

**Consent Agenda Item 1.h**

March 15-16, 2023 Board Meeting

Case No. 22CW3130 (Water Division 5); Mainland Ranch P1 LLC

**Summary of Water Court Application**

Application for Storage Water Rights and Plan of Augmentation Including Exchange.

**Staff Recommendation**

Staff recommends that the Board ratify the filing of a Statement of Opposition filed on behalf of the Board in February 2023 to protect CWCB's instream flow water rights.

**CWCB Instream Flow Water Rights**

The CWCB holds water rights, including the following instream flow water rights in Water Division 5 in the Roaring Fork River Watershed, that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
W-2938 (1976)	Woody Creek	headwaters	confl Roaring Fork River	6 (1/1 - 12/31)	01/14/1976
85CW0639	Roaring Fork River	confl Fryingpan River	confl Crystal River	75 (10/1 - 3/31) 145 (4/1 - 9/30)	11/08/1985
85CW0646	Roaring Fork River	confl Maroon Creek	confl Fryingpan River	30 (10/1 - 3/31) 55 (4/1 - 9/30)	11/08/1985

**Potential for Injury**

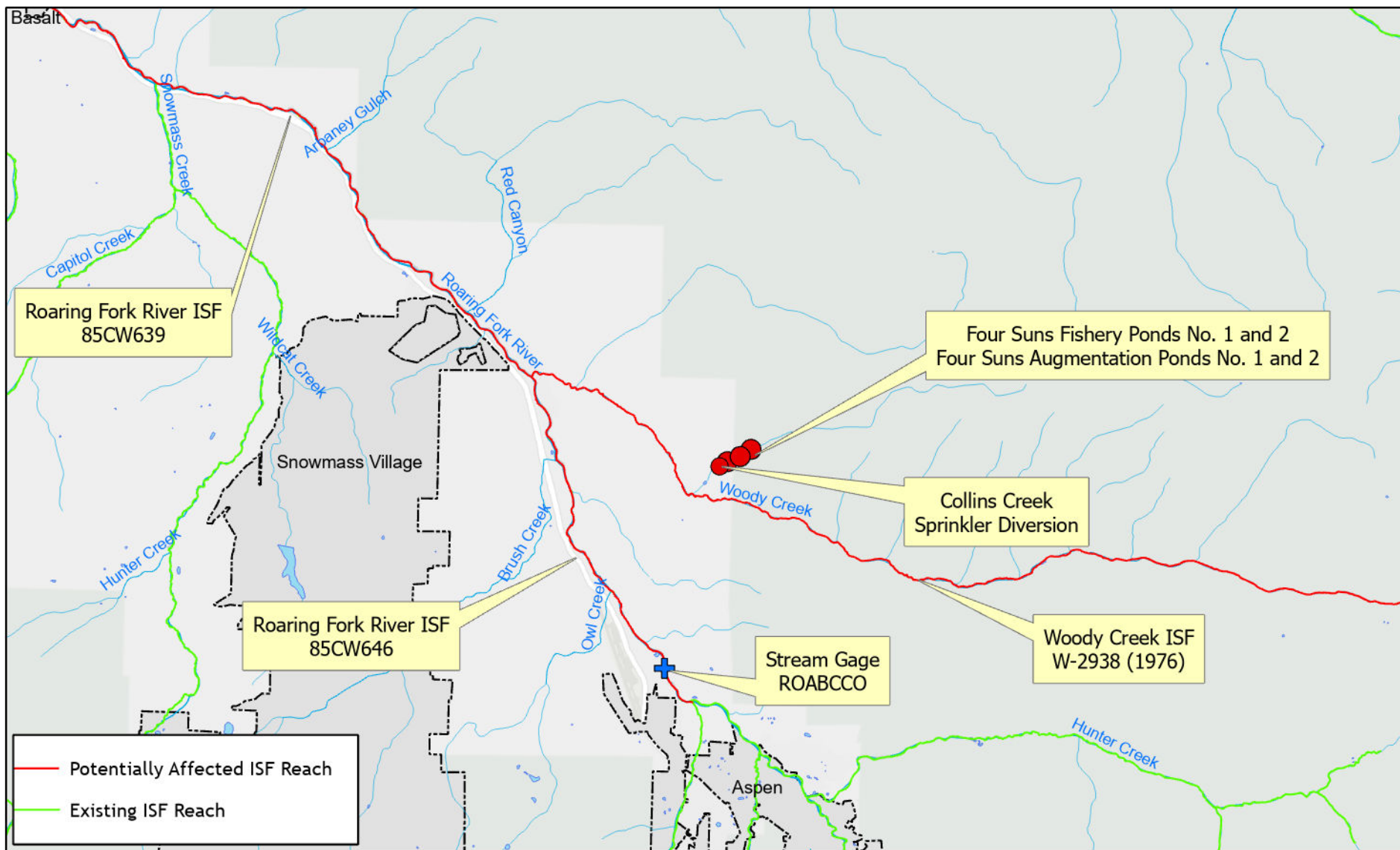
- The proposed plan for augmentation including exchange may not replace depletions in the proper time, place, and amount, which could injure the CWCB's instream flow water rights.
- Applicant's apparent claim for diversions for flow through water rights via "connecting stream channels" may be contrary to the ruling in *St. Jude's Co. v. Roaring Fork Club, L.L.C.*, 351 P.3d 442 (Colo.2015).
- Terms and conditions should be included in any decree entered in this case to ensure that the decreed water rights will not injure the CWCB's instream flow water rights, including water rights and flows protected on the Roaring Fork River as decreed in Case No. 10CW184 for CWCB's interest in the Stapleton Brothers' Ditch water right.

