

DIVISION 5 WATER COURT- OCTOBER 2023 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 OCTOBER 2023. *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.*

**23CW6 MESA COUNTY -SEEP WATER TRIBUTARY TO SHAW IRRIGATION DITCH TRIBUTARY TO PLATEAU CREEK TRIBUTARY TO THE COLORADO RIVER.** Leslie & Vance Wilson; 53478 Hwy. 330; Collbran, CO 81624. (214)537-3119. Tailer & 9 Springs and Seeps-Application for Absolute Water Rights (Surface). Location: UTM: E236309.9 N4342825.2 Z13 SW¼SE¼ of Sec. 12 T. 10S R. 96W. of the 6<sup>th</sup> P.M. Appropriation: May 14, 2010. Amount: 0.11 c.f.s., absolute. Uses: irrigation of hayfield, orchard and truck garden and livestock watering.

**YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of DECEMBER 2023 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 OCTOBER 2023. *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.*

**23CW3149 (17CW3018, 09CW131, 01CW202, 95CW035, 87CW218) IN SUMMIT COUNTY, COLORADO.** APPLICATION FOR FINDING OF REASONABLE DILIGENCE. Name, mailing address, and telephone number of applicant. Dillon Valley District, P.O. Box 3428, Dillon, CO 80435, Phone: (970) 668-5500. **CONCERNING THE APPLICATION FOR WATER RIGHTS OF Applicant: Dillon Valley District.** In the Colorado River or its Tributaries. In **SUMMIT COUNTY.** Please direct all correspondence to Attorneys for Applicant: Mark D. Detsky, Atty. Reg. No. 35276. Carolyn R. Steffl, Atty. Reg. No. 34173. Matthew C. Nadel, Atty. Reg. No. 57642. Dietze and Davis, P.C., 2060 Broadway, Suite 400, Boulder, CO 80302. Email: [mdetsky@dietzedavis.com](mailto:mdetsky@dietzedavis.com); [csteffl@dietzedavis.com](mailto:csteffl@dietzedavis.com); [mnadel@dietzedavis.com](mailto:mnadel@dietzedavis.com). Phone: (303) 447-1375. Division: 5. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE.**

2. Description of Conditional Water Rights. 2.1 Dillon Valley District Well Nos. 1 through 5 ("District Wells"). 2.1.1 Original decree: The District Wells were decreed on February 2, 1989, in Case No. 87CW218 in the District Court in and for Water Division No. 5 ("87CW218 Decree"). 2.1.2 Subsequent diligence decrees: Decrees entered on August 28, 1995 in Case No. 95CW035 ("95CW035 Decree"), on September 3, 2003 in Case No. 01CW202 ("01CW202 Decree"), on January 30, 2011 in Case No. 09CW131 ("09CW131 Decree"), and on November 19, 2017 in Case No. 17CW3018 ("17CW3018 Decree"), all in the District Court in and for Water Division No. 5, granted findings of reasonable diligence for the District Wells and continued the water rights in full force and effect. 2.1.3 Location: The District Wells are located as follows and as depicted on the map attached as **Exhibit A**: 2.1.3.1 Dillon Valley District Well No. 1: NE1/4 of the SW1/4 of Section 5, T5S, R77W, of the 6<sup>th</sup> P.M., at a point 1,850 feet from the south section line and 2,650 feet from the east section line of said Section 5. 2.1.3.2 Dillon Valley District Well No. 2: SE1/4 of the SW1/4 of Section 5, T5S, R77W, of the 6<sup>th</sup> P.M., at a point 750 feet from the south section line and 1,750 feet from the west section line of said Section 5. 2.1.3.3 Dillon Valley District Well No. 3: SE1/4 of the SW1/4 of Section 5, T5S, R77W, of the 6<sup>th</sup> P.M., at a point 650 feet from the south section line and 1,500 feet from the west section line of said Section 5. 2.1.3.4 Dillon Valley District Well No. 4: NE1/4 of the NE1/4 of Section 7, T5S, R77W, of the 6<sup>th</sup> P.M., at a point 850 feet from the north section line and 1,250 feet from the east section line of said Section 7. 2.1.3.5 Dillon Valley District Well No. 5: SW1/4 of the NE1/4 of Section 7, T5S, R77W, of the 6<sup>th</sup> P.M., at a point 1,400 feet from the north section line and 2,000 feet from the east section line of said Section 7. 2.1.4 Source: Ground water tributary to Straight Creek, which is tributary to the Blue River. 2.1.5 Appropriation date: June 9, 1986. 2.1.6 Use: Municipal purposes. The District Wells are part of the District's integrated municipal water supply system. 2.1.7 Depth, rate, and volume: 2.1.7.1 Dillon Valley District Well No. 1: 45 feet; 150 gallons per minute ("gpm") and 230 acre-feet per year ("AFY"), conditional. 2.1.7.2 Dillon Valley District Well No. 2: 50 feet; 200 gpm and 325 AFY, conditional. 2.1.7.3 Dillon Valley District Well No. 3: 50 feet; 250 gpm and 300 AFY, conditional. 2.1.7.4 Dillon Valley District Well No. 4: 50 feet; 150 gpm and 230 AFY, conditional. 2.1.7.5 Dillon Valley District Well No. 5: 50 feet; 200 gpm and 325 AFY, conditional. 2.2 Dillon Valley District Exchanges ("District Exchanges")

