

DIVISION 5 WATER COURT- FEBRUARY 2016 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 FEBRUARY 2016. *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.*

16CW3020 GARFIELD COUNTY. COLORADO RIVER. Application for Finding of Reasonable Diligence and to Make Absolute in Part. Applicants: Redstone Well, LLC, c/o Balcomb & Green, P.C., PO Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. Iron Mountain Hot Springs LLC, c/o Mark Hermundstad, Williams, Turner & Holmes, P.C., POB 338, Grand Junction, CO 81502; 970-242-6262. Applicants request a finding of reasonable diligence in the development of the cond. water right decreed to the **Redstone Well 21-9**. Decree Information: Orig. Decree: 10/17/1983, Case No.: 83CW150, Ct.: Dist. Ct., Water Division 5, Colorado. Subsequent diligence decrees: Cases No. 87CW208, 93CW208, 00CW171, and 09CW15, Dist. Ct., Water Division 5. The cond. water right decreed to the Redstone Well 21-9 is subject to the provisions of the Order Adding Terms and Conditions dated 12/27/2002, in Case No. 94CW253, Water Division 5. Decreed location: A well located in the NW1/4 NW1/4, Sec. 9, T. 6 S., R. 89 W., 6th P.M. at a pt. whence the N. Quarter Corner of said Sec. 9 bears N. 77 deg. 05'46" E., 1,913.23 ft., such pt. being 480 ft. from the N. line and 833 ft. from the W. line of Sec. 9. See map attached as Exhibit A to app. Source: A well having a depth of 155 ft., being trib. to the Colorado River. Approp. Date: 6/18/1981. Amt.: 5.45 c.f.s. cond.. Use: Geothermal energy, from geothermal fluid and recovery of geothermal byproducts, including comm., manufacturing, rec. and medicinal purposes. Well Permit Information: Permit No. 460-G. Detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: Applicant Iron Mountain Hot Springs LLC owns the first 100 g.p.m. of the Redstone Well 21-9 water right. Applicant Redstone Well, LLC owns the remainder of the Redstone Well 21-9 water right. The Redstone Well 21-9 was drilled under Permit No. 17-G, which permit was replaced in March 2004 with the issuance of Well Permit 460 G, attached as Exhibit B to app. The Redstone Well 21-9 is connected to the Iron Mountain Hot Springs resort, a commercial hot springs pool and resort located in Glenwood Springs, Colorado and owned by Applicant Iron Mountain Hot Springs LLC. It diverts water for its decreed beneficial uses at the Iron Mountain Hot Springs resort. Construction of the Iron Mountain Hot Springs resort was completed and it opened in 2015. The Iron Mountain Hot Springs resort relies in part upon water diverted from the Redstone Well 21-9 to fill the 16 hot springs soaking pools at the resort. Applicants have maintained the well, well structure, and appurtenances. Applicants incurred significant expenses in this diligence period in connection with the activities described above. The foregoing does not reflect each and every activity of Applicants to place the subject conditional water right to beneficial use, but is illustrative of the continued diligence of the Applicants. Additional work may be performed and additional expenses may be incurred between the date this Application is filed and a decree is entered. Claim to make absolute in part. Applicants request a finding that they have made absolute the subject water right by application to beneficial use. Date of beneficial use: 1/2/2016, by diversion and application to beneficial use at the Iron Mountain Hot Springs resort, see Exhibit C to app. Amt. claimed as absolute: 200 g.p.m. (0.45 cfs), consisting of 100 g.p.m. owned by Applicant Iron Mountain Hot Springs LLC and 100 g.p.m. owned by Applicant Redstone Well, LLC. Amt. to remain cond.: 5.0 c.f.s, all of which is owned by Redstone Well, LLC. Owner of lands upon which modification to existing structure is or will be constructed: Applicant Iron Mountain Hot Springs LLC. (15 pgs).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of APRIL 2016 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$158.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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 FEBRUARY 2016. *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.*

16CW3021 GARFIELD COUNTY. GROUNDWATER TRIBUTARY TO CATTLE CREEK, TRIBUTARY TO THE ROARING FORK RIVER. Application for Finding of Reasonable Diligence. Applicants: Tina Kim and Robert Clay Velasquez, Robert Lee and Ida Mae Beasley, and Robert Ross Velasquez, c/o Balcomb & Green PC, PO Drawer 790, Glenwood Springs, CO 81602; 970-945-6546. **Velasquez/Beasley Well.** Orig. decree: decreed on February 24, 2010 in Case No. 08CW40, District Court, Water Division 5. Legal description: located in the SE1/4 SW1/4 of Sec. 10, T. 7 S., R. 88 W., 6th P.M. at a pt. 1,165 ft. N. of the S. Sec. Line and 1,835 E. of the W. Sec. line of said Sec. 10. Sec. 10 is an irregular Sec. Date of Approp.: 1/17/2008. Amt.: 0.033 cfs (15 gpm) cond. Uses: dom. use within two homes, fire protection, irr. of up to 21,000 square ft. of law, and for filling of the Velasquez/Beasley Aug. Tank described below for Aug. of dom. and fire protection uses. **Velasquez/Beasley Aug. Tank Pump.** Orig. decree: decreed on 2/24/2010 in Case No. 08CW40, District Court, Water Division 5. Legal description: to be located within 200 ft. of a pt. described as being in the SE1/4 SW1/4 Sec. 10, T. 7 S., R. 88 W., 6th P.M. at a pt. 1,052 ft. N. of the S. Sec. line and 1,800 ft. E. of the W. Sec. line of said Sec. 10. Sec. 10 is an irregular Sec. Source: Cattle Creek. Date of Approp.: 1/17/2008. Amt.: 0.033 cfs (15 gpm) cond. Uses: filling of the Velasquez/Beasley Aug. Tank for Aug. of irr., dom., and fire protection uses from the Velasquez/Beasley Well described above. **Velasquez/Beasley Aug. Tank.** Orig. decree: decreed on 2/24/2010 in Case No. 08CW40,

District Court, Water Division 5. Legal description: located in the SE1/4 SW1/4 Sec. 10, T. 7 S., R. 88 W., 6th P.M. at a pt. 1,127 ft. N. of the S. Sec. line and 1,802 ft. E. of the W. Sec. line of said Sec. 10. Sec. 10 is an irregular Sec. Source: the Velasquez/Beasley Aug. Tank will fill when it is in priority from either the The Velazquez/Beasley Well; or The Velasquez/Beasley Aug. Tank Pump. Date of Approp.: 1/17/2008. Amt.: 0.05 AF cond. Active Storage: 0.05 ac-ft. Dead Storage: 0.00 ac-ft. Surface area: n/a, underground storage tank. Length of dam: n/a, underground storage tank. Uses: Aug. of irr., dom., and fire protection uses from the Velasquez/Beasley Well described above. Remarks: the Velasquez/Beasley Aug. Tank will consist of one or more underground storage tank(s) that will store approximately 0.05 AF. As a pre-fabricated underground storage tank, it is constructed so as not to intercept groundwater. The Velasquez/Beasley Aug. Tank(s) will be installed with low level, gravity flow release mechanism accessible to the water commissioner. Water released from the Velasquez/Beasley Aug. Tank pursuant to the Plan for Aug. decreed in 08CW40 will accrue to Cattle Creek, at a pt. located in the SE1/4 SW1/4, Sec. 10, T. 7 S., R. 88 W., 6th P.M. at a pt. 1,020 ft. N. of the S. Sec. Line and 1,802 E. of the W. Sec. line of said Sec. 10. Sec. 10 is an irregular Sec. Applicants have diligently pursued development of the cond. water rights decreed to Velasquez/Beasley Well, Velasquez/Beasley Aug. Tank Pump, and Velasquez/Beasley Aug. Tank. A complete list of diligence activities and expenditures is on file with this court. (7 pgs).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of APRIL 2016 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$158.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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 FEBRUARY 2016. *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.*