**Other Objectors**

Statements of Opposition were also filed by Woody Creek Commune 1, LLC and Woody Creek Commune 2, LLC; The City of Aurora, Colorado, acting by and through its Utility Enterprise; and Woody Creek Farms, LLC.

**Attorney Representing CWCB**

Jennifer L. Mele, First Assistant Attorney General, is assigned to this case and can be contacted at [jennifer.mele@coag.gov](mailto:jennifer.mele@coag.gov), or 720-508-6282.

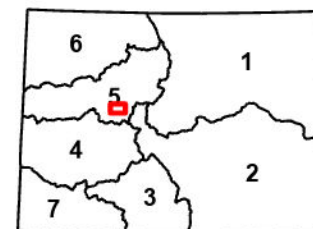


**COLORADO**  
**Colorado Water Conservation Board**

Department of Natural Resources

March 15-16, 2023 CWCB Board Meeting  
 Consent Agenda Item 1.h: Statement of Opposition  
 Case No. 22CW3130 (Water Division 5)  
 Mainland Ranch P1 LLC

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 Miles



## DIVISION 5 WATER COURT- DECEMBER 2022 RESUME

### SUBSTITUTE WATER SUPPLY PLAN AND PRODUCED NONTRIBUTARY GROUNDWATER NOTIFICATION LIST

Section 37-92-308(6), C.R.S. directs the State Engineer to establish a notification list for each water division for the purpose of notifying interested parties of requests for the State Engineer's approval of substitute water supply plans ("SWSP") filed in that water division pursuant to section 37-92-308, C.R.S. The SWSP notification list is also used to provide notice of proposed water right loans to the Colorado Water Conservation Board for use as instream flows under section 37-83-105(2)(b)(II), C.R.S., notice of applications for the State Engineer's approval of interruptible water supply agreements under section 37-92-309(3)(a), C.R.S., notice of applications for fallowing-leasing pilot projects under section 37-60-115(8)(e)(II), C.R.S., notice of fire suppression ponds under section 37-80124(10)(a)(II)(E), C.R.S., and notice of storm water detention and infiltration facilities under section 37-92-602(8)(d), C.R.S.

Pursuant to Rule 17.5(B)(2) of the Rules and Regulations for the Determination of the Nontributary Nature of Ground Water Produced Through Wells in Conjunction with the Mining of Minerals, at 2 CCR 402-17 ("Rules"), the State Engineer is publishing this invitation to persons to be included on the Produced Nontributary Ground Water Notification List. According to Rule 17.5(B)(2) of the Rules, the State Engineer must establish a Produced Nontributary Ground Water Notification List for each water division within the State of Colorado for the purposes of ensuring that water users within each water division receive adequate notice of proceedings held pursuant to the Rules. In order to establish such notification list, the State Engineer is directed, in January of each year, to cause to have published in the water court resume for each water division this invitation to be included on the Produced Nontributary Ground Water Notification List for the applicable water division.