2.2.1 Original decree: The District Exchanges were decreed in the 87CW218 Decree. 2.2.2 Subsequent diligence decrees: The 95CW035 Decree, 01CW202 Decree, 09CW131, and 17CW3018 Decrees granted findings of reasonable diligence for the District Exchanges and continued the water rights in full force and effect. 2.2.3 Exchange-from points: 2.2.3.1 Green Mountain Reservoir: The reservoir is located on the Blue River in Sections 11, 12, 13, 14, 15, and 24, T2S, R80W and Sections 18, 19, 20, 21, 28, 29, and 34, T2S, R79W, of the 6<sup>th</sup> P.M., Summit County, Colorado, as shown on attached Exhibit B. Green Mountain Reservoir was decreed for 154,645 acre-feet, with an appropriation date of August 1, 1935, as described in the decrees of the United States District Court, State of Colorado, in Consolidated Civil Case Nos. 2782, 5016, and 5017, dated October 12, 1955. 2.2.3.2 Granby Reservoir (a/k/a Lake Granby): The reservoir is located on the Colorado River, upstream of its confluence with the Fraser River, in all or parts of Sections 25, 26, 27, 34, 35, and 36, T3N, R76W and Sections 29, 30, and 32, T3N, R75W and Sections 1, 2, 3, 10, 11, 12, 13, and 15, T2N, R76W and Sections 5, 6, 7, 8, 9, 14, 15, 16, 17, 18, 21, 22, and 23, T2N, R75W of the 6<sup>th</sup> P.M., Grand County, Colorado, as shown on attached Exhibit B. The District has obtained a deed from the Middle Park Water Conservancy District for 42 acre-feet of the 3000 acre-feet of water which the Municipal Subdistrict, Northern Colorado Water Conservancy District has agreed to provide annually to Middle Park in Granby

2.2.3.2 Granby Reservoir (a/k/a Lake Granby): The reservoir is located on the Colorado River, upstream of its confluence with the Fraser River, in all or parts of Sections 25, 26, 27, 34, 35, and 36, T3N, R76W and Sections 29, 30, and 32, T3N, R75W and Sections 1, 2, 3, 10, 11, 12, 13, and 15, T2N, R76W and Sections 5, 6, 7, 8, 9, 14, 15, 16, 17, 18, 21, 22, and 23, T2N, R75W of the 6<sup>th</sup> P.M., Grand County, Colorado, as shown on attached Exhibit B. The District has obtained a deed from the Middle Park Water Conservancy District for 42 acre-feet of the 3000 acre-feet of water which the Municipal Subdistrict, Northern Colorado Water Conservancy District has agreed to provide annually to Middle Park in Granby

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Reservoir by virtue of the Windy Gap agreement dated April 30, 1980, and the supplement thereto dated March 29, 1985. The Granby Reservoir water available to the District will be provided pursuant to the water rights for the Windy Gap Project and will be used for all beneficial purposes as more fully described in the decrees in Case Nos. 1768, W-4001, 80CW108 and 85CW135, District Court, Water Division No. 5.

