> Drive, Denver, CO 80234. Entry Ponds – Applicant. All ponds described herein shall be constructed and operate in accordance with the augmentation plan approved by this Court in Case No. 04CW180. The Application includes a detailed description of the work performed during the diligence period to apply the water rights to beneficial use (11 pages).

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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 JANUARY 2022. 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.**

**22CW3002 GARFIELD COUNTY**, Application to Make Water Rights Partially Absolute and for Findings of Reasonable Diligence. Applicant: Mayfly Bend Ranch Homeowners Association; 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). The Applicant requests that the following conditional water rights be made absolute in part and that the Court enters findings of reasonable diligence for the remainder, all originally decreed in Case No. 00CW119, on August 13, 2001, and for which diligence was found in Case No. 07CW144, on January 17, 2016, District Court in and for Water Division No. 5: Slough Ditch and Banning Lateral / Mayfly Bend Ranch Enlargement. *Location:* the approximate location of the point of diversion is at a point from whence the Southwest corner of Section 31, Township 7 South, Range 87 West of the 6<sup>th</sup> P.M. bears south 25 degrees, West 1900 feet, Garfield County, Colorado. *See Exhibit A*. *Source:* **the Roaring Fork tributary to the Colorado River**. *Appropriation Date:* January 30, 2000. *Date Applied to Beneficial Use:* June 1, 2005, by refreshing flows for Mayfly Bend Ranch Pond Nos. 1 and 2 and to fill Mayfly Bend Ranch Pond No. 3 for all decreed uses. *Amount:* 2.0 c.f.s., conditional but used as set forth above. *Uses:* to provide refreshing flows for Mayfly Bend Ranch Pond Nos. 1 and 2, to fill Mayfly Bend Ranch Pond No. 3, for stock watering, wildlife, aesthetic, piscatorial and recreational uses. Recreational use occurs in the ponds. Mayfly Bend Ranch Pond No. 1. *Location:* the pond is located in the Northeast ¼ of the Southeast ¼ of Section 35, Township 7 South, Range 88 West of the 6<sup>th</sup> P.M., the west end of the pond and the dam is located at a point 100 feet from the East section line and 2700 feet from the North section line of said Section 35, in Garfield County, Colorado. *See Exhibit A*. The physical location is also described as Easting 312161.69 and Northing 4363709.25 as measured at the west end of the pond dam. *Source:* the pond is filled with groundwater tributary to the Roaring Fork River and the Slough Ditch and Banning Lateral, Mayfly Bend Ranch Enlargement, which is described above. *Appropriation Date:* January 30, 2000. *Date Applied to Beneficial Use:* June 1, 2005 when pond was dug to a depth of 9 feet with a surface area of 0.054 acres and capacity of 0.16 acre feet (*see Exhibit B – Stage Capacity Table for Pond No. 1*). *Amount:* 4.0 acre-feet, conditional with the right to fill and refill in priority, of which 0.16 acre-feet has been made absolute for all uses as described herein. *Uses:* recreational, piscatorial, wildlife and stock watering. *Owner of land upon which pond is located:* Applicant. *Remarks:* Applicant has applied for a well permit for Pond No. 1 as the pond has been constructed and operated for years pursuant to the augmentation plan approved in Case No. 00CW119. Mayfly Bend Ranch Pond No. 2. *Location:* the pond is located in the Northwest ¼ of the Southwest ¼ of Section 36, Township 7 South, and Range 88 West of the 6<sup>th</sup> P.M., the middle of the pond located at a point 250 feet from the West section line and 2900 feet from the

North section line of said Section 36, in Garfield County, Colorado. *See Exhibit A.* Pond No. 2 has been constructed as two ponds – Pond No. 2A and Pond No. 2B at locations also described as Easting 312237.72 and Northing 4363714.39 (2A) and Easting 312287.84 and Northing 4363690.80 (2B) as measured at the middle of each pond. *Source:* the pond is filled with groundwater tributary to the Roaring Fork River and the Slough Ditch and Banning Lateral, Mayfly Bend Ranch Enlargement, which is described above in Applicants' First Claim above will flow through the pond. *Appropriation date:* January 30, 2000. *Date Applied to Beneficial Use:* June 1, 2005 when the ponds were dug to a depth of 8.75 feet with a surface area of 0.109 acres and capacity of 0.34 acre feet for Pond No. 2A and to a depth of 8.23 feet with a surface area of 0.087 acres and capacity of 0.35 acre-feet for Pond No. 2B (*see Exhibit B – Stage Capacity Table for Pond Nos. 2A and 2B*). *Amount:* 0.81 acre-feet, conditional with the right to fill and refill in priority, of which a total of 0.69 acre-feet has been made absolute for all uses as described herein. *Uses:* recreational, piscatorial, wildlife and stock watering. *Owner of land upon which pond is located:* Applicant. *Remarks:* Applicant has applied for a well permit for Pond No. 2 as the pond has been constructed and operated for years pursuant to the augmentation plan approved in Case No. 00CW119. Mayfly Bend Ranch Pond No. 3. *Location:* the pond is located in the Northwest ¼ of the Southwest ¼ of Section 36, Township 7 South, and Range 88 West of the 6<sup>th</sup> P.M., the middle of the pond located at a point 750 feet from the West section line and 2700 feet from the North section line of said Section 36, in Garfield County, Colorado. *See Exhibit A.* The physical location is also described as Easting 312406.81 and Northing 4363693.56, UTM Zone 13N NAD83. *Source:* the pond will be filled with water diverted through the Slough Ditch and Banning Lateral, decreed in Garfield County, Colorado (Applicant owns approximately 2.89 c.f.s. of this water right and uses the original water right temporarily stored therein for irrigation) and the Slough Ditch and Banning Lateral, Mayfly Bend Ranch Enlargement, which is described above. This pond does not intercept groundwater and is lined. *Appropriation date:* January 30, 2000. *Date Applied to Beneficial Use:* June 1, 2005 when the pond was dug to a depth of 4.92 feet with a surface area of 0.115 acres and capacity of 0.26 acre feet (*see Exhibit B – Stage Capacity Table for Pond No. 3*). *Amount:* 4.0 acre-feet, conditional with the right to fill and refill in priority, or which 0.26 acre-feet has been made absolute for all uses as described herein. *Uses:* recreational, piscatorial, wildlife and stock watering. *Owner of land upon which pond is located:* Applicant. *Remarks:* Pond No. 3 operates pursuant to the augmentation plan approved in Case No. 00CW119. Pursuant to C.R.S. § 37-92-301(4)(e), Pond No. 3 should be made absolute for all decreed uses at a capacity of 0.26 acre-feet. The Application includes details regarding the work undertaken during the diligence period to apply these water rights to beneficial use (7 pages).