16CW3022 (08CW111, 88CW449) EAGLE, LAKE, AND PITKIN COUNTIES. Application for a Finding of Reasonable Diligence. Applicant: Homestake Partners, comprising: The City of Colorado Springs, acting by and through its Enterprise Colorado Springs Utilities, c/o Brett W. Gracely, 121 South Tejon Street, Colorado Springs, CO 80903; Phone: (719) 668-4052; Email: bgracely@csu.org and: The City of Aurora, acting by and through its Utilities Enterprise, Utilities Department, 15151 E. Alameda Parkway, Suite 3600, Aurora, CO 80012; Phone: (303) 695-7370; Email: AuroraWater@auroragov.org. Pleadings should be served on the attorneys for the Applicant: William A. Paddock, Karl D. Ohlsen, Johanna Hamburger, Carlson, Hammond & Paddock, L.L.C., 1900 Grant St., Suite 1200, Denver, CO 80203; Phone: (303) 861-9000; Fax: (303) 861-9026; Michael Gustafson, City Attorney's Office-Utilities Division, 30 S. Tejon St., Suite 501, P. O. Box 1575, Mail Code 510, Colorado Springs, CO 80901-1575; Phone: (719) 385-6422, Fax: (719) 385-5535; and John M. Dingess, Hamre, Rodriguez, Ostrander & Dingess, P.C., 3600 S. Yosemite Street, Suite 500, Denver, CO 80237-1829; Phone: (303) 779-0200, Fax: (303) 779-3662. **2. Names of Structures:** A. Resolution Creek Reservoir, B. Lower East Fork Reservoir, C. Eagle Park Reservoir, D. Eagle Park Wetland Irrigation System, E. Eagle Park Aquifer Well Field, F. Homestake Project structures, including: Homestake Conduit, East Fork Conduit, Homestake Tunnel, Homestake Reservoir, Eagle Arkansas Ditch. **3. Describe conditional water rights:** A. Resolution Creek Reservoir: 1. Original Decree: Case No. 88CW449, District Court Water Division No. 5. 2. Date of Original Decree: August 20, 2002. 3. Location and Legal Description: The dam is located within the NE1/4 of the NW1/4, the SE1/4 of the NW1/4, the NW1/4 of the NE1/4, and the SW1/4 of the NE1/4 of Section 11, T.7S, R.80W, of the 6th P.M. The center of the dam axis is located approximately 1,510 feet south of the north section line and 2,410 feet west of the east section line of said Section 11. 4. Source: Resolution Creek and Pearl Creek, tributaries to the Eagle River. 5. Appropriation Date: December 19, 1988. 6. Amount: 5,000 AF conditional. 7. Use: Wetland creation and irrigation, exchange, augmentation, recharge, municipal, commercial, industrial, snowmaking, recreation, fishery, wildlife and all other beneficial uses. More specifically, water in storage can be utilized for the replacement of out of priority consumptive water use associated with wetland restoration at Eagle Park; the augmentation of transbasin diversions; for purposes of developing vested or conditionally-decreed water rights, including the Homestake Project, by meeting federal, state, and local permit conditions which necessitate the use of water resources; and for in-basin use within the Eagle and Colorado River basins. 8. Depth (if well): N/A. B. Lower East Fork Reservoir: 1. Original Decree: Case No. 88CW449, District Court Water Division No. 5. 2. Date of Original Decree: August 20, 2002. 3. Location and Legal Description: The dam is located within the NE1/4 of the SW1/4, the SE1/4 of the SW1/4, the NW1/4 of the SE1/4, and the SW1/4 of the SE1/4 of Section 24, T.7S, R.80W, of the 6th P.M. The center of the dam axis is located approximately 1,065 feet north of the south section line and 2,590 feet east of the west section line of said Section 24. 4. Source: East Fork of the Eagle River and Cataract Creek, tributaries to the Eagle River. 5. Appropriation Date: December 19, 1988. 6. Amount: 2,500 acre feet, conditional. 7. Use: Wetland creation and irrigation, exchange, augmentation, recharge, municipal, commercial, industrial, snowmaking, recreation, fishery, wildlife and all other beneficial uses. More specifically, water in storage can be utilized for the replacement of out of priority consumptive water use associated with wetland restoration at Eagle Park; the augmentation of transbasin diversions; for purposes of developing vested or conditionally-decreed water rights, including the Homestake Project, by meeting federal, state, and local permit conditions which necessitate the use of water resources; and for in-basin use within the Eagle and

Colorado River basins. 8. Depth (if well): N/A. C. Eagle Park Reservoir: 1. Original Decree: Case No. 88CW449, District Court Water Division No. 5. 2. Date of Original Decree: August 20, 2002. 3. Location and Legal Description: a. The Eagle Park Reservoir is surface and underground storage located entirely within T.7S, R.80W, of the 6th P.M. The lands occupy approximately 1,450 surface acres, more or less, within the following sections of T.7S, R.80W, 6th P.M.: Section 3: Part of the SW1/4 of the SW1/4. Section 4: Part of the SE1/4. Section 9: Part of the E1/2. Section 10: Part of the W1/2 of the NW1/4; Part of the NW1/4 of the SW1/4; Part of the S1/2 of SW1/4; Part of the SW1/4 of the SE1/4. Section 15: Part of the W1/2; Part of the W1/2 of the NE1/4; Part of the SE1/4. Section 16: Part of the E1/2 of the NE1/4; Part of the NW1/4 of the NE1/4. Section 22: Part of the E1/2; Part of the E1/2 of the NW1/4; Part of the NE1/4 of the SW1/4. Section 23: Part of the S1/2; Part of the S1/2 of the NW1/4; Part of the SW1/4 of the NE1/4. Section 24: Part of the SW1/4. b. Water will be stored in the Eagle Park Reservoir above the naturally occurring groundwater table by means of artificial recharge through the construction of numerous groundwater retention structures, check dams, and other facilities. Water will be stored within the surface stream channel and also within and/or above the alluvium and/or other surficial deposits adjacent to the Eagle River and its tributaries within the identified Eagle Park Reservoir site. Groundwater retention structures may include, but will not be limited to, the following locations within T.7S, R.80W, of the 6th P.M.

<u>Structure No.</u>	<u>Section</u>	<u>Approximate Location</u>
1	4	180 feet West of the East section line, 615 feet North of the South section line
2	3	50 feet East of the West section line, 50 feet North of the South section line
3	10	410 feet East of the West section line, 2250 feet South of the North section line
4	9	270 feet West of the East section line, 1500 feet North of the South section line
5	9	460 feet West of the East section line, 230 feet North of the South section line
6	10	660 feet East of the West section line, 310 feet North of the South section line
7	15	1040 feet East of the West section line, 1980 feet North of the South section line
8	15	2280 feet East of the West section line, 1660 feet North of the South section line
9	22	1210 feet West of the East section line, 2310 feet South of the North section line
10	23	1090 feet East of the West section line, 840 feet North of the South section line
11	23	910 feet West of the East section line, 1230 feet North of the South section line
12	15	1610 feet East of the West section line, 1720 feet South of the North section line

4. Source: The Eagle River and all streams and other water sources tributary to the Eagle River within the identified reservoir boundary. 5. Appropriation Date: December 19, 1988. 6. Amount: 3,500 acre feet, conditional. 7. Use: Wetland creation and irrigation, exchange, augmentation, recharge, municipal, commercial, industrial, snowmaking, recreation, fishery, wildlife and all other beneficial uses. More specifically, water in storage can be utilized for the replacement of out of priority consumptive water use associated with wetland restoration at Eagle Park; the augmentation of transbasin diversions; for purposes of developing vested or conditionally-decreed water rights, including the Homestake Project, by meeting federal, state, and local permit conditions which necessitate the use of water resources; and for in-basin use within the Eagle and Colorado River basins. 8. Depth (if well): N/A. D. Eagle Park Wetland Irrigation System: 1. Original Decree: Case No. 88CW449, District Court Water Division No. 5. 2. Date of Original Decree: August 20, 2002. 3. Location and Legal Description: a. The Eagle Park Wetland Irrigation System is located entirely within T.7S, R.80W, of the 6th P.M. It is estimated that the irrigation system will occupy up to 275 acres located within the 1,450 acres described in paragraph 3.C.3.a. above. b. Points of diversion include the following, all in T.7S, R.80W, 6th P. M., although such points may be relocated or added within the Eagle Park area (subject to Division Engineer approval) as described in paragraph V.C. of the decree in Case No. 88CW449 (paragraph 3.C.3.a above), or deleted based upon actual conditions encountered upon the site and Forest Service or other requirements.