2.2.4 Exchange-to points:

2.2.4.1 Dillon Valley District Well Nos. 1 through 5: as described in paragraph 2.1 above and shown on attached Exhibit A.

2.2.4.2 Dillon Blue River Intake: The point of diversion is located 1,800 feet east of the west section line and 600 feet north of the south section line in the SE1/4 of the SW1/4 of Section 8, T5S, R77W, of the 6th P.M., Summit County, Colorado, as shown on attached Exhibit A. The Town of Dillon owns a conditional water right for this structure in the amount of 5.0 cfs, as decreed in Case No. 86CW329, Water Division No. 5.

2.2.4.3 Silverthorne Well No. 1: The well is located in the NE1/4 of the SW1/4 of Section 12, T5S, R78W, of the 6th P.M., at a point 2,998 feet south of the north section line and 2,522 feet east of the west section line of said Section 12, as shown on attached Exhibit A. The Town of Silverthorne owns a water right for this structure in the amount of 0.667 cfs, as decreed in Case No. W-1222, Water Division No. 5.

2.2.4.4 Silverthorne Well No. 2: The well is located in the NE1/4 of the SW1/4 of Section 12, T5S, R78W, of the 6th P.M., at a point located 3,198 feet south of the north section line and 2,062 feet east of the west section line of said Section 12, as shown on attached Exhibit A. The Town of Silverthorne owns a water right for this structure in the amount of 0.667 cfs, as decreed in Case No. W-1222, Water Division No. 5.

2.2.4.5 Dillon Reservoir: The reservoir is located on the Blue River in Sections 7, 8, 17, 18, 19, 20, 21, 30, and 31, T5S, R77W and Sections 13, 23, 24, 25, 26, 35, and 36, T5S, R78W, of the 6th P.M., Summit County, Colorado, as shown on attached Exhibit B. Denver owns a decreed storage right of 252,678 acre-feet for Dillon Reservoir and a direct flow right of 788 cfs for the Montezuma Tunnel, both with appropriation dates of June 24, 1946, pursuant to the decrees of the United States District Court, State of Colorado, in Consolidated Civil Case Nos. 2782, 5016, and 5017, dated October 12, 1955. Pursuant to an agreement between Denver and Summit County, the District has rights to an allocation of 30 acre-feet of the 100 acre-feet per year of augmentation water to be released to the Blue River from Dillon Reservoir, as described in paragraph 6(b) of the Denver-Summit County Agreement entered into September 18, 1985. Under paragraph 6(b) of that agreement, the District is required to provide Denver with replacement water and must enter into a separate agreement with Denver in order to utilize the 30 acre-feet of Dillon Reservoir water.

2.2.5 Source of substitute supply: Water stored in Green Mountain Reservoir and/or Granby Reservoir, as described in paragraphs 2.2.3.1 and 2.2.3.2 above; and unconsumed portions of diversions by the District (“District Return Flows”). District Return Flows return to the stream system either as irrigation return flows or treated effluent. The Joint Authority Wastewater Treatment Plant utilized by the District is located in Section 26, T4S, R78W of the 6th P.M.

2.2.6 Description of exchanges: The District Wells, the Dillon Blue River Intake, and Silverthorne Well Nos. 1 and 2 are augmented under the plan for augmentation approved in the 87CW218 Decree (“District Augmentation Plan”). As part of the District Augmentation Plan, the District may utilize exchanges and substitutions of water for diversion or storage between the structures identified in paragraphs 2.2.3 and 2.2.4 above. Water that has been exchanged will be used for municipal purposes or for replacement and augmentation purposes. When there is a valid call for water by a downstream water right, the District may make out-of-priority diversions at the exchange-to points described in paragraph 2.2.4 above to the extent that augmentation water is available for release from storage at one of the exchange-from points described in paragraph 2.2.3 above, or at Dillon Reservoir. The District may utilize the Dillon Blue River Intake only with the consent of the Town of Dillon, and may utilize Silverthorne Well Nos. 1 and 2 only with the consent of the Town of Silverthorne.

2.2.7 Appropriation date: September 18, 1985; except for exchanges from Granby Reservoir, for which the appropriation date is April 30, 1980.