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**22CW3003 MESA COUNTY, BEAVER CREEK, MESA CREEK, COLORADO RIVER** Janis Sue Bourassa Qualified Personal Residence Trust, dated April 21, 2004 and the Bourassa Family Trust, dated February 10, 2004 c/o Janis Sue Bourassa, Trustee 2335 Promontory Court, Grand Junction, CO 81507, (970) 985-0656. Each Applicant claims an undivided 50 percent interest in the water rights which are the subject of this Application. Kirsten M. Kurath, 744 Horizon Court, Suite 115, Grand Junction, Colorado 81506, (970) 242-6262, [kmkurath@wth-law.com](mailto:kmkurath@wth-law.com). **Application for a Finding of Reasonable Diligence.** Structures: Jason Spring and Mandi Headgate. Decreed: August 30, 2009, Case No. 07CW132, Water Division No. 5, District Court for the State of Colorado. Subsequent Decrees: January 24, 2016, Case No. 15CW3073, Water Division No. 5, District Court for the State of Colorado. Jason Spring: Location: Jason Spring is located in the NE1/4 SW1/4 of Section 21, Township 11 South, Range 96 West, of the 6th P.M. at a point approximately 1,875 feet from the south section line and 1,925 feet from the west section line of said Section. *See Figure 1* attached to the Application. Source: A spring tributary to an un-named creek, tributary to an un-named creek, tributary to Beaver Creek, tributary to Mesa Creek, tributary to the Colorado River. App. Date: June 15, 2005. Amount: 0.1 c.f.s.; conditional. Uses: To fill and refill Tami Pond and George Pond for the uses of piscatorial, recreational, fire protection, and wildlife watering. The water from Jason Spring may be used directly for any of the purposes described herein, and/or it may be stored in Tami Pond or George Pond for subsequent release and use for any such purposes. Mandi Headgate: Location: Mandi Headgate is located in the NE1/4 SW1/4 of Section 21, Township 11 South, Range 96 West, of the 6th P.M. at a point approximately 1,950 feet from the south section line and 1,900 feet from the west section line of said Section. *See Figure 1* attached to the Application. Source: Un-named creek, tributary to an un-named creek, tributary to Beaver Creek, tributary to Mesa Creek, tributary to the Colorado River. App. Date: June 15, 2005. Amount: 0.5 c.f.s., conditional. Uses: To fill and refill Tami Pond and George Pond for the uses of piscatorial, recreational, fire protection, and wildlife watering. A detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed is contained in the Application. Names and addresses of Landowner: Applicants. Applicants request that the Court adjudge and decree that the Applicants have been reasonably diligent in the development of the Mandi Headgate and Jason Spring conditional water rights, and that the remaining conditional portions of Mandi Headgate and Jason Spring water rights be continued in full force and effect. (6 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 JANUARY 2022. *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.***

**22CW3004 EAGLE COUNTY AND PITKIN COUNTY – GROUND WATER TRIBUTARY TO THE FRYING PAN RIVER.**

Shay Kostiner, c/o Paul L. Noto, Esq. and Jason M. Groves, Esq. Patrick, Miller & Noto, P.C., 229 Midland Ave, Basalt, CO 81621, (970) 920-1030. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN PART. **First Claim: For a Finding of Reasonable Diligence and to Make Absolute in Part.** Name of structure: Cabin Well. Original decree: August 27, 2009, Case No. 2005CW87, Water Division 5. Subsequent decree: January 24, 2016, Case No. 15CW3074, Water Division 5. Legal description: NW ¼, SW ¼ of Section 1, Township 8 South, Range 86 West of the 6<sup>th</sup> P.M. at a point 1,415 feet north of the south section line and 203 feet east of the west section line of Section 1. Source: Groundwater tributary to the Frying Pan River, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation dates: April 21, 1980 (domestic) and July 1, 2004 (irrigation). Amount: 10 g.p.m., conditional. Uses: Irrigation and domestic. Depth: 45 feet. Claim to make absolute in part: Date of beneficial use: May 11, 2021. Amount: 1 g.p.m. Use: Irrigation and domestic. Description of place of use: Applicant's property. Applicant owns the land where the structure is located and water is beneficially used. **Second Claim: To Make Absolute.** Name of structure: Apartment Well. Original decree: August 27, 2009, Case No. 2005CW87, Water Division 5. Subsequent decree: January 24, 2016, Case No. 15CW3074, Water Division 5. Legal description: NE ¼, SE ¼ of Section 2, Township 8 South, Range 86 West of the 6<sup>th</sup> P.M. at a point 1,405 feet north of the south section line and 817 feet west of the east section line of Section 2. Source: Groundwater tributary to the Frying Pan River, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation dates: October 3, 1961 (domestic) and July 1, 2004 (irrigation). Amount: 25 g.p.m., conditional. Uses: Irrigation and domestic. Claim to make absolute: Date of beneficial use: May 12, 2021. Amount: 25 g.p.m. Use: Irrigation and domestic. Description of place of use: Applicant's property. Applicant owns the land where the structure is located and water is beneficially used. **Third Claim: For a Finding of Reasonable Diligence.** Name of structure: Castle View Pond Well. Original decree: August 27, 2009, Case No. 2005CW87, Water Division 5. Subsequent decree: January 24, 2016, Case No. 15CW3074, Water Division 5. Legal description: SE ¼, SE ¼ of Section 2, Township 8 South, Range 86 West of the 6<sup>th</sup> P.M. at a point 1,278 feet north of the south section line and 603 feet west of the east section line of Section 2. Source: Groundwater tributary to the Frying Pan River, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: July 1, 2004. Amount: 7 g.p.m., conditional. Uses: Irrigation. Claim to make absolute: N/A. Applicant owns the land where the structure is located and water is beneficially used. **Fourth Claim: For a Finding of Reasonable Diligence.** Name of structure: Robinson Ditch Exchange. Original decree: August 27, 2009, Case No. 2005CW87, Water Division 5. Subsequent decree: January 24, 2016, Case No. 15CW3074, Water Division 5. Legal description: Upper termini: Cabin Well, Apartment Well, and Castle View Pond Well described above. Lower terminus: Robinson Ditch at the north bank of the Roaring Fork River one-half mile below the mouth of Sopris Creek in Section 11, Township 8 South, Range 87 West of the 6<sup>th</sup> P.M. Robinson Ditch point of diversion, as determined by a GPS reading taken by the Division of Water Resources, is in the NE ¼ of the SE ¼ of Section 11 at a point 1,914 feet the south section line and 934 feet from the east section line. Source: Water allotment contract no. 378 with the Basalt Water Conservancy District. Appropriation date: May 31, 2005. Amount: 0.09 c.f.s., conditional. Uses: augmentation. Claim to make absolute: N/A. Applicant owns the land where the augmented structures are located and water is beneficially used. **Fifth Claim: For a Finding of Reasonable Diligence.** Name of structure: Green Mountain Reservoir Exchange. Original decree: August 27, 2009, Case No. 2005CW87, Water Division 5. Subsequent decree: January 24, 2016, Case No. 15CW3074, Water Division 5. Legal description: Upper termini: Cabin Well, Apartment Well, and Castle View Pond Well described above. Lower terminus: The confluence of the Roaring Fork River and the Colorado River described as the SE ¼ of the NW ¼ of Section 9, Township 6 South, Range 89 West of the 6<sup>th</sup> P.M. approximately 2,200 feet from the north section line and 2,400 feet from the west section line. Source: Water allotment contract no. 378 with the Basalt Water Conservancy District. Appropriation date: May 31, 2005. Amount: 0.09 c.f.s., conditional. Uses: augmentation. Claim to make absolute: N/A. Applicant owns the land where the augmented structures are located and water is beneficially used. Remarks applicable to all claims: Each of the structures and exchanges are components of an integrated water supply system for the Applicant's property. See Decree 15CW3074, ¶ 16. The structures are augmented by the augmentation plan approved in Case No. 05CW87, Water Division 5. Map of locations and list of diligence activities for all claims on file with the Court.

