

Consent Agenda Item 1.p

March 10-11, 2021 Board Meeting

Case No. 20CW3187 (Water Division 5); Compass For Lifelong Discovery and
The Aspen School District

Summary of Water Court Application

Application for change of water rights and approval of an amended plan for augmentation with appropriate right of exchange.

Staff Recommendation

Staff recommends that the Board ratify the filing of a Statement of Opposition filed on behalf of the Board in February 2021 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)	1/14/1976
85CW646	Roaring Fork River	confl Maroon Creek	confl Fryingpan River	30 (10/1 - 3/31) 55 (4/1 - 9/30)	11/8/1985
85CW639	Roaring Fork River	confl Fryingpan River	confl Crystal River	75 (10/1 - 3/31) 145 (4/1 - 9/30)	11/8/1985

Potential for Injury

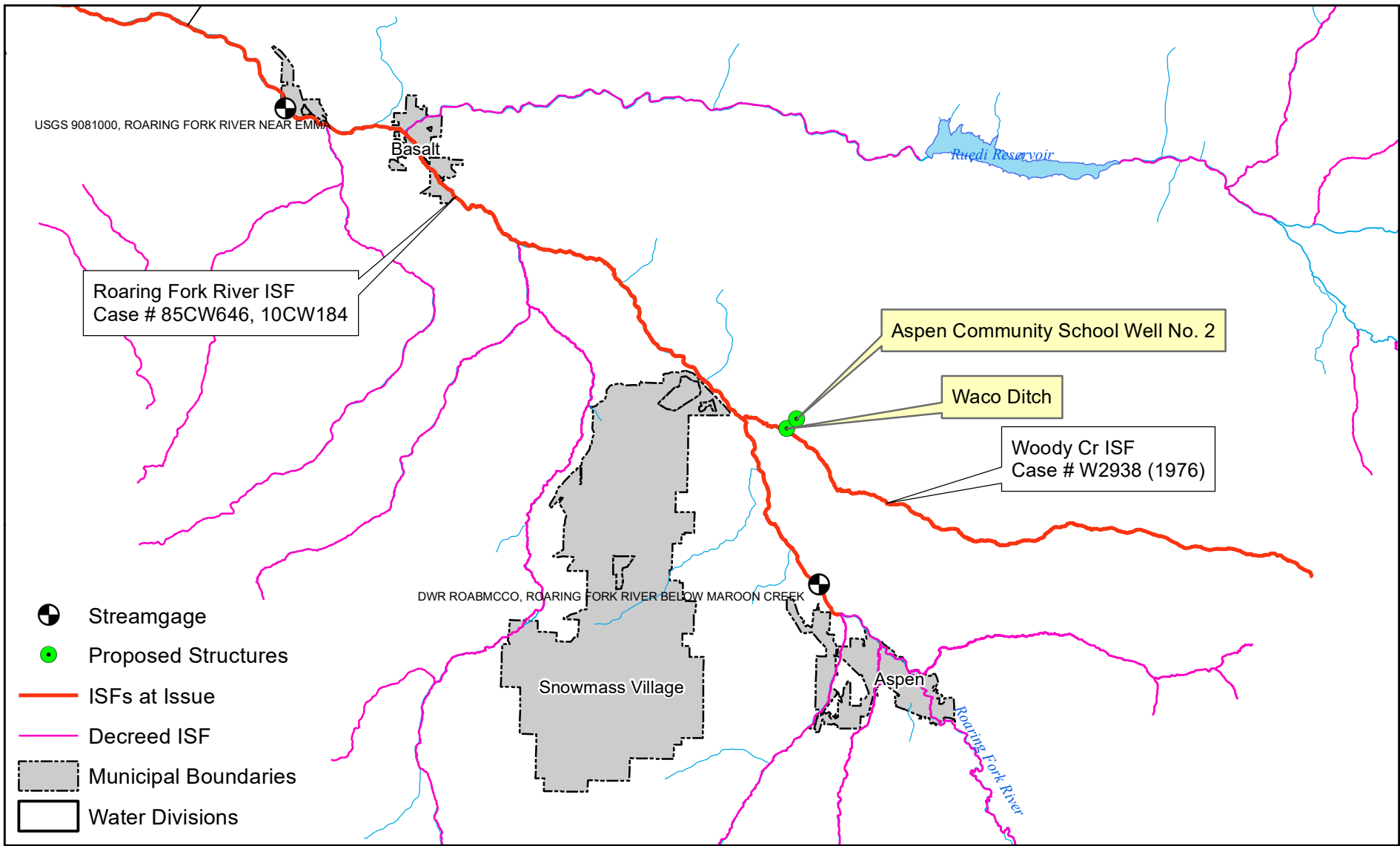
- The proposed plan for augmentation and exchange may not replace depletions in the proper time, place, and amount, which could injure the CWCB's instream flow water rights.
- Terms and conditions should be included in the decree to ensure that the proposed decree will not injure the CWCB's instream flow water rights and flows protected under Case No. 10CW184 (CWCB's Stapleton Brother's Ditch water rights).