This notice is an invitation to be included on the SWSP or Produced Nontributary Groundwater notification lists. Sign up for these or other notification lists maintained by the State Engineer at: <https://dwr.colorado.gov/public-information/notification-lists>. Additional information is available on the Division of Water Resources' website at: <https://dwr.colorado.gov/>.

**8. PURSUANT TO C.R.S., §37-92-302, AS AMENDED, YOU ARE NOTIFIED THAT THE FOLLOWING PAGES COMPRISE A RESUME OF THE APPLICATIONS AND AMENDED APPLICATIONS FILED WITH THE WATER CLERK FOR WATER DIVISION 5 DURING THE MONTH OF DECEMBER 2022. *The water right claimed by this application may affect in priority any water right claimed or heretofore adjudicated within this division and owners of affected rights must appear to object and protest within the time provided by statute or be forever barred.***

**22CW3130 PITKIN COUNTY, COLORADO, COLORADO RIVER OR ITS TRIBUTARIES. Mainland Ranch P1, LLC, c/o Paul L. Noto, Esq. and John M. Sittler, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave, Basalt, CO 81621, (970) 920-1030. APPLICATION FOR STORAGE WATER RIGHTS AND APPROVAL OF PLAN FOR AUGMENTATION INCLUDING EXCHANGE. First Claim: For Conditional Storage Water Right. Name of structure:** Four Suns Fishery Pond No. 1. **Legal description:** Legal description: The outlet of Four Suns Fishery Pond No. 1 is located in the NE ¼ NE ¼ of Section 23, Township 9 South, Range 85 West of the 6th P.M. (Pitkin County). UTM NAD83 Z13: Northing – 4347381.20, Easting – 340991.98. A map is on file with the court as Exhibit A. **Source:** Collins Creek, tributary to Woody Creek, tributary to the Roaring Fork River, tributary to the Colorado River. **Name of ditches used to fill and capacity in c.f.s.:** Collins Creek Sprinkler Diversion at an estimated fill rate of 0.25 c.f.s. The Collins Creek Sprinkler Diversion is located in the NE ¼, NE ¼, NE ¼ of Section 23, T. 9 S., R. 85 W. of the 6th P.M. at a point whence the northeast corner of said section bears N 42°30' E a distance of 640 feet; Four Suns Pond System Diversion at an estimated fill rate of 1.0 c.f.s. The Four Suns Pond System Diversion is located in the NE ¼ NE ¼ of Section 23, Township 9 South, Range 85 West of the 6th P.M. (Pitkin County). UTM NAD83 Z13: Northing – 4347499, Easting - 341192. **Appropriation date:** December 29, 2022. How appropriation was initiated: Field inspection, formulation of intent to apply water to beneficial use, development of plans for the pond, and filing of this application. Date water applied to beneficial use: N/A. **Amount:** 1.29 acre-feet, conditional, with the right to fill and refill in priority or as augmented. **Uses:** Piscatorial, recreational, aesthetic, and fire protection. **Surface area of highwater line:** 0.27 acre. Vertical height of dam: Less than 10 feet. Length of dam: 220 feet. **Total capacity:** 1.29 acre-feet. Active capacity: 0.0 acrefeet. Dead storage: 1.29 acre-feet. **Remarks:** Four Suns Fishery Pond No. 1 is a component part of an integrated water supply project for Applicant's property along with the water rights applied for in this application. Applicant will line Four Suns Fishery Pond No. 1 to prevent interception of groundwater. Applicant will use Four Suns Fishery Pond No. 1 as an irrigation control structure for its interest in the Collins Creek Sprinkler Diversion water rights for irrigation of historically irrigated lands. Applicant owns the land on which the subject water right is located and where the water will be put to beneficial use. **Second Claim: For Conditional Storage Water Right.**