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MARCH 2022 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.**

**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 JANUARY 2022. *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.***

**22CW3005 GRAND COUNTY.** Devil's Thumb Estates Homeowners Association a.k.a. Devil's Thumb Ranch Estates Homeowners Association, c/o Robert Fanch, President, 1500 Wynkoop Street, Suite 200, Denver, CO 80202. 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: Fanch House Well No. 1, and Mountain Valley Investment Company Well Nos. 2, 3, and 4. Original Decree: January 17, 2016, Case No. 15CW3027, Water Court Division No. 5. Type of Structures: Wells. Legal Descriptions: Fanch House Well No. 1: in the NW1/4 of the NE1/4, S16, T1S, R75W, 6<sup>th</sup> P.M., 490 feet from the North Section Line and 2335 feet from the East Section Line. Mountain Valley Investment Company Well No. 2: in the NW1/4 of the NE1/4, S16, T1S, R75W, 6<sup>th</sup> P.M., 1080 feet from the North Section Line and 1960 feet from the East Section Line. Mountain Valley Investment Company Well No. 3: in the NW1/4 of the NE1/4, S16, T1S, R75W, 6<sup>th</sup> P.M., 950 feet from the North Section Line and 1330 feet from the East Section Line. Mountain Valley Investment Company Well No. 4: in the NW1/4 of the NE1/4, S16, T1S, R75W, 6<sup>th</sup> P.M., 755 feet from the North Section Line and 1678 feet from the East Section Line. Source: Ground water from unconsolidated sand and gravel, and from bedrock formations, hydraulically connected to Ranch Creek to Fraser River to Colorado River. Appropriation Date: February 11, 2015. Depth: Fanch House Well No. 1: 507 feet. Mountain Valley Investment Company Well No. 2: 180 feet. Mountain Valley Investment Company Well No. 3: 105 feet. Mountain Valley Investment Company Well No. 4: 200 feet. Amount Per Well: Fanch House Well No. 1: Absolute 10 g.p.m., 0.13af; Conditional 5 g.p.m., 1.19af. Mountain Valley Investment Company Well No. 2: Absolute 10 g.p.m., 0.14af; Conditional 5 g.p.m., 1.16af. Mountain Valley Investment Company Well No. 3: Absolute 8 g.p.m., 0.09af; Conditional 7 g.p.m., 0.91af. Mountain Valley Investment Company Well No. 4: Absolute 15 g.p.m., 0.01af; Conditional 0 g.p.m., 1.3af. Uses: In single family dwellings and guest houses with lawn and garden irrigation for up to 10,000 square feet for each well as allowable pursuant to the plan for augmentation approved in Case No. 79CW221. Additional Information: Applicant requests a finding of diligence on the conditional portions of the underground water rights for the wells described above. These water rights will operate pursuant to the plan for augmentation originally decreed in 79CW221. The previous decree sets forth additional terms and conditions 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 (9 pages).

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MARCH 2022 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 JANUARY 2022. *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.***

**22CW3006 EAGLE COUNTY – APPLICATION FOR REASONABLE DILIGENCE – 1. Name, Address, Phone Number, and E-Mail Address of Applicant.** The Piney Valley Ranches Trust (“PVRT”), c/o Daniel J. Leary, Trustee, P.O. Box 9429, Avon, Colorado 81620; Phone: (970) 949-6776; E-mail: danleary@traercreek.com. Copies of all pleadings to: Richard A. Johnson, David F. Bower, Michael S. Davidson, Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027. 2. Description of Conditional Water Rights. Applicant is seeking a finding of reasonable diligence on the conditional water rights described below: (a) Original and Subsequent Decrees. The subject water rights were conditionally decreed on August 31, 2009, in Case No. 05CW145 (1 of 2), Water Division 5, and continued in their entirety by the decree entered on January 24, 2016, in Case No. 15CW3075, Water Division 5. A map showing the location of the subject structures is attached hereto as Exhibit A. (b) Name and Description of Conditional Spring Right. (i) Name of Structure. Piney Spring. (ii) Legal Description of Points of Diversion. (A) Piney Spring. SW1/4 of the NW1/4 of Section 26, Township 3 South, Range 83 West of the 6th P.M., at a point located 1,706 feet south of the north section line and 480 feet east of the west section line of said Section 26. (B) Alternate Points of Diversion. Alternate points of diversion for the Piney Spring were decreed at the following locations: (1) P.V.R.T. Spring No. 3, decreed in Case No. 97CW036, Water Division 5, at a point located in the SW1/4 of the NW1/4 of Section 26, Township 3 South, Range 83 West of the 6th P.M., 1,700 feet south of the north section line and 280 feet east of the west section line of said Section 26. (2) P.V.R.T. Collection Basin No. 1, decreed in Case No. 90CW339, Water Division 5, at a point located in the SE1/4 of the NE1/4 of Section 27, Township 3 South, Range 83 West of the 6th P.M., 1,770 feet south of the north section line and 250 feet west of the east section line of said Section 27. (3) P.V.R.T. Collection Basin No. 2, decreed in Case No. 90CW339, Water Division 5, at a point located in the SW1/4 of the NW1/4 of Section 26, Township 3 South, Range 83 West of the 6th P.M., 1,770 feet south of the north section line and 10 feet east of the west section line of said Section 26. (iii) Source. **Spring water tributary to Alkali Creek, tributary to the Eagle River, tributary to the Colorado River.** (iv) Appropriation Date. July 29, 2005. (v) Amount. 0.133 cfs, conditional. (vi) Uses. Domestic, fire protection, irrigation, watering of domestic animals and livestock, and wildlife habitat. Piney Spring will also be used as a source for, and to run freshening flows through, the Piney Pond. (c) Name and