2.2.8 Exchange rate: Up to 15 cfs, conditional.

2.2.9 Use: Municipal purposes or as replacement and augmentation water under the 87CW218 Decree.

3. Outline of work and expenditures during the diligence period towards completion of the appropriation and application of water to a beneficial use:

3.1 The District’s municipal water supply is derived almost entirely from surface water rights decreed to the Rankin Ditch, which diverts from Straight Creek in the same valley as the I-70 corridor. As exists near any interstate highway, there is the potential for accidental spills or contamination along I-70, and such spills or contamination could occur in areas tributary to Straight Creek. In the event of contamination, or in the event of other significant damage to the Rankin Ditch, the District would be unable to divert its Rankin Ditch water into its municipal system. Accordingly, and also on the basis of prudent municipal planning for an exceptionally dry year in which the Rankin Ditch may not yield sufficient water to supply the District’s customers, the District continues to have a non-speculative purpose to continue the subject water rights as an emergency or a backup supply to ensure the health and safety of the District’s customers.

3.2 The District may need to divert from the points of diversion in this decree in other emergency circumstances, such as a pump or main break, a problem with the water treatment system, or a wildfire. The District also has entered into emergency interconnect agreements with Towns of Dillon and Silverthorne to further prepare for contingencies.

3.3 The District Wells and District Exchanges (“Subject Water Rights”) are part of the District’s integrated and unified municipal water supply system, through which the District provides water service to over 3,200 residential and commercial customers via 430 taps. “When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of the water rights for all features of the entire project or system.” C.R.S. § 37-92-301(4)(b).

3.4 The diligence period for the Subject Water Rights is December 2017 through October 2023 (the “Diligence Period”). During the Diligence Period, the District has worked diligently to develop the Subject Water Rights, complete the appropriations, and place the water to beneficial use within the District’s integrated municipal system, as demonstrated by the following activities and expenditures:

3.4.1 The District expended approximately \$625,000 in capital costs for water infrastructure within the District’s integrated municipal system. Those expenditures included infrastructure improvements at the District’s water pump station, pump replacements and upgrades, and water plant improvements necessary to maintain the District’s water service to its customers.

3.4.2 The District expended approximately \$19,600 in legal expenses for representation in water matters, including water quality and negotiations with the towns of Dillon and Silverthorne regarding the development of emergency water supplies, and the interconnection to realize those water supplies, to be used by the District on a temporary basis in the event of the unavailability of one or more

components of the District's integrated municipal water collection, treatment, and distribution system. 3.4.3 The District expended approximately \$15,100 in legal fees and expenses for activities related to development and protection of the Subject Water Rights. Such activities included, without limitation, monitoring the water court filings of other water users to protect the District's water rights, including the Subject Water Rights, participating in water court Case Nos. 22CW3059 and 17CW3244 as an objector, and participating in discussions regarding the Colorado River Cooperative Agreement, under which the District has water supply rights. 4. Names and addresses of owners or reputed owners of the land on which structures are or will be located: 4.1 Dillon Valley District Well Nos. 1 through 5: The District Wells are located within the District service area, and to the best of the District's knowledge may be located on private property as follows: 4.1.1 Dillon Valley District Well No. 1: Dillon Valley East Condo Association Board of Managers, c/o Basic Property Management, P. O. Box 4844, Dillon, CO 80435. 4.1.2 Dillon Valley District Well Nos. 2 and 3: Summit County School District RE-1, P. O. Box 7, Frisco, CO 80443. Straight Creek Ponds Owners' Association, Inc., c/o Michael Magliocchetti, 23024 US Highway 6, Suite 202, Keystone, CO 80435. 4.1.3 Dillon Valley District Well No. 4: Dillon Valley District Well No. 4 is located on property owned by the District. 4.1.4 Dillon Valley District Well No. 5: Summit County Board of County Commissioners, P. O. Box 68, Breckenridge, CO 80424. 4.2 Silverthorne Well Nos. 1 and 2: Town of Silverthorne, P. O. Box 1309, Silverthorne, CO 80498. 4.3 Dillon Blue River Intake: Denver Water Board, 1600 West 12th Avenue, Denver, CO 80204. 4.4 Green Mountain and Granby Reservoirs: United States Bureau of Reclamation, Great Plains Region, Eastern Colorado Area Office, 11056 West County Road 18E, Loveland, CO 80537. 4.5 Dillon Reservoir: Denver Water Board, 1600 West 12th Avenue, Denver, CO 80204. The following exhibits are on file with the Water Court: Map depicting the location of the structures (Exhibit A), Map of Applicants points of exchange (Exhibit B).