**Name of structure:** Four Suns Fishery Pond No. 2. **Legal description:** Legal description: The outlet of Four Suns Fishery Pond No. 1 is located in the NE ¼ NE ¼ of Section 23, Township 9 South, Range 85 West of the 6<sup>th</sup> P.M. (Pitkin County). UTM NAD83 Z13: Northing – 4347325.26, Easting – 340886.46. A map is on file with the court as Exhibit A. **Source:** Collins Creek, tributary to Woody Creek, tributary to the Roaring Fork River, tributary to the Colorado River. **Name of ditches used to fill and capacity in c.f.s.:** Collins Creek Sprinkler Diversion at an estimated fill rate of 0.25 c.f.s. The Collins Creek Sprinkler Diversion is located in the NE ¼, NE ¼, NE ¼ of Section 23, T. 9 S., R. 85 W. of the 6<sup>th</sup> P.M. at a point whence the northeast corner of said section bears N 42°30' E a distance of 640 feet; Four Suns Pond System Diversion at an estimated fill rate of 1.0 c.f.s. The Four Suns Pond System Diversion is located in the NE ¼ NE ¼ of Section 23, Township 9 South, Range 85 West of the 6<sup>th</sup> P.M. (Pitkin County). UTM NAD83 Z13: Northing – 4347499, Easting – 341192. **Appropriation date:** December 29, 2022. How appropriation was initiated: Field inspection, formulation of intent to apply water to beneficial use, development of plans for the pond, and filing of this application. Date water applied to beneficial use: N/A. **Amount:** 2.65 acre-feet, conditional, with the right to fill and refill in priority or as augmented. **Uses:** Piscatorial, recreational, aesthetic, and fire protection. **Surface area of highwater line:** 0.38 acre. Vertical height of dam: Less than 10 feet. Length of dam: 175 feet. **Total capacity:** 2.65 acre-feet. Active capacity: 0.0 acre-feet. Dead storage: 2.65 acre-feet. **Remarks:** Four Suns Fishery Pond No. 2 is a component part of an integrated water supply project for Applicant's property along with the water rights applied for in this application. Applicant will line Four Suns Fishery Pond No. 2 to prevent interception of groundwater. Applicant will use Four Suns Fishery Pond No. 2 as an irrigation control structure for its interest in the Collins Creek Sprinkler Diversion water rights for irrigation of historically irrigated lands. Applicant owns the land on which the subject water right is located and where the water will be put to beneficial use. **Third Claim: For Conditional Storage Water Right.** **Name of structure:** Four Suns Augmentation Pond No. 1. **Legal description:** The outlet of Four Suns Augmentation Pond No. 1 is located in the NE ¼ NE ¼ of Section 23, Township 9 South, Range 85 West of the 6<sup>th</sup> P.M. (Pitkin County). UTM NAD83 Z13: Northing – 4347482.35, Easting – 341147.07. A map is on file with the court as Exhibit A. **Source:** Collins Creek, tributary to Woody Creek, tributary to the Roaring Fork River, tributary to the Colorado River. **Name of ditches used to fill and capacity in c.f.s.:** Four Suns Pond System Diversion at an estimated fill rate of 1.0 c.f.s. The Four Suns Pond System Diversion is located in the NE ¼ NE ¼ of Section 23, Township 9 South, Range 85 West of the 6<sup>th</sup> P.M. (Pitkin County). UTM NAD83 Z13: Northing – 4347499, Easting – 341192. **Appropriation date:** December 29, 2022. How appropriation was initiated: Field inspection, formulation of intent to apply water to beneficial use, development of plans for the pond, and filing of this application. Date water applied to beneficial use: N/A. **Amount:** 1.25 acre-feet, conditional, with the right to fill and refill in priority or as augmented. **Uses:** Aesthetic, recreation, fire protection, and augmentation. **Surface area of highwater line:** 0.19 acre. Vertical height of dam: Less than 10 feet. Length of dam: 285 feet. **Total capacity:** 1.25 acre-feet. Active capacity: 1.14 acre-feet. Dead storage: 0.11 acre-feet. **Remarks:** Four Suns Augmentation Pond No. 1 is a component part of an integrated water supply project for Applicant's property along with the water rights applied for in this application. Applicant will line Four Suns Augmentation Pond No. 1 to prevent interception of groundwater. Applicant owns the land on which the subject water right is located and where the water will be put to beneficial use. **Fourth Claim: For Conditional Storage Water Right.