Description of Conditional Storage Right. (i) Name of Structure. Piney Pond. (ii) Legal Description. SW1/4 of the NW1/4 of Section 26, Township 3 South, Range 83 West of the 6th P.M., at a point approximately 1,534 feet south of the north section line and 397 feet east of the west section line of Section 26. (iii) Source. Piney Spring, tributary to Alkali Creek, tributary to the Eagle River, tributary to the Colorado River. (iv) Legal Description of Diversion Point. SW1/4 of the NW1/4 of Section 26, Township 3 South, Range 83 West of the 6th P.M., at a point 1,706 feet south of the north section line and 480 feet east of the west section line of said Section 26 (v) Appropriation Date. July 29, 2005. (vi) Amount. 25.17 acre-feet per year, conditional, with the right to fill and refill. (vii) Uses. Domestic, fire protection, irrigation, fish and wildlife habitat, and watering of domestic animals and livestock. (viii) Name and Capacity of Ditch Leading to Pond. Piney Ditch No. 1, which shall be a filler ditch or pipeline from Piney Spring to Piney Pond, at a rate of 0.133 cfs. (d) Remarks. The subject water rights were part of an integrated water supply system with the BLM Pond water right that was originally decreed in Case No. 05CW145 (2 of 2) and continued in Case No. 15CW3076. Applicant has determined that the current location of the BLM Pond is not feasible. Accordingly, no diligence application is being filed for the BLM Pond and its water right can be cancelled by the Water Court. 3. Claim for Finding of Reasonable Diligence. During the subject diligence period from January 2016 to present, the following activities were undertaken in order to complete and apply the subject conditional water rights to their decreed beneficial uses: (a) Storage and Use of Water. The Piney Spring and Piney Pond have been partially constructed and used to water sheep since the decree was entered in Case No. 05CW145 (1 of 2). However, during the recent drought, the Piney Spring has had minimal production, and Applicant has not been able to use it to fill the Piney Pond. Applicant has continued to water sheep at the Piney Spring site and continues to seek to fully develop and fill the Piney Pond as part of its grazing operations. (b) Lease of Water. Water from the Piney Spring has also continued to be leased to Applicant's neighbor, the 4 Eagle Ranch, LLC, for domestic use. (c) Grazing Rights. Applicant has continued to work with staff at the BLM on grazing issues in the area where the subject structures are located. Applicant has also incurred legal costs and expenses in protecting its BLM grazing rights. (d) General Legal and Engineering Costs. Applicant has incurred general legal and engineering costs during the subject diligence period in monitoring, evaluating, and participating in water rights cases and other related projects in order to protect its water rights against injury. 4. Name and Address of Landowner Upon which any New or Modified Diversion or Storage Structure is Located, Including Any Modification to the Storage Pool. All of the subject structures are on land owned by Applicant. WHEREFORE, Applicant respectfully requests that the Court enter a finding of reasonable diligence for the conditional rights decreed to the Piney Spring and Piney Pond described in paragraph 2 above, and order that such rights be continued in full force and effect for an additional six-year diligence period or until such time as a determination is made that the rights have been made absolute or are otherwise disposed of.

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**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 JANUARY 2022. 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.**

**22CW3007 PITKIN COUNTY. CASTLE CREEK, TRIBUTARY TO THE ROARING FORK AND COLORADO RIVERS.** Aspen Residence Family Revocable Living Trust c/o Alan Hassenflu, Fidelis Realty Partners, 4500 Bissonnet Street, Suite 200, Bellaire, TX 77401 (713) 693-1401. Paul L. Noto and Lisa A. Claxton, Patrick, Miller & Noto, P.C., 229 Midland Ave., Basalt, CO 81621 (970) 920-1030. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE. First Claim: For Finding of Reasonable Diligence and To Make Absolute in Part.** Name of water right: **Aspen Residence Pump and Pipeline.** Original decree: Case No. 15CW3061, Division No. 5 Water Court, January 24, 2016. Legal description: The NE ¼ NE ¼ of Section 23, Township 10 South, Range 85 West of the 6<sup>th</sup> P.M., approximately 18 feet from the North Section line and 825 feet from the East Section line (Pitkin County). The point of diversion is shown on the map on file with the court as Figure 1. Source: Castle Creek, tributary to the Roaring Fork and Colorado Rivers. Date of appropriation: May 1, 2015. Amount claimed: 0.33 c.f.s. (150 g.p.m.), conditional. Uses: Irrigation of up to one acre of lawns and gardens on Applicant's property located generally in the NE ¼ NE ¼ of Section 23, Township 10 South, Range 85 West of the 6<sup>th</sup> P.M. (Pitkin County). The approximate irrigated area is shown on the maps on file with the court as Figures 1 and 2. Claim for finding of reasonable diligence: Applicant has exercised reasonable diligence toward completion of the Aspen Residence Pump and Pipeline water right. A detailed outline of the work performed toward completion of the appropriation, including expenditures, is on file with the court as Exhibit A. Claim to make absolute: Date of beneficial use: August 1, 2019. Amount: 0.08 c.f.s. (35 g.p.m.). Use: Irrigation of up to one acre of lawns and gardens. Description of place of use: Within Applicant's property depicted on the map on with the court as Figure 1. Statement of beneficial use: In August 2019, Applicant completed construction of the Aspen Residence Pump and Pipeline and has utilized it to irrigate one acre of lawns and gardens at a rate of 35 g.p.m. Applicant owns the land upon which the structure is located and upon which water is placed to beneficial use. The Aspen Residence Pump and Pipeline and Aspen Residence Exchange (described in the Second Claim below) are component parts of an integrated water supply plan for Applicant's property. **Second Claim: To Make Absolute.** Name of water right: **Aspen Residence Exchange.** Original decree: Case No. 15CW3061, Division No. 5 Water Court, January 24, 2016. Legal Description: *Downstream termini:* The points of replacement on the Roaring Fork and Colorado Rivers of the BWCD's water rights described with particularity