<u>Structure No.</u>	<u>Section</u>	<u>Approximate Location</u>
1	4	180 feet West of the East section line, 615 feet North of the South section line
2	3	50 feet East of the West section line, 50 feet North of the South section line

3	10	410 feet East of the West section line, 2250 feet South of the North section line
4	9	270 feet West of the East section line, 1500 feet North of the South section line
5	9	460 feet West of the East section line, 230 feet North of the South section line
6	10	660 feet East of the West section line, 310 feet North of the South section line
7	15	1040 feet East of the West section line, 1980 feet North of the South section line
8	15	2280 feet East of the West section line, 1660 feet North of the South section line
9	22	1210 feet West of the East section line, 2310 feet South of the North section line
10	23	1090 feet East of the West section line, 840 feet North of the South section line
11	23	910 feet West of the East section line, 1230 feet North of the South section line
12	15	1610 feet East of the West section line, 1720 feet South of the North section line

4. Source: The Eagle River and all streams and other water sources tributary to the Eagle River within the identified irrigation system boundary. 5. Appropriation Date: December 19, 1988. 6. Amount: 60 c.f.s. conditional. 7. Use: Wetland creation and irrigation. 8. Depth (if well): N/A. E. Eagle Park Aquifer Well Field: 1. Original Decree: Case No. 88CW449, District Court Water Division No. 5. 2. Date of Original Decree: August 20, 2002. 3. Location and Legal Description: a. The Eagle Park Aquifer Well Field is located entirely within T.7S, R.80W, of the 6th P.M. It produces water from the Eagle Park Aquifer which underlies approximately 1,450 surface acres described in paragraph 3.C.3.a. above. b. Applicant intends to utilize the aforementioned groundwater through a series of wells operating as part of a well field. It is anticipated that there will be approximately 20 wells, though this number may be enlarged or diminished based upon specific site conditions and Forest Service requirements. Approximate legal descriptions, all within T.7S, R.80W, 6th P. M., are as follows:

<u>Well Name</u>	<u>Approximate Location</u>
EP # 1	Located in NE1/4 of the NE1/4 Sec. 9 300 feet South of the North section line and 150 feet West of the East section line
EP # 2	Located in the SW1/4 of the NE1/4 Sec. 10 1500 feet South of the North section line 300 feet East of the West section line
EP # 3	Located in NE1/4 of the SE1/4 Sec. 9 1900 feet North of the South section line and 400 feet West of the East section line
EP # 4	Located in SE1/4 of the SE1/4 Sec. 9 900 feet North of the South section line and 200 feet West of the East section line
EP # 5	Located in NW1/4 of the NW1/4 Sec. 15 200 feet South of the North section line and 1200 feet East of the West section line
EP # 6	Located in NE1/4 of the NW1/4 Sec. 15 1100 feet South of the North section line and 1500 feet East of the West section line
EP # 7	Located in SE1/4 of the NW1/4 Sec. 15 2100 feet South of the North section line and 2000 feet East of the West section line
EP # 8	Located in NE1/4 of the SW1/4 Sec. 15 2200 feet North of the South section line and 1900 feet East of the West section line
EP # 9	Located in NW1/4 of the SE1/4 Sec. 15 1400 feet North of the South section line and 2600 feet West of the East section line

EP #10	Located in SE1/4 of the SW1/4 Sec. 15 900 feet North of the South section line and 2400 feet East of the West section line
EP #11	Located in SW1/4 of the SE1/4 Sec. 15 300 feet North of the South section line and 2100 feet West of the East section line
EP #12	Located in NW1/4 of the NE1/4 Sec. 22 400 feet South of the North section line and 2400 feet West of the East section line
EP #13	Located in NW1/4 of the NE1/4 Sec. 22 1100 feet South of the North section line and 1500 feet West of the East section line
EP #14	Located in SW1/4 of the NE1/4 Sec. 22 2000 feet South of the North section line and 1700 feet West of the East section line
EP #15	Located in SE1/4 of the NE1/4 Sec. 22 2100 feet South of the North section line and 800 feet West of the East section line
EP #16	Located in NE1/4 of the SE1/4 Sec. 22 1900 feet North of the South section line and 500 feet West of the East section line
EP #17	Located in SE1/4 of the SE1/4 Sec. 22 1200 feet North of the South section line and 900 feet West of the East section line
EP #18	Located in SW1/4 of the SW1/4 Sec. 23 1200 feet North of the South section line and 600 feet East of the West section line
EP #19	Located in SE1/4 of the SW1/4 Sec. 23 1100 feet North of the South section line and 1900 feet East of the West section line
EP #20	Located in SW1/4 of the SE1/4 Sec. 23 1300 feet North of the South section line and 2100 feet West of the East section line

Applicant shall provide exact locations for such wells at the time of application for well permits. 4. Source: The Eagle Park Aquifer Well Field withdraws water from the alluvium of the Eagle River and from all streams and other underground and surface water sources tributary to the Eagle River within the area described in paragraph 3.E.3 above. 5. Appropriation Date: December 19, 1988. 6. Amount: 60 c.f.s., not to exceed 5,000 acre feet per year; 1350 g.p.m. (3 c.f.s.) for each well. 7. Use: Wetland creation and irrigation, exchange, augmentation, recharge, municipal, commercial, industrial, recreation, snowmaking, fishery, wildlife and all other beneficial uses. The total number of acres proposed to be irrigated is 600 acres. In addition, Applicant intends to utilize the water rights for purposes of developing its vested or conditionally-decreed water rights, including the Homestake Project, for transmountain diversions, and to meet federal, state, and local permit conditions which necessitate the use of water resources. Applicant may also use or sell water from this source, for municipal, commercial, industrial, snowmaking, recreation, fishery, wildlife, exchange, augmentation, and all other beneficial uses in the Colorado River basin. Finally, Applicant may use water withdrawn from the wells for purposes of augmenting out of priority depletions by direct replacement of water to the streams identified herein. 8. Depth (if well): Up to 750 feet, more or less. F. 1988 Homestake Exchange: 1. Original Decree: Case No. 88CW449, District Court Water Division No. 5. 2. Date of Original Decree: August 20, 2002. 3. Location and Legal Description: a. Exchange From Points: Homestake Project, including: 1. Homestake Conduit. The Homestake Conduit receives and delivers appropriated water to Homestake Reservoir for conveyance to Homestake Tunnel or storage in the reservoir from the following sources:

Stream or Other Source of Supply	Point of Diversion	Amount Cubic Feet Per Second of Time
Unnamed Creek	S 86° 25'E 35,177 ft. to NW cor 6-7S-80W	60 C*
Alternate Point:	S 86° 4.7'E, 35,286 ft. to NW cor 6-7S-80W	
West Cross Creek	N 81° 58'E 36,256 ft. to NW cor 6-7S-80W	200 C*
Alternate Point:	N 79° 52.5'E 38,572 ft. to NW cor 6-7S-80W	