** **Name of structure:** Four Suns Augmentation Pond No. 2. **Legal description:** The outlet of Four Suns Augmentation Pond No. 2 is located in the NE ¼ NE ¼ of Section 23, Township 9 South, Range 85 West of the 6<sup>th</sup> P.M. (Pitkin County). UTM NAD83 Z13: Northing – 4347444.88, Easting – 341098.20. A map is on file with the court as Exhibit A. **Source:** Collins Creek, tributary to Woody Creek, tributary to the Roaring Fork River, tributary to the Colorado River. **Name of ditches used to fill and capacity in c.f.s.:** Four Suns Pond System Diversion at an estimated fill rate of 1.0 c.f.s. The Four Suns Pond System Diversion is located in the NE ¼ NE ¼ of Section 23, Township 9 South, Range 85 West of the 6<sup>th</sup> P.M. (Pitkin County). UTM NAD83 Z13: Northing – 4347499, Easting – 341192. **Appropriation date:** December 29, 2022. How appropriation was initiated: Field inspection, formulation of intent to apply water to beneficial use, development of plans for the pond, and filing of this application. Date water applied to beneficial use: N/A. **Amount:** 1.69 acre-feet, conditional, with the right to fill and refill in priority or as augmented. **Uses:** Aesthetic, recreation, fire protection, and augmentation. **Surface area of highwater line:** 0.24 acre. Vertical height of dam: Less than 10 feet. Length of dam: 265 feet. **Total capacity:** 1.69 acre-feet. Active capacity: 1.54 acre-feet. Dead storage: 0.15 acre-feet. **Remarks:** Four Suns Augmentation Pond No. 2 is a component part of an integrated water supply project for Applicant's property along with the water rights applied for in this application. Applicant will line Four Suns Augmentation Pond No. 2 to prevent interception of groundwater. Applicant owns the land on which the subject water right is located and where the water will be put to beneficial use. **Fifth Claim: For Approval of Plan for Augmentation.** **Names of structures to be augmented:** Four Suns Fishery Pond No. 1, as described in the First Claim. Four Suns Fishery Pond No. 2, as described in the Second Claim. Four Suns Augmentation Pond No. 1, as described in the Third Claim. Four Suns Augmentation Pond No. 2, as described in the Fourth Claim. **Water Rights to be used for augmentation:** Basalt Water Conservancy District ("BWCD") Allotment Contract from the sources described in paragraph 19.A of the application. Four Suns Augmentation Pond No. 1, as described in the Third Claim. Four Suns Augmentation Pond No. 2, as described in the Fourth Claim. **Complete statement of plan for augmentation:** Background: Applicant recently purchased its property on Collins Creek and is developing a water supply plan for the property. The pond system will comprise of the Four Suns Fishery Pond Nos. 1 and 2 and the Four Suns Augmentation Pond Nos. 1 and 2. The ponds will include a recirculation feature to feed the two fishery ponds to keep the water fresh. Applicant's engineer included the surface area of the connecting stream channels as shown on Table C-2 on file with the court. The surface area of the Four Suns Fishery Pond Nos. 1 and 2 and connecting stream channels is 0.81 acre, including a 10 percent buffer. The surface area of the Four Suns Augmentation Pond Nos. 1 and 2 and connecting stream channels is 0.49 acre, including a 10 percent buffer. Applicant's plan for augmentation will replace evaporative depletions from all ponds and stream channels during a Colorado River mainstem call and use the two augmentation ponds to replace depletions from the fishery ponds and their connecting