as follows: For the exchange of Green Mountain Reservoir water: The confluence of the Roaring Fork and Colorado Rivers, located in the SE ¼ 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 from the North Section line and 2,350 feet from the West Section line (Summit County); For the exchange of Ruedi Reservoir and Troy and Edith Ditch water: The confluence of the Roaring Fork and Frypan Rivers, located in the SW ¼ SE ¼ of Section 7, Township 8 South, Range 86 West of the 6<sup>th</sup> P.M., at a point approximately 647 feet from the South Section line and 1,475 feet from the East Section line (Eagle and Pitkin Counties); and For the exchange of Robinson Ditch water: The point of diversion of the Robinson Ditch on the Roaring Fork River, located in the NW ¼ SE ¼ of Section 11, Township 8 South, Range 87 West of the 6<sup>th</sup> P.M., at a point approximately 2,307 feet from the South Section line and 2,309 feet from the East Section line (Eagle County). *Upstream terminus*: The point of diversion of the Aspen Residence Pump and Pipeline on Castle Creek, described in paragraph 3.B of the Application. *Sources*: 1.4 acre-feet total of Basalt Water Conservancy District (“BWCD”) water marketing supplies, released under Applicant’s Water Allotment Contract No. 664 and comprised water rights owned or controlled by the BWCD as described in paragraph 9.C of the Application. *Date of appropriation*: May 1, 2015. *Rate*: 0.021 c.f.s., conditional. *Volume*: Up to 1.4 acre-feet, conditional. *Plan of operation*: The plan for augmentation decreed in Case No. 15CW3061 includes an appropriative right of exchange of the augmentation water released under Applicant’s BWCD Water Allotment Contract, extending from the lower termini to the upper terminus *Claim to make absolute*: *Date of beneficial use*: September 15, 2016. *Amount*: 0.021 c.f.s. (1.4 acre-feet). *Use*: Exchange in the plan for augmentation decreed in Case No. 15CW3061. *Description of place of use*: Within Applicant’s property depicted on the map on file with the court as Figure 1. *Statement of beneficial use*: The Aspen Residence Exchange first operated on September 15, 2016, to replace out-of-priority diversions by the Aspen Residence Pump and Pipeline. Applicant owns the land upon which the structure is located and upon which water is placed to beneficial use. The Aspen Residence Exchange and the Aspen Residence Pump and Pipeline (described in the First Claim above) are component parts of an integrated water supply plan for Applicant’s property.

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MARCH 2022 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 JANUARY 2022. *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.***

**22CW3008 PITKIN COUNTY – WOODY CREEK.** Aspen Valley Ranch Homeowners Association, Inc., c/o Kevin L. Patrick, Esq. and John M. Sittler, Esq. Patrick, Miller & Noto, P.C., 229 Midland Ave, Basalt, CO 81621, (970) 920-1030. AMENDED APPLICATION TO MAKE WATER RIGHTS ABSOLUTE. **First Claim: To Make Water Right Absolute.** *Name of structure*: West Ranch Pond No. 2. *Type*: Reservoir. *Description of conditional water right*: *Date of original decree*: December 9, 2001, Case No. 00CW278, Division 5 Water Court. Subsequent diligence decrees: May 24, 2009, Case No. 07CW257; January 17, 2016, Case No. 15CW3051, all Division 5 Water Court. *Legal description*: *Original legal description*: Located in the NE ¼, SW ¼ of Section 5, T. 9 S., R. 85 W. of the 6<sup>th</sup> P.M., Pitkin County, Colorado, at a point 1,500 feet from the south section line and 1,500 feet from the west line of Section 5. *Changed location*: The entire West Ranch Pond No. 2 water right was transferred to the AVR Lower ICS in Case No. 15CW3052. The outlet of the AVR Lower ICS is located in the NW ¼ NE ¼ of Section 8, Township 9 South, Range 85 West of the 6<sup>th</sup> P.M., at a point approximately 195 feet from the North section line and 1,874 feet from the East section line (Pitkin County). UTM NAD83 Zone 13: Northing – 4350847, Easting – 335804. A map is on file with the Court as Exhibit A. **Source: 0.25 c.f.s. from the Waco Ditch AVR Junior Enlargement, tributary to Woody Creek, tributary to the Roaring Fork River, tributary to the Colorado River.** *Appropriation date*: December 22, 2000. *Amount*: 0.75 acre-feet, conditional. *Uses*: Piscatorial, wildlife, recreation, fire protection, and augmentation. In Case No. 15CW3052, the West Ranch Pond No. 2 was transferred to the AVR Lower ICS with the following uses: piscatorial, wildlife, and recreation, which are limited to a single fill under Case No. 00CW278. Work done to complete the appropriation, including expenditures, is detailed on Exhibit B, filed with the Court. *Claim for absolute*: *Date water applied to beneficial use*: On or before October 24, 2017. *Amount*: 0.75 acre-feet. *Use*: Piscatorial, wildlife, and recreation. In support thereof, Applicant states that it filled the AVR Lower ICS in accordance with the decree entered in Case No. 15CW3052. Aerial photography showing the AVR Lower ICS full on October 24, 2017, along with the accompanying stage capacity table, is on file with the Court as Exhibit C. AVR AH LLC and Three Dolphins LLC own the land where the structure is located and where the water is placed to beneficial use. *Remarks*: This water right is a component of an integrated legal water supply plan decreed in Case Nos. 95CW264, 15CW3052, and 15CW3053, District Court, Water Division No. 5. To the extent the West Ranch Pond No. 2 is not confirmed as absolute in its entirety, Applicant requests a Finding of Reasonable Diligence on the remaining conditional amount. **Second Claim: To Make Water Right Absolute.** *Name of structure*: Lot 1 Pond. *Type*: Reservoir. *Description of conditional water right*: *Date of original decree*: December 9, 2001, Case No. 00CW278, Division 5 Water Court. Subsequent diligence decrees: May 24, 2009, Case No. 07CW257; January 17, 2016, Case No. 15CW3051, all Division 5 Water Court. *Legal description*: *Original legal description*: Located in the SW ¼, SW ¼ of Section 4, T. 9 S., R. 85 W., of the 6<sup>th</sup> P.M., Pitkin County, Colorado, at a point 675 feet from the south section line and 1,050 feet from the west line of Section 4. The entire Lot 1 Pond water right was transferred to the AVR Lower ICS in Case No. 15CW3052. The outlet of the AVR Lower ICS is located in the NW ¼ NE ¼ of Section 8, Township 9 South, Range 85 West of the 6<sup>th</sup>