Cross Creek	N 81° 26'E 35,064 ft. to NW cor 6-7S-80W	300 C*
Alternate Point:	N 75° 59.9'E 36,569 ft. to NW cor 6-7S-80W	
East Cross Creek	S 74° 11'E 26,649 ft. to NW cor 6-7S-80W	130 C*
Alternate Point:	S 74° 52.9'E 25,882 ft. to NW cor 6-7S-80W	
Fall Creek	S 82° 55'E 12,812 ft. to NW cor 6-7S-80W	260 C*
Alternate Point:	N 83° 01.8'E 14,320 ft. to NW cor 6-7S-80W	
Peterson Creek	S 64° 05'E 6,822 ft. to NW cor 6-7S-80W	50 C*
Alternate Point:	S 76° 2.9'E 6,474 ft. to NW cor 6-7S-80W	
Unnamed Creek	S 76° 45'E 10,572 ft. to SW cor 18-7S-80W	50 C*
Alternate Point:	S 73° 26.5'E 10,896 ft. to SW cor 18-7S-80W	
Whitney Creek	N 81° 42'E 13,489 ft. to SW cor 18-7S-80W	80 C*
Alternate Point:	N 83° 27.8'E 13,879 ft. to SW cor 18-7S-80W	
French Creek	S 82° 18.3'E 20,988 ft. to NW cor 31-7S-80W	60.1 A* 119.9 C*
Fancy Creek	N 85° 10.5'E 25,280 ft. to NW cor 31-7S-80W	38.6 A* 91.4 C*
Missouri	N 77° 12.4'E 28,800 ft. to NW cor 31-7S-80W	39.8 A* 80.2 C*
Sopris Creek	N 74° 7.6'E 29,848 ft. to NW cor 31-7S-80W	41.3 A* 118.7 C*
Small unnamed streams, springs, seeps, sheet flows and ground waters along Homestake Conduit		120 C*
Total		179.8 A* 1,660.2 C*

* A = ABSOLUTE

* C = CONDITIONAL

Said amounts from any and all sources are limited by the capacity of the Homestake Conduit from its lowest diversion to Homestake Reservoir to 1,530 cubic feet per second of time. 2. East Fork Conduit. The East Fork Conduit diverts water from the East Fork of Homestake Creek pursuant to its appropriation of 70.8 cubic feet per second of time ABSOLUTE and 189.2 cubic feet per second of time CONDITIONAL therefrom and conveys these waters to Homestake Reservoir for conveyance to Homestake Tunnel or storage in the reservoir, said East Fork Conduit having a capacity of 260 cubic feet per second of time and a total length of approximately 3093 feet. The point of diversion of said conduit is on East Fork Homestake Creek at a point whence the Northwest Corner of Section 31, T7S, R80W bears North 55° 40.5' East, 22,917 feet. 3. Homestake Tunnel. Homestake Tunnel under the Continental Divide for the conveyance of water into the Arkansas River Basin with its intake located at a point under Homestake Reservoir whence the Northwest corner of Section 10, T9S, R81W of the 6th P.M. bears South 15° 27'08" East 26,173.03 feet appropriates a maximum amount of 10 cubic feet per second of time CONDITIONAL of water seeping and percolating into Homestake Tunnel from former Water District No. 37 areas and 300 cubic feet per second of time ABSOLUTE from Middle Fork of Homestake Creek, at its said Northerly portal, its point of diversion; said tunnel has a length of 27,400 feet and a capacity of 700 cubic feet per second of time. The tunnel will convey out of former Water District No. 37 up to 700 cubic feet per second of time of waters appropriated by the tunnel from the Middle Fork of Homestake Creek, together with water appropriated by the tunnel from the Homestake Creek and East Fork Conduits and Homestake Reservoir, to an outlet at a point from where the Northwest corner of Section 10, T9S, R81W of the 6th P.M. bears North 6°40'52" East, a distance of 2,173.54 feet. 4. Homestake Reservoir. Homestake Reservoir, also known as Elliott-Weers Reservoir, has a capacity of 83,338.98 acre feet CONDITIONAL, is located on Homestake Creek with a dam whence Homestake Peak bears South 73° 26' East 10,477 feet from the easterly end thereof and South 74° 57' East 13,347 feet from the westerly end thereof, said dam having a maximum height of 411.5 feet and a length of 3,380 feet. The sources of supply of said reservoir are Homestake Conduit (the sources of this conduit are set forth above), East Fork Conduit (the source of this conduit is set forth above), the Middle Fork of Homestake Creek and Homestake Creek and said reservoir has appropriated for storage 83,338.98 acre feet annually from said sources. Homestake Reservoir also conveys water from Homestake Conduit and East Fork Conduit to Homestake Tunnel. Existing Homestake Reservoir has a storage capacity of 43,504.7 acre feet ABSOLUTE and is located on Homestake Creek

with a dam whence the NW Corner of Section 31, T7S, R80W of the 6th P.M. bears North 58° 30.6' East 24,659 feet from the East dam abutment and North 62° 25.8' East 25,746 feet from the West dam abutment; said dam has a maximum height of 265.0 feet and a length of 1,996 feet. The sources of supply of said existing Homestake Reservoir are Homestake Conduit, East Fork Conduit, the Middle Fork of Homestake Creek and Homestake Creek. Existing Homestake Reservoir has appropriated 43,504.7 acre feet annually from said sources and also conveys water from Homestake Conduit and East Fork Conduit to Homestake Tunnel. 5. Eagle-Arkansas Ditch. The Eagle-Arkansas Ditch receives and delivers into the Tennessee Pass Tunnel for conveyance under the Continental Divide and out of former Water District No. 37 into the Arkansas River Basin the water appropriated from the following sources:

Stream or Other Source of Supply	Point of Diversion	Amount Cubic Feet Per Second of Time
(Bearing and distance to land Corners of the Sections, Ranges and Townships Indicated, all refer to 6th P.M.)		
Cataract Creek	S 54° 46'35"W 3,147.15 ft. to E/4 cor Sec 24-7S-80W	90 C*
Sheep Gulch	S 61° 59'03"W 262.66 ft. to NW cor Sec 29-7S-79W	20 C*
East Fork Eagle River	N 27° 54'39"E 1,328.12 ft. to E/4 cor Sec 32-7S-79W	230 C*
Jones Gulch	N 29° 19'38"E 826.82 ft. to E/4 cor Sec 26-7S-80W	90 C*
Fiddler Creek	N 83° 20'47"W 1,360.22 ft. to NW cor Sec 2-8S-80W	30 C*
Taylor Gulch	S 9° 55'55"W 6,128.68 ft. to SW cor Sec 11-8S-80W	20 C*
Piney Creek	S 52° 18'04"W 2,193.82 ft. to SW cor Sec 11-8S-80W	20 C*
Small unnamed streams, springs, seeps, sheet flows and ground water along Eagle-Arkansas Ditch, one of which is located at a point on an unnamed tributary of the East Fork of the Eagle River whence the S¼ cor of S¼ cor of Sec 29-7S-79W of the 6th P.M. bears S60° 9'47"W, a distance of 1,551.06 ft.		30 C*
Total		530 C*