channels during a local call to allow those ponds to remain full. Water requirements: A table describing the total water depletions for the Four Suns Fishery Pond Nos. 1 and 2 and the Four Suns Augmentation Pond Nos. 1 and 2, and their connecting stream channels, is on file with the court as Table C-1. Monthly distribution and calculation of gross annual water feature evaporation is in accordance with the State Engineer's Office General Guidelines for Substitute Water Supply Plans for Sand and Gravel Pits. The annual gross free water surface evaporation is 37 inches based on NOAA Technical Report NWS 33. Applicant's engineer calculated the maximum annual evaporation from the Four Suns Fishery Pond Nos. 1 and 2 and connecting channels as 2.36 acre-feet as shown on Table 1, Column 6(c); and the Four Suns Augmentation Pond Nos. 1 and 2 and connecting channels as 1.42 acre-feet, as shown on Table

1, Column 5(c). Evaporation is 100 percent consumptive. Applicant's engineer conservatively assumed an ice-covered period from December through February. Therefore, total out-of-priority evaporative depletions are estimated at 0.34 acre-feet for Four Suns Augmentation Pond Nos. 1 and 2 and connecting channels, and 1.80 acre-feet for Four Suns Fishery Pond Nos. 1 and 2 and connecting channels. Downstream call: During free river conditions or during an augmented Colorado mainstem call, Applicant will divert water at the Four Suns Pond System Diversion. This water will fill Four Suns Augmentation Pond Nos. 1 and 2 before spilling down the stream feature to fill Four Suns Fishery Pond Nos. 1 and 2. If the calling water right is below the confluence of the Roaring Fork and Fryingpan Rivers, Applicant will augment the out-of-priority depletions from all ponds by using water rights owner or controlled by the BWCD, as described above. Applicant is in the process of applying for an Allotment Contract for 2.38 acre-feet of water annually. The contract will cover evaporative depletions from the ponds and connection channels during a Colorado River mainstem call. The augmentation will be administered through the Four Suns Exchanges, applied for below. Table C-1 on file with the court outlines an augmentation schedule for a downstream call, such as the Cameo Call. Applicant's engineer assumed a Colorado mainstem call for April, 15 days in May and June, July through October, and 15 days in November. Applicant's BWCD Contract will cover a Colorado mainstem call for April and 15 days in June and July for the Four Suns Augmentation Pond Nos. 1 and 2. Should a mainstem call on the Colorado River occur outside these months, Applicant will curtail diversions into the ponds, although Applicant may still use the Four Suns Fishery Pond Nos. 1 and 2 as irrigation control structures. If there is water in the Four Suns Augmentation Pond Nos. 1 and 2 during a mainstem call outside those months, Applicant may also release water to offset evaporative depletions from the Four Suns Fishery Pond Nos. 1 and 2. Local call: In the event of a call on Collins Creek, Woody Creek, or the Roaring Fork River above the confluence with the Fryingpan River, Applicant will curtail all diversions into the Four Suns Augmentation Pond Nos. 1 and 2 by shutting the headgate at the Four Suns Pond System Diversion. Applicant will release water from Four Suns Augmentation Pond Nos. 1 and 2 via a low-level outlet in Pond No. 2 that replaces water directly back to Collins Creek. Applicant will then divert a like amount of water at the Collins Creek Sprinkler Diversion to replace evaporative losses in the Four Suns Fishery Pond Nos. 1 and 2. Applicant will continue to divert water at the Collins Creek Sprinkler Diversion to replace evaporation in the Four Suns Fishery Pond Nos. 1 and 2 so long as that volume can be replaced through releases to Collins Creek. However, Applicant may elect to use the Four Suns Fishery Pond Nos. 1 and 2 as irrigation control structures for its senior water rights in the Collins Creek Sprinkler Diversion, with outflows exceeding inflows every 72 hours. Applicant's engineer conservatively assumed a local call period of June through October, resulting in a total of 1.67 acre-feet of release potential from the Four Suns Augmentation Pond Nos. 1 and 2. Table C-1 on file with the court outlines a local call augmentation schedule. Applicant owns the land on which the augmented water rights are located and where the water is put to beneficial use. **Sixth Claim: For Conditional Appropriative Right of Exchange.** Name of structure: Four Suns Green Mountain Exchange.