P.M., at a point approximately 195 feet from the North section line and 1,874 feet from the East section line (Pitkin County). UTM NAD83 Zone 13: Northing – 4350847, Easting – 335804. A map is on file with the Court as Exhibit A. Source: 0.25 c.f.s. from the Waco Ditch AVR Junior Enlargement, tributary to Woody Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: December 22, 2000. Amount: 0.75 acre-feet. Uses: Piscatorial, wildlife, recreation, fire protection, and augmentation. In Case No. 16CW3052, the Lot 1 Pond was transferred to the AVR Lower ICS with the following uses: piscatorial, wildlife, and recreation, which are limited to a single fill under Case No. 00CW278. Work done to complete the appropriation, including expenditures, is detailed on Exhibit B, filed with the Court. Claim for absolute: Date water applied to beneficial use: On or before October 24, 2017. Amount: 0.75 acre-feet. Use: Piscatorial, wildlife, and recreation. In support thereof, Applicant states that it filled the AVR Lower ICS in accordance with the decree entered in Case No. 15CW3052. Aerial photography showing the AVR Lower ICS full on October 24, 2017, along with the accompanying stage capacity table, is on file with the Court as Exhibit C. AVR AH LLC and Three Dolphins LLC own the land where the structure is located and where the water is placed to beneficial use. Remarks: This water right is a component of an integrated legal water supply plan decreed in Case Nos. 95CW264, 15CW3052, and 15CW3053, District Court, Water Division No. 5. To the extent the Lot 1 Pond is not confirmed as absolute in its entirety, Applicant requests a Finding of Reasonable Diligence on the remaining conditional amount. **Third Claim: To Make Water Right Absolute.** Name of structure: Lot 2 Pond. Type: Reservoir. Description of conditional water right: Date of original decree: December 9, 2001, Case No. 00CW278, Division 5 Water Court. Subsequent diligence decrees: May 24, 2009, Case No. 07CW257; January 17, 2016, Case No. 15CW3051, all Division 5 Water Court. Legal description: Original legal description: Located in the SW ¼, SW ¼ of Section 4, T. 9 S. R. 85 W., of the 6<sup>th</sup> P.M., Pitkin County, Colorado, at a point 825 feet from the south section line and 350 feet from the west line of Section 4. The entire Lot 2 Pond water right was transferred to the AVR Lower ICS in Case No. 15CW3052. The outlet of the AVR Lower ICS is located in the NW ¼ NE ¼ of Section 8, Township 9 South, Range 85 West of the 6<sup>th</sup> P.M., at a point approximately 195 feet from the North section line and 1,874 feet from the East section line (Pitkin County). UTM NAD83 Zone 13: Northing – 4350847, Easting – 335804. A map is on file with the Court as Exhibit A. Source: 0.25 c.f.s. from the Waco Ditch AVR Junior Enlargement, tributary to Woody Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: December 22, 2000. Amount: 0.75 acre-feet. Uses: Piscatorial, wildlife, recreation, fire protection, and augmentation. In Case No. 16CW3052, the Lot 1 Pond was transferred to the AVR Lower ICS with the following uses: piscatorial, wildlife, and recreation, which are limited to a single fill under Case No. 00CW278. Work done to complete the appropriation, including expenditures, is detailed on Exhibit B, on file with the Court. Claim for absolute: Date water applied to beneficial use: On or before October 24, 2017. Amount: 0.75 acre-feet. Use: Piscatorial, wildlife, and recreation. In support thereof, Applicant states that it filled the AVR Lower ICS in accordance with the decree entered in Case No. 15CW3052. Aerial photography showing the AVR Lower ICS full on October 24, 2017, along with the accompanying stage capacity table, is on file with the Court as Exhibit C. AVR AH LLC and Three Dolphins LLC own the land where the structure is located and where the water is placed to beneficial use. Remarks: This water right is a component of an integrated legal water supply plan decreed in Case Nos. 95CW264, 15CW3052, and 15CW3053, District Court, Water Division No. 5. To the extent the Lot 2 Pond is not confirmed as absolute in its entirety, Applicant requests a Finding of Reasonable Diligence on the remaining conditional amount. **Fourth Claim: To Make Water Right Absolute.** Name of structure: Lot 3 Pond. Type: Reservoir. Description of conditional water right: Date of original decree: December 9, 2001, Case No. 00CW278, Division 5 Water Court. Subsequent diligence decrees: May 24, 2009, Case No. 07CW257; January 17, 2016, Case No. 15CW3051, all Division 5 Water Court. Legal description: Original legal description: Located in the SW ¼, SW ¼ of Section 4, T. 9 S., R. 85 W., of the 6<sup>th</sup> P.M., Pitkin County, Colorado, at a point 400 feet from the south section line and 800 feet from the west line of Section 4. The entire Lot 3 Pond water right was transferred to the AVR Lower ICS in Case No. 15CW3052. The outlet of the AVR Lower ICS is located in the NW ¼ NE ¼ of Section 8, Township 9 South, Range 85 West of the 6<sup>th</sup> P.M., at a point approximately 195 feet from the North section line and 1,874 feet from the East section line (Pitkin County). UTM NAD83 Zone 13: Northing – 4350847, Easting – 335804. A map is on file with the Court as Exhibit A. Source: 0.25 c.f.s. from the Waco Ditch AVR Junior Enlargement, tributary to Woody Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: December 22, 2000. Amount: 0.75 acre-feet. Uses: Piscatorial, wildlife, recreation, fire protection, and augmentation. In Case No. 16CW3052, the Lot 3 Pond was transferred to the AVR Lower ICS with the following uses: piscatorial, wildlife, and recreation, which are limited to a single fill under Case No. 00CW278. Work done to complete the appropriation, including expenditures, is detailed on Exhibit B, filed with the Court. Claim for absolute: Date water applied to beneficial use: On or before October 24, 2017. Amount: 0.75 acre-feet. Use: Piscatorial, wildlife, and recreation. In support thereof, Applicant states that it filled the AVR Lower ICS in accordance with the decree entered in Case No. 15CW3052. Aerial photography showing the AVR Lower ICS full on October 24, 2017, along with the accompanying stage capacity table, is on file with the Court as Exhibit C. AVR AH LLC and Three Dolphins LLC own the land where the structure is located and where the water is placed to beneficial use. Remarks: This water right is a component of an integrated legal water supply plan decreed in Case Nos. 95CW264, 15CW3052, and 15CW3053, District Court, Water Division No. 5. To the extent the Lot 3 Pond is not confirmed as absolute in its entirety, Applicant requests a Finding of Reasonable Diligence on the remaining conditional amount. **Fifth Claim: To Make Water Right Absolute:** Name of structure: Waco Ditch AVR Junior Enlargement. Type: Ditch. Description of conditional water right: Date of original decree: December 9, 2001, Case No. 00CW278, Division 5 Water Court. Date of subsequent diligence decrees: May 24, 2009, Case No. 07CW278; January 17, 2016, Case No. 15CW3051, all Division 5 Water Court. Legal description: Located on the north bank of Woody Creek at a point about one mile above the mouth of said creek in Section 15, T. 9 S., R. 85 W., of the 6<sup>th</sup> P.M., Pitkin County, Colorado. A map is on file with the Court as Exhibit A. Source: Woody Creek, tributary to the Roaring Fork River, tributary to the Colorado River. Appropriation date: December 22, 2000. Remaining conditional amount: 0.25 c.f.s. Uses: Pond filling. Work done to complete the appropriation, including expenditures, is detailed on Exhibit B, filed with the Court. Claim for absolute: Date water applied to beneficial use: April 1, 2017.