* A = ABSOLUTE

* C = CONDITIONAL

The original Decree for the Homestake Project was entered in Civil Action No. 1193, Eagle County District Court, on June 8, 1962; these rights have been made absolute in part, and the remaining conditional components have been the subject of subsequent diligence findings entered on September 17, 2007, in Case No. 06CW225, and most recently on February 9, 2014, in Case No. 13CW3045, which also made certain conditional components absolute. The legal descriptions of certain of the remaining conditional water rights of the Homestake Project were corrected, and alternate points of diversion added, by the Decrees entered by the District Court in and for Water Division No. 5 in Cases No. 85CW151, 85CW582 and 85CW583 on August 10, 1988, and in Case No. 06CW225 on September 17, 2007. b. Exchange To Points: 1. Resolution Creek Reservoir, described in paragraph 3.A.2 above. 2. Lower East Fork Reservoir, described in paragraph 3.B.2 above. 3. Eagle Park Reservoir, described in paragraph 3.C.2 above. 4. Eagle Park Wetland Irrigation System, described in paragraph 3.D.2 above. 5. Eagle Park Aquifer Well Field, described in paragraph 3.E.2 above. 4. Source/Reaches of Stream affected: The Eagle River and each of its tributaries between the points of diversion or storage described in paragraph 3.F.3.a. above as sources of exchange and the structures for diversion or storage by exchange as described in paragraph 3.F.3.b. above. 5. Priority Date: December 19, 1988. 6. Amount: a. The component parts of the Homestake Project were awarded conditional priorities in the amounts set forth in paragraph 3.F.2.a. above, and overall amounts and ditch or reservoir numbers and priority numbers as follows:

Number of Ditch	Name of Ditch or Reservoir	Original Construction Enlargement	or Priority No.	Water Allowed
358 ½ A	Homestake Conduit	Original	536 ½ A	179.8 c.f.s. A* 1660.2 c.f.s. C*
358 ½ B	East Fork Conduit	Original	536 ½ B	70.8 c.f.s. A* 189.2 c.f.s. C*

358 ½ C	Homestake Tunnel	Original	536 ½ C	300 c.f.s. A*
358 ½ D	Homestake Reservoir	Original	536 ½ D	43,504.7AF A* 83,338.98AF C*
358 ½ E	Eagle-Arkansas Ditch	Original	536 ½ E	530 c.f.s. C*

* A = ABSOLUTE

* C = CONDITIONAL

b. The Exchange allows diversion or storage by exchange at any combination of the structures described in paragraph 3.F.3.b. above of such amounts as would be available in priority for diversion or storage at decreed points of diversion or storage for the Homestake Project's conditional water rights as more fully described in paragraph 3.F.3.a. above. c. Also, Applicant is allowed to exchange for diversion or storage at the structures described in paragraph 3.F.3.b. above, any amount required to be bypassed to maintain minimum flow levels within the stream or to meet conditions imposed by any federal, state or local permitting agency. The bypass flow amounts now quantified are as follows:

<u>Diversion point</u>	<u>Bypass amount</u>
West Cross Creek	5 c.f.s.
Cross Creek	4 c.f.s.
East Cross Creek	3 c.f.s.
Fall Creek	3 c.f.s.
French Creek	1.67 c.f.s.
Fancy Creek	1 c.f.s.
Missouri Creek	3 c.f.s.
Sopris Creek	2 c.f.s.
East Fork Homestake Creek	2.67 c.f.s.
Middle Fork Homestake Creek	6 c.f.s.
Homestake Creek at Gold Park	24 c.f.s.

The water which is not diverted or stored or is released at the points of diversion or storage described in paragraph 3.F.3.a. for the Homestake Project, including the bypasses described herein, shall be used to satisfy downstream rights in the Eagle or Colorado River basins in exchange for water being stored or diverted at the structures described in paragraph 3.F.3.b. above. All water diverted or stored by exchange may be used for such uses and at such places as described in paragraphs 3.A.7, 3.B.7, 3.C.7, 3.D.6, and 3.E.7 and is subject to use, reuse and successive use to extinction for all beneficial uses as described therein including reuse and successive use to extinction of all return flows therefrom. d. Applicant shall operate the exchanges described above at an instantaneous flow rate not to exceed the decreed rates of flow or volumetric limits for all sources of exchange described herein. 7. Use: The uses decreed for the Exchange To structures as set forth in paragraphs 3.A.6, 3.B.6, 3.D.6, and 3.E.6 above. 8. Depth (if well): N/A. **4. Integrated System:** The conditional water rights that are the subject of the decree in Case No. 88CW449 comprise features of an integrated water supply project, that is in turn integrated with the integrated Homestake Project. Further, the conditional water rights herein and the Homestake Project are integrated into the water supply systems of the City of Colorado Springs and the City of Aurora. Diligence as to one portion of the integrated system constitutes diligence as to all portions thereof. **5. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures:** The Applicant and its constituent members, the City of Colorado Springs and the City of Aurora, engaged in extensive work during the diligence period, including the following: A. The Applicant continued negotiations with Objectors in Case No. 95CW272, District Court, Water Division No. 5, which sought to adjudicate changes of water right and augmentation plans and exchanges involving the water rights at issue herein, as well as additional new water rights to be developed and used in conjunction with and as part of an integrated water supply system with the water rights at issue herein. The case was bifurcated into claims involving surface water rights and diversions, and claims for and involving groundwater rights and diversions. A decree was entered in March 2011 for the surface components of the application. The groundwater component of the application was voluntarily dismissed in August 2013. B. In December 2003, the City of Colorado Springs filed Case No. 03CW320 in the District Court in and for Water Division No. 5, and a related adjudication filing in the United States District Court for the District of Colorado ("federal District Court"), pursuant to that court's continuing jurisdiction in Consolidated Cases No. 2782, 5016 and 5017 (the so-called "Blue River Decree"). These filings were made to adjudicate its plan and method of substitution operations for its Blue River Water Rights as described in the 2003 Memorandum of Agreement Regarding Colorado Springs Substitution Operations with the Colorado River Water Conservation District, the City and County of Denver, the Northern Colorado Water Conservancy District, the County of Summit, Vail Summit Resorts, Inc., and the Town of Breckenridge, and a related Memorandum of Agreement with the County of Summit, Vail Summit Resorts, Inc. and the Town of Breckenridge (collectively the 2003 MOA). Upon dismissal of the federal District Court action, Colorado Springs continued to pursue adjudication of Case No. 03CW320 by entering into stipulations with various opposers during the diligence period and submitting proposed decrees in November 2011 and September 2012. The federal District Court entered a final decree in November 2012. C. In December 2003, the City of Colorado Springs filed Case No. 03CW314 in the Division 5 Water Court seeking adjudication of absolute and conditional exchange rights to the Blue River Project from various points in the Colorado River basin, including the Homestake Project. During the diligence period, Applicant continued to pursue adjudication