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**23CW3151 GRAND COUNTY. Application for Absolute Water Storage Right and Plan for Augmentation and Exchange.** Applicant: Camron E. Zaid West 2012 Irrevocable Trust ("Applicant"), c/o Cameron West, c/o Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Applicant requests confirmation of an absolute water storage right for Hazel Creek Pond and a plan for aug. including an appropriative right of exchange to replace evaporative losses from Hazel Creek Pond when there is a downstream call on Muddy Creek and/or the CO River. First Claim: Absolute Water Storage Right. Structure: Hazel Creek Pond. Legal Description: Located on Hazel Creek in the NW1/4NE1/4, Sec. 25, T. 2 N., R. 82 W., 6<sup>th</sup> P.M. The crest of the spillway is located at UTM Zone 13, Easting 369992, Northing 4441994. A map displaying the proposed storage water right location is attached hereto as Figure 1 on file with the Water Ct. Source: Hazel Creek, tributary to Pass Creek, tributary to Muddy Creek, tributary to CO River. Point of Diversion: Hazel Creek Pond is an on-channel structure. Approp. Date: 10/26/2023. How Approp. was Initiated: Filing of the application. Uses: Aesthetic and piscatorial. Amt.: 1.93 AF, with right to fill and refill in priority. Diversion Rate for Filling the Reservoir: Not applicable due to structure being on-channel. Physical Properties of Dam: Surface Area at High-Water Line: 0.31 acres, see attached Exh. A on file with the Water Ct (All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the clerk of this Court) showing survey of the Hazel Creek Pond. Vertical Height of Dam: 8.75 ft. Length of Dam: 120 ft. Total Reservoir Capacity: Dead Storage: 1.93 AF. See attached Exh. B. Owner of land upon which the pond will be located: Applicant. Second Claim: Approval of Plan for Aug.. Aug. Plan: Aug. requirements for out-of-priority evaporative depletions from Hazel Creek Pond total 0.89 AF/yr including 10% transit loss. Aug. water will be released from Wolford Mountain Reservoir and/or Ruedi Reservoir to replace up to 0.80 AF/yr or 0.89 AF when including 10% transit loss of the out-of-priority evaporative depletions from Hazel Creek Pond. Structures to be Augmented: Hazel Creek Pond. Water Rights to be Used for Aug.: Applicant will replace depletions from Hazel Creek Pond in time, amt., and location during a downstream senior call. Aug. water will be provided through a CRWCD contract, or as otherwise allowed based on additional or alternative aug. supplies. Applicant's water uses will be augmented during an administrative call by releases from the CRWCD's CO River Supply Sources as described in the application and on CRWCD's website [www.crwcd.org](http://www.crwcd.org) and include Wolford Mountain Reservoir and Ruedi Reservoir. These sources will replace depletions to Muddy Creek or the CO River, caused by Applicant's diversion at the location described above, in amts. determined by the Div. Engineer, and at such times as diversions by the Applicant would ordinarily be curtailed due to the call of senior downstream water rights. Applicant reserves the right to use additional or alternative sources of water for replacement on a temporary or permanent basis, subject to approval by the Water Court and/or the State Engineer's Office. C.R.S. § 37-92-305(8)(a). Diversions and Depletions: Evaporation losses that occur from Hazel Creek Pond and depletions will be augmented. The surface area of the pond at the crest of the spillway is 0.31 acres. The unit gross evaporation (free water surface) of 37 inches was derived from the evaporation atlases in NOAA Technical Report NWS 33, June 1982, Evaporation for the Contiguous 48 United States, Map 3. The annual gross evaporation was distributed using the State Engineer's Office (SEO) Gravel Pit Guidelines (4/1/2011) monthly distribution for elevations above 6,500 ft. Evaporation does not need to be calculated for an ice-cover period during the winter months. Based on temperature adjusted data from the Kremmling weather station