Amount: 0.25 c.f.s. Use: Pond filling of the AVR Lower ICS proportionate to Applicant's interest in the West Ranch Pond No. 2 and Lot 1-3 Ponds water rights. In support thereof, Applicant states that it filled the AVR Lower ICS in accordance with the decree entered in Case No. 15CW3052. Aerial photography showing the AVR Lower ICS full on October 24, 2017, along with the accompanying stage capacity table, is on file with the Court as Exhibit C. Kindness Trust owns the land where the Waco Ditch headgate is located. AVR AH LLC and Three Dolphins LLC own the land where the water is placed to beneficial use. Remarks: This water right is a component of an integrated legal water supply plan decreed in Case Nos. 95CW264, 15CW3052, and 15CW3053, District Court, Water Division No. 5. To the extent the Waco Ditch AVR Junior Enlargement is not confirmed as absolute in its entirety, Applicant requests a Finding of Reasonable Diligence on the remaining conditional amount.

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MARCH 2022 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 JANUARY 2022. 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.**

**22CW3009 GARFIELD COUNTY. ROARING FORK RIVER.** Spring Valley Holdings LLC, c/o Craig Corona, Esq., 1018 Lauren Lane, Basalt, CO 81621, (970) 948-5623. **APPLICATION FOR CONDITIONAL UNDERGROUND AND SURFACE WATER RIGHTS. FIRST CLAIM.** Wells: Spring Valley Well No. 1, 324058; Spring Valley Ranch Well No. 2, 51363-F; Spring Valley Ranch Well No. 3, Receipt 10017403; SVH Well No. 5, 56717-F (expired); SVH Well No. 6, 68889-F (expired); SVH Well No. 7, 56719-F (expired); SVH Well No. 8, 56720-F (expired); SVH Well No. 9, 56721-F (expired); SVH Well No. 10, 56722-F (expired); ASR Well No. 13, 66298-F (expired); ASR Well No. 14, 66299-F (expired); ASR Well No. 15, 36760; ASR Well No. 16, 324056; 20 Additional Wells (SVR Well Nos. 17-36). Well Locations (see map on file with court): Spring Valley Well No. 1 SW NE, S29, T6S, R88W, 6<sup>th</sup> P.M. UTM X:307095.8, Y:4375302.9. Spring Valley Ranch Well No. 2 SW NE S29, T6S, R88W, 6<sup>th</sup> P.M. UTM X:307227.8, Y:4375568.2. Spring Valley Ranch Well No. 3 SE NW S29, T6S, R88W, 6<sup>th</sup> P.M. UTM X:306851.8, Y:4375448.2. SVH Well No. 5 SW NE S29, T6S, R88W, 6<sup>th</sup> P.M. UTM X:307251.1, Y:4375474.4. SVH Well No. 6 SW NE S29, T6S, R88W, 6<sup>th</sup> P.M. UTM X:306962.7, Y:4375308.4. SVH Well No. 7 NE NE S29, T6S, R88W, 6<sup>th</sup> P.M. UTM X:307359.8, Y:4375712.9. SVH Well No. 8 NW NW S27, T6S, R88W, 6<sup>th</sup> P.M. UTM X:309494.9, Y:4375673.5. SVH Well No. 9 NW NW S27, T6S, R88W, 6<sup>th</sup> P.M. UTM X:309580.1, Y:4375546.7. SVH Well No. 10 SE NW S27, T6S, R88W, 6<sup>th</sup> P.M. UTM X:309716.5, Y:4375427.3. ASR Well No. 13 NE SE S21, T6S, R88W, 6<sup>th</sup> P.M. UTM X:309109.3, Y:4376588.3. ASR Well No. 14 SW SW S22, T6S, R88W, 6<sup>th</sup> P.M. UTM X:309488.3, Y:4376215.7. ASR Well No. 15 SW NE S27, T6S, R88W, 6<sup>th</sup> P.M. UTM X:310275.0, Y:4375231.2. ASR Well No. 16 NE NE S21, T6S, R88W, 6<sup>th</sup> P.M. UTM X:308943.5, Y:4377149.5. **20 Additional Wells.** SVR Well Nos. 17 through 36 to be located on Applicant's Spring Valley Ranch P.U.D. property, sections 14, 15, 16, 20, 21, 22, 23, 26, 27, 28, 29, 32, 33, and 34, T6S, R88W, of the 6<sup>th</sup> P.M. No Additional Wells will be tributary to Cattle Creek. Source: Groundwater tributary to the Roaring Fork River. Appropriation date: December 29, 1998. Appropriation initiated by filing the application in Case no. 98CW256. Amounts claimed (flow rate): Spring Valley Well No. 1: 300 gpm conditional. Spring Valley Ranch Well No. 2: 300 gpm conditional. Spring Valley Ranch Well No. 3: 300 gpm conditional. SVH Well Nos. 5-10: 100 gpm conditional. ASR Well Nos. 13-15: 150 gpm conditional. ASR Well No. 16: 100 gpm conditional. Additional Wells, SVR Well Nos. 17-36: 100 to 300 gpm (est.) conditional. Amounts claimed (volume): 1,457 acre feet, cumulative, together with Hopkins Spring No. 1, Hopkins Spring No. 2, ASR Ditch No. 1, and treated effluent. Plans for Augmentation. The wells will operate pursuant to the plans for augmentation decreed in Case Nos. 87CW155 and 98CW254. In addition, the wells are decreed as alternate points of diversion for the Basalt Conduit in Case Nos. 84CW212 and 98CW255. Uses. Municipal, domestic, livestock, commercial, recreation, aesthetic, fish and wildlife, irrigation of lawns and gardens, shrubs, trees, and golf course and open space property, and fire protection associated with the Spring Valley Ranch P.U.D. water supply system. Number of acres proposed to be irrigated: 510 acres, supplemental to Applicant's senior surface water rights. Non-irrigation Use. A detailed description of all uses intended for the water withdrawn from the subject wells, including non-irrigation uses, is provided in the decree in Case No. 98CW254. **SECOND CLAIM Structure:** ASR Ditch No. 1. Location (see map on file with court): NW SW S21, T6S, R88W, 6<sup>th</sup> P.M. UTM, X: 307990; Y:4376316. Source: Landis Creek, tributary to the Roaring Fork River. Appropriation Date: December 29, 1998. Appropriation initiated by filing the application in Case no. 98CW256. Amount: 1 cfs, conditional. Uses: Municipal, domestic, livestock, commercial, recreation, aesthetic, fish and wildlife, irrigation of lawns and gardens, shrubs, trees, and golf course and open space property, and fire protection associated with the Spring Valley Ranch P.U.D. water supply system. Number of acres proposed to be irrigated: 510 acres, supplemental to Applicant's senior surface water rights. Non-irrigation Use. A detailed description of all uses intended for the water diverted under the ASR Ditch No. 1 water right, including non-irrigation uses, is provided in the decree in Case No. 98CW254. **THIRD CLAIM Reservoirs:** ASR Reservoir Nos. 1, 2, and 3. Locations (see map on file with court): ASR Reservoir No. 1: SW SW S21, T6S, R88W, 6<sup>th</sup> P.M. UTM X:307990.2; Y:4376316.3. ASR Reservoir No. 2: SE SW S27, T6S, R88W, 6<sup>th</sup> P.M., UTM X:309780.5; Y:4374368.2. ASR Reservoir No. 3: SW SW S22, T6S, R88W, 6<sup>th</sup> P.M., UTM X:309494.2; Y:4376015.2. Source: Landis Creek, tributary to the Roaring Fork River. Location of fill structure: the location of the alternate point of diversion approved in Case No. 81CW193; NE NE S21, T6S, R88W UTM X:308917; Y:4377112. Appropriation. Date: December 29, 1998; initiated by filing the