of the exchanges described in the case by entering into stipulations with various opposers and submitting a proposed decree in February 2012. The court entered a findings of fact, conclusions of law, judgment and decree in March 2012. D. The City of Colorado Springs, in partnership with the City of Fountain, the Security Water District, and Pueblo West Metropolitan District, is developing the Southern Delivery System ("SDS") comprising a conveyance system to deliver water (including water derived from the conditional water rights herein) from the Arkansas River main stem to Pueblo West and the Colorado Springs/Fountain/Security area. During this diligence period, Colorado Springs and its partners have concluded the NEPA analysis, executed contracts with the United States Bureau of Reclamation for use of Pueblo Reservoir for conveyance and storage, and obtained a 1041 land use permit from Pueblo County. The SDS partners have also during this diligence period substantially completed construction of the SDS Phase I facilities, including raw water and finished water pipelines, pumping stations, and water treatment plant. SDS expenditures during the diligence period have exceeded \$623,633,000. E. During the diligence period, the City of Colorado Springs has expended significant sums upon its integrated water supply system, including conditional water rights. Capital expenditures for Colorado Springs' water supply system from July, 2008, through January, 2016, exceed \$844,965,000. F. The Applicant has continued to pursue development of a joint project or projects as contemplated by the 1998 MOU ("ERMOU") with Vail Associates, Upper Eagle River Regional Water Authority, Eagle River Water and Sanitation District, Cypress Climax Mining Company and the Colorado River Water Conservation District. Ongoing engineering and other work associated with the development of the joint MOU project is directly related to development of the water rights at issue, and has included the following: 1. Engineering evaluations to divert water from the Eagle River drainage basin and convey it to Eagle Park Reservoir as documented by Grand River Consulting in the April 15, 2009 report on Camp Hale to Eagle Park Reservoir Water Delivery System, and by Black & Veatch in the July 13, 2009 report on Eagle River to Climax Water Delivery System. 2. Engineering evaluations of two projects (Eagle-Arkansas Gravity Alternative and Camp Hale to Homestake Reservoir Alternative) to divert water from the Eagle River drainage basin to the headwaters of the Arkansas River as documented by Grand River Consulting in the January 2012 and January 2013 reports on Water Yield Estimates for Homestake Project Expansion Options, and by Black & Veatch in the April 2, 2012 report on Eagle River Drainage Basin Diversion Projects. 3. A reconnaissance-level investigation of reservoir storage options in the lower Homestake Creek valley by Grand River Consulting, RJH Consultants, and ERO Resources in the January 24, 2014 report on Lower Homestake Creek Reservoir Sites. 4. Field activities and an engineering evaluation of preferred reservoir storage sites on Homestake Creek to obtain site-specific geologic data, identify key geologic conditions, and evaluate if there are geologically preferred sites as documented by RJH Consultants in the April 14, 2015 technical memo on the Whitney Creek Phase I Investigation. The work required completion of a U.S. Forest Service Temporary Special Use Permit to allow for Phase I fieldwork, and completion of a U.S. Forest Service Application for Transportation and Utility Systems and Facilities on Federal Lands for planned Phase II field work. 5. The Applicant collaborated with over 40 stakeholders over a year-long planning effort to develop a shared vision and recommendations for restoration and management associated with the Camp Hale Eagle River Headwaters Restoration Project. This effort culminated in an August 21, 2014 Master Plan intended to convey to the U.S. Forest Service desired conditions and recommendations that will help achieve ecological restoration and continuance of other valued uses in the Camp Hale area. 6. The Applicant has continued to pursue development of a joint project or projects as contemplated by the ERMOU with Vail Associates, Upper Eagle River Regional Water Authority, Eagle River Water and Sanitation District, Cypress Climax Mining Company, and the Colorado River Water Conservation District. These activities include an initial screening study of proposed MOU project alternatives and ongoing feasibility-level evaluations of preferred MOU project alternatives. These activities include active coordination with the National Forest Foundation and U.S. Forest Service to identify potential projects that mutually benefit MOU objectives and wetland restoration through the Camp Hale area. 7. Costs associated with the above activities during the diligence period exceeded \$1,384,700. G. During the diligence period the Applicant made capital improvements to structures and facilities of the Homestake Project, including the Homestake collection system, and the Otero Pump Station and Pipeline and expended in excess of \$58,873,000 for such capital improvements. H. During the diligence period, the Applicant participated as a stakeholder in the negotiation and development of the Upper Colorado River Wild & Scenic Rivers Stakeholder Group Alternative Management Plan. This Plan is designed to provide a locally based alternative to a federal Wild & Scenic Rivers designation that is intended to balance permanent protection of the outstandingly remarkable values identified by federal agencies for certain segments of the Colorado River with certainty for the stakeholders, water project yield, and flexibility for water users. The Homestake Partners continue to be active as a stakeholder in the implementation of the Plan, which among other things, may affect the development of the Subject Water Rights. I. During the diligence period, the Applicant participated in statewide water planning processes, including the Colorado Water Plan, the Statewide Water Supply Initiative ("SWSI") Phase II and 2010 update, the Basin Roundtable and Interbasin Compact Committee processes authorized under House Bill 05-1177, and other committees, work groups, and forums through which it protected and promoted the development of the Subject Water Rights to meet the future water supply needs of the Cities of Aurora and Colorado Springs. In these processes, during the diligence period, the Applicant has actively promoted the ERMOU Joint Use Project, which involves the Subject Water Rights as an Identified Project and Process ("IPP") for inclusion in the Arkansas, Colorado, and South Platte Basin Implementation Plans and the Colorado Water Plan and has identified the development of the Subject Water Rights as a key component of meeting the Cities of Aurora and Colorado Springs' future water supply needs. J. The City of Aurora is developing its Prairie Waters Project, a large comprehensive water supply, storage, and treatment project in which return flows to the South Platte River from Aurora's water sources, including from the sources at issue here, may be rediverted. During this diligence period, Aurora has expended over \$73,940,000 on the construction of several elements of its Prairie Waters Project. During this diligence period, Aurora filed and has prosecuted applications in Case No. 13CW3088

(decreed on April 22, 2014), Case No. 13CW3065 (decreed on March 2, 2015), and Case No. 15CW3064, which is still pending. All filings were made in Water Division 1 to facilitate this project. K. During the diligence period, the City of Aurora made expenditures in excess of \$353,000 for legal services for participation in Water Divisions 1 and 5 cases to protect the rights and interests of Aurora with regard to its water supply system, including these conditional water rights. Additionally Aurora made expenditures in excess of \$248,000 for legal services in furtherance of developing additional water rights for its system. L. During the diligence period, the City of Aurora has expended significant sums on its water supply system. Total capital expenditures for Aurora's water supply system from February, 2010 to February, 2016 exceed \$280,562,000, including expenditures in excess of \$26,583,000 for the water supply system to which the Homestake Project and the conditional water rights that are the subject of this case are directly physically integrated. M. During the diligence period, the City of Aurora has negotiated and executed a Recovery Action Plan Participation Agreement with the Northern Colorado Water Conservancy District, and a Ruedi Insurance Water Cost Participation Agreement with the City and County of Denver. The purpose of these agreements is to mitigate the impacts of transmountain diversions to Colorado's Front Range in order to support the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin. N. On September 22, 2013, the City of Aurora obtained a decree in Case No. 08CW253, Water Division 1, granting a finding of reasonable diligence and making absolute portions of conditional exchange rights. These water rights allow Aurora to exchange certain reusable water from the confluence of Tarryall Creek and the South Platte River to Spinney Mountain Reservoir. O. The City of Aurora spent over \$1,162,000 during this diligence period for conversion of its manual utility reading system to a fully automated system. P. The City of Aurora updates its Master Plan every five years to identify water storage, transmission, and pumping system improvements needed to meet future growth. Aurora expended over \$124,000 during the subject diligence period on this effort. Q. The City of Aurora performed studies of lawn irrigation return flows ("LIRFs") throughout Aurora that included various analyses conducted to determine the amount, timing, and location of additional LIRFs within several drainage basins within Aurora's service area. R. The Applicant reserves the right to identify additional relevant efforts that may be later discovered or to make upward adjustments to amounts expended on certain projects. In particular, the Cities of Aurora and Colorado Springs have extensive water rights portfolios, extensive and complex water supply, collection, treatment and reuse systems, and extensive numbers of agreements, contracts, and leases etc. related to their facilities and the use, reuse and storage of their water rights. The Cities of Aurora and Colorado Springs are involved in many legal actions related to the collection, treatment, reuse and protection of their water rights. Further, the management, protection, and operation of the water rights and the facilities system involve numerous City of Aurora and Colorado Springs Utilities departments and staff members throughout the state. Aurora and Colorado Springs made diligent efforts with regard to this Application to determine and quantify all efforts made by the Cities toward completion of the appropriations and application of the water rights decreed in Case No. 88CW449 to beneficial use. However, it is reasonably possible that relevant efforts or expenditures may have been overlooked or need further upward adjustment. **6. Names and addresses of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** A. United States Forest Service, Holy Cross Ranger District – Aaron Mayville, Acting District Ranger, 24747 U.S. Highway 24, P.O. Box 190, Minturn, CO 81645-0190 (Diversion or Storage Structure: Resolution Creek Reservoir; Lower East Fork Reservoir; Eagle Park Reservoir; Eagle Park Wetland Irrigation System; Eagle Park Aquifer Well Field; Homestake Tunnel Inlet; Homestake Reservoir; East Fork Conduit; all Homestake Conduit diversion points; Cataract Creek, Sheep Gulch, East Fork Eagle River, Jones Gulch, and Piney Creek diversion points of Eagle-Arkansas Ditch). B. United States Forest Service, Leadville Ranger District - Tami Conner, District Ranger, 2015 N. Poplar St., Leadville, CO 80461 (Diversion or Storage Structure: Homestake Tunnel Outlet). C. Marjorie Westermann, P.O. Box 885, Leadville, CO 80461 (Diversion or Storage Structure: Taylor Gulch diversion of Eagle-Arkansas Ditch) (Parcel owned is within approximately 100 feet of decreed diversion point). D. Arlon A. Sparkman, 900 W. 7th Ave. Dr., Broomfield, CO 80020; 2 Garden Ctr. Ste. 305, Broomfield, CO 80020-7009 (Diversion or Storage Structure: Taylor Gulch diversion of Eagle-Arkansas Ditch) (Parcel owned is within approximately 100 feet of decreed diversion point). E. William D. and Melinda L. Boyd, 2880 S. York St., Denver, CO 80210-6035 (Diversion or Storage Structure: Fiddler Creek diversion of Eagle-Arkansas Ditch) (Parcel owned is within approximately 100 feet of decreed diversion point). F. Gregory A. Caretto and Steven J. Pittel, P.O. Box 2018, Vail, CO 81658 (Diversion or Storage Structure: Eagle Park Wetlands Irrigation System Structure No. 5). WHEREFORE, Applicant requests that a finding of reasonable diligence be entered, and the conditional water rights that are the subject of this application be continued in force. (27 pgs).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of APRIL 2016 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$158.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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 FEBRUARY 2016. *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.