Location of downstream terminus: The confluence of the Roaring Fork and Colorado Rivers, located in the SE ¼ NW ¼ of Section 9, Township 6 South, Range 89 West of the 6th P.M. (Garfield County, UTM NAD83 Z13 coordinates: Northing – 4380346, Easting – 299776). Location of upstream terminus: The Four Suns Pond System Diversion, located in the NE ¼ NE ¼ of Section 23, Township 9 South, Range 85 West of the 6th P.M. (Pitkin County). UTM NAD83 Z13: Northing – 4347499, Easting – 341192. A map is on file with the court as Exhibit B. Source: The water rights in Green Mountain Reservoir owned or controlled by the BWCD and for which Applicant is in the process of applying for an Allotment Contract for the use of, as described in paragraph 19.A of the application. Appropriation date: December 29, 2022. How appropriation was initiated: Formulation of intent to apply water to beneficial use, application to the BWCD for an Allotment Contract, and filing of this application. Date water applied to beneficial use: N/A. Amount: 0.0104 c.f.s., with a volumetric limit of 2.15 acre-feet per year, cumulative between all Four Suns Exchanges. Remarks: All Four Suns Exchanges utilize the same BWCD contract, include a portion of the Roaring Fork River, Woody Creek, and Collins Creek, and have an upstream terminus at the Four Suns Pond System Diversion. Operation of an exchange with a lower terminus shall be considered operation of any other exchanges that are wholly contained within the longer exchange reach. For example, operation of the Four Suns Green Mountain Exchange shall be considered operation of both the Four Suns Fryingpan Exchange and Four Suns Robinson Ditch Exchange. **Seventh Claim: For Conditional Appropriative Right of Exchange.** Name of structure: Four Suns Fryingpan Exchange. Location of downstream terminus: The confluence of the Roaring Fork and Fryingpan Rivers, located in the SW ¼ SE ¼ of Section 7, Township 8 S., Range 86 W. of the 6th P.M. (Eagle and Pitkin Counties, UTM NAD83 Z13 coordinates: Northing – 4359437, Easting – 324739). Location of upstream terminus: The Four Suns Pond System Diversion, located in the NE ¼ NE ¼ of Section 23, Township 9 South, Range 85 West of the 6th P.M. (Pitkin County). UTM NAD83 Z13: Northing – 4347499, Easting – 341192. A map is on file with the court as Exhibit B. Source: The water rights on the Fryingpan River owned or controlled by the BWCD and for which Applicant is in the process of applying for an Allotment Contract for the use of, as described in paragraph 19.A of the application. Appropriation date: December 29, 2022. How appropriation was initiated: Formulation of intent to apply water to beneficial use, application to the BWCD for an Allotment Contract, and filing of this application. Date water applied to beneficial use: N/A. Amount: 0.0104 c.f.s., with a volumetric limit of 2.15 acre-feet per year, cumulative between all Four Suns Exchanges. Remarks:

All Four Suns Exchanges utilize the same BWCD contract, include a portion of the Roaring Fork River, Woody Creek, and Collins Creek, and have an upstream terminus at the Four Suns Pond System Diversion. Operation of an exchange with a lower terminus shall be considered operation of any other exchanges that are wholly contained within the longer exchange reach. For example, operation of the Four Suns Green Mountain Exchange shall be considered operation of both the Four Suns Fryingpan Exchange and Four Suns Robinson Ditch Exchange. **Eighth Claim: For Conditional Appropriative Right of Exchange.** Name of structure: Four Suns Robinson Ditch Exchange. Location of downstream terminus: The point of diversion as decreed is located on the North bank of the Roaring Fork River one-half mile below the mouth of Sopris Creek in Section 11, T.8 S., R. 87 West, 6th P.M. (Eagle County, UTM NAD83 Z13 coordinates: Northing – 4359863, Easting – 321622). Location of upstream terminus: The Four Suns Pond System Diversion, located in the NE ¼ NE ¼ of Section 23, Township 9 South, Range 85 West of the 6<sup>th</sup> P.M. (Pitkin County). UTM NAD83 Z13: Northing – 4347499, Easting – 341192. A map is on file with the court as Exhibit B. Source: The water rights in the Robinson Ditch owned or controlled by the BWCD and for which Applicant is in the process of applying for an Allotment Contract for the use of, as described in paragraph 19.A of the application. Appropriation date: December 29, 2022. How appropriation was initiated: Formulation of intent to apply water to beneficial use, application to the BWCD for an Allotment Contract, and filing of this application. Date water applied to beneficial use: N/A. Amount: 0.0104 c.f.s., with a volumetric limit of 2.15 acre-feet per year, cumulative between all Four Suns Exchanges. Remarks: All Four Suns Exchanges utilize the same BWCD contract, include a portion of the Roaring Fork River, Woody Creek, and Collins Creek, and have an upstream terminus at the Four Suns Pond System Diversion. Operation of an exchange with a lower terminus shall be considered operation of any other exchanges that are wholly contained within the longer exchange reach. For example, operation of the Four Suns Green Mountain Exchange shall be considered operation of both the Four Suns Fryingpan Exchange and Four Suns Robinson Ditch Exchange.

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