(USC00054664), ice cover occurs November through March, resulting in zero evaporation during these months. The annual evaporation demand is 0.80 AF/yr for Hazel Creek Pond with a maximum daily rate of 1,584 g.p.d. in June. Evaporation demands will be 100% consumptive: depletions equal demands. Names and addresses 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: Applicant. Third Claim: Appropriative Rights of Exchange. To operate the aug. plan, pursuant to C.R.S. §§ 37- 80- 120, 37- 83- 104 & 37- 92-302(1)(a), Applicant seeks to adjudicate conditional appropriative rights of exchange, the "Water Exchange Project." A map of the exchange reaches is shown in Figure 2. Hazel Creek Pond Exchange Reach 1, Wolford Mountain Reservoir Releases. Upstream Terminus: The point of depletion of Hazel Creek Pond is on Hazel Creek located in NW1/4 NE1/4, Sec. 25, T. 2 N., R. 82 W., 6<sup>th</sup> P.M., UTM Zone 13, Easting 369992, Northing 4441994. Downstream Terminus: Wolford Mountain Reservoir dam located in SW1/ 4 NE1/4 Sec. 25, T. 2 N., R. 81 W., 6<sup>th</sup> P.M. The intersection of the dam axis with the right abutment will occur at a point which bears S. 54°54'20" E. a distance of 3,716.46 ft. from the NW Corner of Sec. 35 in Grand Cty. Hazel Creek Pond Exchange Reach 2, Ruedi Reservoir Releases. Upstream Terminus: The point of depletion of Hazel Creek Pond is on Hazel Creek located in NW1/4NE1/4, Sec. 25, T. 2 N., R. 82 W., 6<sup>th</sup> P.M., UTM Zone 13, Easting 369992, Northing 4441994. Downstream Terminus: Confluence of the Roaring Fork and CO Rivers in SE1/4 NW1/4, Sec. 9, T. 6 South, R. 86 W., 6<sup>th</sup> P.M., at a point approximately 2,200 ft. from the N. Sec. line and 2,350 ft. from the W. Sec. line of Sec. 9 in Grand Cty. Approp. Date: 10/26/2023. How Approp. was Initiated: Filing of application. Amt.: Not to exceed 0.0025 c.f.s., up to 0.80 AF/year. (12 pages of original application, Exhs. A-D & Figures 1-2).

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**23CW3152 GUNNISON COUNTY – APPLICATION FOR GEOTHERMAL WATER RIGHT. 1. Name, Address, Phone Number, and E-Mail Address of Applicant.** Treasure Mountain Ranch Inc., c/o Stuart Gillespie, Treasurer, 1203 Colorado Ave., Glenwood Springs, Colorado 81611; Phone: (901) 240-5188; e-mail: stuart.j.gillespie@gmail.com. Copies of all pleadings to David F. Bower, Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027; Phone: (303) 546-5608; E-mail: dfbower@j-rlaw.com. **2. Claim for Conditional Geothermal Water Right.** (a) Name of Well Structure. Treasure Mountain Ranch Geothermal Well No. 1. (b) Permit Information. The well structure is currently permitted under Well Permit No. 328613, issued September 22, 2022. The well will be re-permitted upon granting of the claimed water right. (c) Location. NE1/4 SW1/4 of Section 27, Township 11 South, Range 87 West, of the 6th P.M. (Easting 318574.0, Northing 4325961.3). (d) **Source. Geothermal groundwater tributary to the North Fork of the Crystal River, tributary to the Crystal River, tributary to the Roaring Fork River, tributary to the Colorado River.** (e) Depth of Well. ~600 feet. (f) Appropriation Date. Date of application. (g) Amount. 0.25 cfs (112 gpm), conditional. (h) Uses. Geothermal energy, domestic, recreational, and other beneficial purposes. (i) Remarks. This well will primarily be used for power generation and to heat private buildings and other structures associated with the Treasure Mountain Ranch. In addition, geothermal water may be used for domestic and related purposes, including but not limited to filling baths and soaking pools and melting snow. **3. Name and Address of Landowner Upon which any New or Modified Diversion or Storage Structure is Located.** The Treasure Mountain Ranch Geothermal Well No. 1 is on land owned by Applicant. WHEREFORE, Applicant respectfully requests that the Court grant the claim for a geothermal water right as set forth above. (3 pages)

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