application in Case No. 98CW257. Amounts. ASR Reservoir No. 1: 15 acre-feet, conditional. ASR Reservoir No. 2: 30 acre-feet, conditional. ASR Reservoir No. 3: 20 acre-feet, conditional. Rate of Diversion: 3 cfs, conditional. Uses. Municipal, domestic, livestock, commercial, recreation, aesthetic, fish and wildlife, irrigation of lawns and gardens, shrubs, trees, and golf course and open space property, and fire protection associated with the Spring Valley Ranch P.U.D. water supply system. Such water will be diverted for immediate application to said uses, both on and off Applicant's property, for storage and subsequent application to such uses, for exchange purposes, for replacement of depletions resulting from the use of water from other sources, and for augmentation purposes as decreed in Case No. 98CW254. Number of acres proposed to be irrigated: 510 acres, supplemental to Applicant's senior surface water rights. Non-irrigation Use. A detailed description of all uses intended for the water diverted under the ASR Reservoirs Nos. 1, 2, and 3 rights, including non-irrigation uses, is provided in the decree in Case No. 98CW254. **FOURTH CLAIM**. Hopkins Reservoir, First Enlargement. Location. NE SW S15, T6S, R88W, 6<sup>th</sup> P.M. UTM X:310198; Y:4378242. Sources: Landis Creek and precipitation and surface runoff naturally flowing into Hopkins Reservoir; all tributary to the Roaring Fork River. Fill structures: Hopkins Landis Creek Feeder Ditch, 10 cfs. Location: NW NE, S15, T6S, R88W, 6<sup>th</sup> P.M. UTM X:310567.9; Y:4378788.5. Landis Creek Pump Station, 3 cfs. Location: SE NW, S15, T6S, R88W, 6<sup>th</sup> P.M. UTM X:309962.5; Y:4378332.9. Appropriation Date: December 21, 2001 initiated by filing the application in Case No. 01CW328. Amount: 140.43 acre feet, conditional. Fill structure diversion rate: Hopkins Landis Creek Feeder Ditch: 10 cfs. Landis Creek Pump Station: 3 cfs. Uses. Municipal, domestic, livestock, commercial, recreation, aesthetic, fish and wildlife, irrigation of lawns and gardens, shrubs, trees, and golf course and open space property, and fire protection associated with the Spring Valley Ranch P.U.D. water supply system. Such water will be diverted for immediate application to said uses, both on and off Applicant's property, for storage and subsequent application to such uses, for exchange purposes, for replacement of depletions resulting from the use of water from other sources, and for augmentation purposes as decreed in Case No. 98CW254. Irrigation Use. Number of acres proposed to be irrigated: 510 acres, supplemental to Applicant's senior surface water rights. A detailed description of all uses intended for the water diverted under the Hopkins Reservoir, First Enlargement water right, including non-irrigation uses, is provided in the decree in Case No. 98CW254. For copies of the application and exhibits contact Craig Corona, (970) 948-6523; [cc@craigcoronalaw.com](mailto:cc@craigcoronalaw.com)

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of MARCH 2022 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.**