13CW56 EAGLE AND SUMMIT COUNTIES, TRAVIS CREEK, TRIBUTARY TO EAGLE RIVER. Amended Application for Finding of Reasonable Diligence, to Make Water Rights Absolute, to Amend Plan for Augmentation, and for Appropriative Right of Exchange. Kirk VanHee and Robert Borchardt c/o Sara M. Dunn, Esq., Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, Colorado 81602, (970) 928-3467. **Request for Finding of Reasonable Diligence and to Make Absolute In Part.** VanHee Well No. 1. Original Decree: 4/20/1998, entered in Case No. 96CW358-A. A subsequent finding of reasonable diligence was entered in Case No. 04CW55, District Court, Division 5 Water Court, on 5/29/07. Location: A well located in the SW1/4 NE1/4 Sec. 27, T. 4 S., R. 83 W. of the 6th P.M. at a point 1,378 ft. from the N. sec. line and 2,017 from the E. sec. line. Approp. Date: 9/27/96. Amt.: 15 g.p.m., cond., not to exceed 0.75 a.f. per year. Uses: Irr.: 5,500 square ft. per lot for Lots 1, 2 and 3, VanHee Property. Total irrigation for the three lots combined shall not exceed 16,500 square ft.; Non-irrigation: Domestic and Fire Protection. Depth of the well: 400 ft. State Engineer's Well Permit No. 60347-F. Claim to make absolute: Date applied to beneficial use: 6/1/05. Amt. to be made absolute: 7 g.p.m. Uses: irr. of 5,500 square ft. of lawn and garden area within Lot 1 of the VanHee Property, domestic and fire protection. Amt. remaining cond.: 8 g.p.m. for irr., domestic and fire protection purposes. **Request for Finding of Reasonable Diligence.** Structure: VanHee Well No. 2. Decree: Date of Original Decree: 4/20/98, entered in Case No. 96CW358-A. A subsequent finding of reasonable diligence was entered in Case No. 04CW55, District Court, Division 5 Water Court, on 5/29/07. Location: A well located in the NW1/4 NE1/4 Sec. 27, T. 4 S., R. 83 W. of the 6th P.M. at a point 758 ft. from the N. sec. line and 2,012 from the E. sec. line. Approp. Date: 9/27/96. Amt.: 15 g.p.m., cond., not to exceed 0.75 a.f. per year. Uses: Irrigation: 5,500 square ft. per lot for Lots 1, 2 and 3, VanHee Property. Total irrigation for the three lots combined shall not exceed 16,500 square ft.; Non-irr.: Domestic and Fire Protection. Depth of Well: 400 ft. **Request for Finding of Reasonable Diligence and to Make Absolute.** Name of structure: VanHee Pond No. 1. Original Decree: 4/20/98, entered in Case No. 96CW358-A District Court, Division 5 Water Court. A subsequent finding of reasonable diligence was entered in Case No. 04CW55, on 5/29/07. Location: NW1/4 NE1/4 Sec. 27, T. 4 S., R. 83 W. of the 6th P.M. being 597 ft. from the N. sec. line and 1,707 from the E. sec. line. Source: Natural surface drainage and an unnamed tributary to Travis Creek, tributary to Eagle River. Date of approp.: 7/1/95. Amt.: 0.071 a.f. cond. for irr. use and 0.009 cond. for augmentation use. Irr.: 21,000 square ft. of lawn and garden areas total for VanHee Ponds Nos. 1, 2 and 3. Legal: 7,000 square ft. of lawns and gardens each within Lots 1, 2 and 3, VanHee Property. Active Capacity: the entire 0.071 a.f. capacity is active. Claim to Make Absolute: Date applied to beneficial use: 6/1/15. Amt.: 0.071 a.f. Uses: Irr. and augmentation. **Request for Finding of Reasonable Diligence and to Make Absolute** Name of structure: VanHee Pond No. 2. Original Decree: 4/20/98, entered in Case No. 96CW358-A District Court, Division 5 Water Court. A subsequent finding of reasonable diligence was entered in Case No. 04CW55, on 5/29/07. Location: NW1/4 NE1/4 Sec. 27, T. 4 S., R. 83 W. of the 6th P.M. being 488 ft. from the N. sec. line and 1,517 from the E. sec. line. Source: Natural surface drainage and an unnamed tributary to Travis Creek, tributary to Eagle River. Initiation of approp.: 7/1/95. Amt.: 0.017 a.f. cond. for irr. uses and 0.001 a.f. cond. for augmentation. Irr.: for 21,000 square ft. of lawn and garden area total for VanHee Ponds Nos. 1, 2 and 3. Legal description of acreage: 7,000 square ft. of lawns and gardens per lot, for Lots 1, 2 and 3, VanHee Property. Active capacity: the entire 0.017 a.f. capacity is active. Claim to Make Absolute: Date applied to beneficial use: 6/1/15. Amt.: 0.017 a.f. Uses: Irr. and Augmentation. **Request for Finding of Reasonable Diligence and to Make Absolute in Part.** Structure: VanHee Pond No. 3. Original Decree: 4/20/98, entered in Case No. 96CW358-A. A subsequent finding of reasonable diligence was entered in Case No. 04CW55, District Court, Division 5 Water Court, on 5/29/07. Location: NW1/4 NE1/4 Sec. 27, T. 4 S., R. 83 W. of the 6th P.M. being 400 ft. from the N. sec. line and 1,600 from the E. sec. line. Source: Natural surface drainage and an unnamed tributary to Travis Creek, tributary to Eagle River. Date of appropriation: 9/27/96. Amt.: 5.0 a.f., cond. Uses: Irr.: for 21,000 square ft. of lawn and garden area total for VanHee Ponds Nos. 1, 2 and 3. Legal description of acreage: 7,000 square ft. of lawns and gardens per lot, for Lots 1, 2 and 3, VanHee Property. Non-irr.: Aesthetic, aug., piscatorial and fire protection purposes. The existing capacity is all active: 0.223 a.f. Claim to Make Absolute: Beneficial use: 8/1/2010. Amt: 0.223 a.f. with a surface area of 0.068 acre. Uses: aug., aesthetic, irr., piscatorial and fire protection purposes. **Claim for Amendment to Plan for Augmentation.** This Application seeks to amend the plan for augmentation decreed in Case No. 96CW358-A to include the VanHee Ponds 1, 2 and 3 as additional augmented structures. Water Rights to be Used for Augmentation: Green Mountain Reservoir. Information from previous decree for Green Mountain Reservoir pursuant to contract No. 8-07-60-W0644: Date entered: 10/12/55. Consolidated Cases (Civil Action Nos. 2782, 5016 and 5017). Court: United States District Court for the District of Colorado. Legal description of place of storage: Green Mountain Reservoir on the Blue River, a tributary of the Colorado River is located in all or parts of Sec. 11, 12, 13, 14, 15 and 24, T. 2 S., R. 79 W., 6th P.M., Summit County. Station 0+00 on the dam axis bears S. 36 deg. 31'45" W. a distance of 11,165 ft. from the SW Corner of Sec. 1, T. 2 S., R. 80 W., 6th P.M., thence the axis bears N. 21 deg. 00'00" E. Source: Blue River and all tributaries of the Blue River upstream from the dam and Elliott Creek by means of its diversion canal, all of which are within the Colorado River Basin. Amt.: 154, 645 a.f. Approp.: 8/1/35. Use: Green Mountain Reservoir provides storage to supply water for use in accordance with paragraph 5(a), (b), and (c) of the section entitled "Manner of Operation of Project Facilities and Auxiliary Features" in Senate Document 80, including the replacement of out-of-priority depletions under the Bureau of Reclamation's Green Mountain Reservoir water marketing program. Statement of Amendment to Plan for Augmentation: Applicants operate the VanHee Well Nos. 1, 2, and 3 pursuant to a plan for augmentation, including exchange, decreed in Case No. 96CW358-A. Out-of-priority depletions for the VanHee Wells are replaced by releases from Green Mountain Reservoir when the call originates on the Colorado River. In the event of a call on either the Eagle River or Travis Creek

releases from the VanHee Ponds 1, 2 and 3 will provide replacement water. The augmentations schedule approved in Case No. 96CW358-A is attached to the Application as Exhibit B-1. Applicant seeks to amend the plan for augmentation approved in Case No. 96CW358-A to include the VanHee Ponds 1, 2, and 3 as augmented structures to allow the Applicants to replace evaporation losses from the ponds to maintain sufficient water in storage to augment the out-of-priority depletions from the VanHee Well Nos. 1, 2, and 3, in the event of a call on the Eagle River or Travis Creek. Pursuant to Section 37-92-305(8)(c), C.R.S., Applicants reserve the right to include additional or alternative sources of replacement water, including water leased on a yearly or less frequent basis, to be used in the plan after the initial decree is entered if the use of said additional or alternative sources are part of a substitute water supply plan approved pursuant to Section 37-92-308, C.R.S., or if such sources are decreed for such use. Contract No. 8-07-60-W0644 allows for up to 4.0 acre feet of replacement water. The amount of replacement water necessary to maintain the VanHee Ponds 1, 2 and 3 full for augmentation purposes is 1.812 a.f. the amount of additional augmentation required under this amended plan is 1.830 a.f. The replacement of evaporation from the VanHee Pond Nos. 1, 2, and 3 shall occur during periods of call on the Colorado River pursuant to the schedule in Exhibit B. In the event of a call on Travis Creek or the Eagle River, any inflows will bypass the VanHee Ponds, or be released if captured by the VanHee Ponds. In addition, Applicants will release water from one or a combination of the VanHee Pond Nos. 1, 2, 3, to satisfy the augmentation requirements for the VanHee Well Nos. 1, 2 and 3 as decreed in Case No. 96CW358-A, and an additional amount commensurate with the rate of out-of-priority evaporation from the pond surface areas. **Claim for Appropriative Right of Exchange.** Name of Exchange: VanHee Ponds Colorado River Exchange. Legal: Upper Termini: The VanHee Pond Nos. 1, 2, and 3, as described above. Lower Terminus: The confluence of the Eagle River and the Colorado River located at a point in the SW1/4 of the NE1/4 of Sec. 5, T. 5 S., R. 86 W. of the 6th P.M., at a distance of 2500 ft. from the N. sec. line and 2000 ft. from the E. sec. line, in Eagle County, Colorado. See Exhibit A-2 attached to the Application. Source: Travis Creek, tributary to the Eagle River, tributary to the Colorado River. Date of approp.: 3/1/13. Amt.: 0.001 c.f.s. with an annual volumetric limit of 1.830 a.f. Applicants will operate the appropriative right of exchange during periods of call on the Colorado River to replace evaporative losses from the VanHee Ponds 1, 2 and 3 to maintain as much water as possible for augmentation purposes in the event a call is placed on the Eagle River or Travis Creek requiring augmentation releases from the VanHee Ponds. Applicants own the land upon which the subject water rights are located and will be used. A detailed outline of what has been done towards completion or for completion of the approp. and application of water to a beneficial use as conditionally decree, including expenditures is included in the Application on file with the water court (12 pgs, 4 attachments)

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of APRIL 2016 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$158.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

5. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF FEBRUARY 2016. 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.

15CW3116 PITKIN COUNTY. ROARING FORK RIVER. The Aspen Institute, Inc., , c/o Rhonda J. Bazil, P.C., Rhonda J. Bazil, Esq., 420 E. Main Street, Suite 240, Aspen, CO 81611, (970) 925-7171. **FIRST AMENDED APPLICATION FOR SURFACE WATER RIGHT, STORAGE WATER RIGHT, AND PLAN FOR AUGMENTATION, INCLUDING EXCHANGE.** Applicant, The Aspen Institute, Inc., Applicant hereby amends the original Application as provided. Paragraph 14 is amended as follows: Amount claimed: 1.16 acre-feet. See updated Stage Capacity Table one file with the Court. Paragraph 17 is amended as follows: Total capacity of reservoir: 1.16 acre-feet. Paragraph 17.B is amended as follows: Dead storage: 1.16 acre-feet. All other aspects of the original application remain unchanged.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of APRIL 2016 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$158.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.

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 FEBRUARY 2016. *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.*

16CW3019 PITKIN COUNTY. Applicant: Susan Helm, 11000 Snowmass Creek Road, Snowmass, CO 81654. (Benjamin Daniels, Frasca, Joiner, Goodman and Greenstein, P.C., 4750 Table Mesa Drive, Boulder, CO 80305.) Application for Finding of Diligence. Name of structure: Helm Well. Date of Original Decree: June 4, 1980 Case No 79 CW 267 Court Water Division Five. Legal description: The well is located in the SW ¼ SW ¼ of Section 3, Township 10 South, Range 86 West of the 6th P.M. at a point 750 feet north of the south line and 950 feet east of the west line of said Section 3. Source: Well, tributary to Snowmass Creek. Appropriation Date: October 10, 1979. Amount: 0.50 c.f.s. Use: Irrigation. Depth: 15 feet. Ruling sought: finding of reasonable diligence toward putting all .50 c.f.s. to beneficial use. Applicant has investigated and determined the best location for the second well, and will file an application to make this a supplemental well imminently. Applicant has determined the type of irrigation system and the required equipment and will acquire it imminently. Name and address of owner on which structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Robert Helm Spousal Colorado Trust, 1100 Snowmass Creek Road, Snowmass, CO 81654. (6 pgs).

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of APRIL 2016 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$158.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.