Other Objectors

No other Statements of Opposition were filed (as of February 24, 2021).

Attorney Representing CWCB

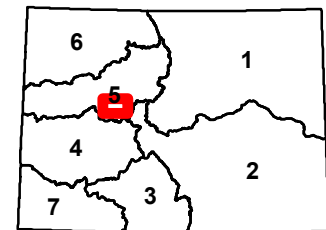
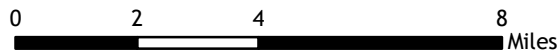
Andrew B. Nicewicz, Assistant Attorney General, is assigned to this case and can be contacted at andy.nicewicz@coag.gov, or 720-508-6259.



COLORADO
Colorado Water Conservation Board

Department of Natural Resources

March 10-11, 2021 CWCB Board Meeting
 Consent Agenda Item 1.p. Statement of Opposition
 Case No. 20CW3187 (Division 5)
 Compass for Lifelong Discovery and Aspen School District



DIVISION 5 WATER COURT-DECEMBER 2020 RESUME

SUBSTITUTE WATER SUPPLY PLAN 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., and notice of storm water detention and infiltration facilities under section 37-92-602(8)(d), C.R.S.

36. 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 2020. *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.*

20CW3187 PITKIN COUNTY. WOODY CREEK, TRIB. TO THE ROARING FORK RIVER, TRIB. TO THE COLORADO RIVER. Application for Change of Water Rights and Approval of an Amended Plan for Augmentation with Appropriate Right of Exchange. **Applicants: Compass for Lifelong Discovery**, a Colorado non-profit corporation ("Compass"), c/o Christopher L. Geiger and Margaret L. Casey, Balcomb & Green, P.C., P.O. Drawer 790, Glenwood Springs, CO 81602; 970-945-6546 and **Aspen School Dist.** ("ASD"), c/o Mark E. Hamilton and Hayley Siltanen, Holland & Hart, LLP, 600 Main St., Suite 104, Aspen, CO 81611; 970-925-3476. Summary of Application. Compass is a nonprofit educational organization which serves the Roaring Fork Valley at two campus locations. The subject of this application is the water supply for Compass's Aspen Community School campus in Woody Creek. The Water Court confirmed water rights and approved a plan of aug. for the Aspen Community School in Case No. 97CW222 (the "97CW222 Decree"). ASD joins in the first claim set forth in this application for change of water right as the owner of irr. water rights in the Waco Ditch, a portion of which have been leased to Compass, that are the subject of this claim. Co-Applicants jointly seek approval of a change of the water rights leased by ASD to Compass to add aug. as a use in order to provide a new local aug. supply for the Aspen Community School. Compass also seeks to amend its plan for aug. approved in the 97CW222 Decree to include this additional replacement supply. Compass further requests that it be allowed in the future to reconstruct one or more replacement wells for the Aspen Community School Well No. 2 at any location within the boundaries of the Compass School Well Field shown on Exhibit B to application and operate said replacement well(s) pursuant to this plan for aug. provided that the diversion rate shall not exceed 25 g.p.m. First Claim: Change of Water Rights for Waco Ditch Interests Leased by ASD to Compass. Decreed Water Right for Which Change is Sought: Compass's leasehold interest in the Waco Ditch priorities decreed in the Pitkin County Dist. Court in Civil Action 132 on 5/11/1889, Civil Action 3082 on 8/25/1936, and Civil Action 3732 on 8/25/1949 pursuant to that certain lease by and between ASD and Compass dated 6/1/2020 (the "ASD Lease"). Compass's leasehold interest in ASD's Waco Ditch water rights is for up to 0.29 AF of fully consumable consumptive use credit associated with 0.0258 c.f.s. of the cumulative decreed diversion rates for the four Waco Ditch priorities, together with the right to use the 0.29 AF of consumptive use credit and 0.001 c.f.s. of said 0.0258 c.f.s. of the cumulative decreed diversion rates for the four Waco Ditch priorities for replacement purposes pursuant to the ASD Lease. Compass's leasehold interest in the Waco Ditch priorities to be changed in this proceeding is comprised of the following: 0.0027 c.f.s. of the 4.0 c.f.s. decreed to Priority No. 1 in Civil Action 132 with date of approp. of 6/18/1880; 0.0039 c.f.s. of the 5.75 c.f.s. decreed to Priority No. 105 in Civil Action 132 with date of approp. of 3/2/1884; 0.0089 c.f.s. of the 13.19 c.f.s. decreed to Priority 403J in Civil Action 3082 with date of approp. of 6/1/1916; and 0.0103 c.f.s. of the 13.19 c.f.s. decreed to Priority 463 in Civil Action 3732 with date of approp. of 9/1/1936. Decreed Source of Water: Woody Creek, trib. to the Roaring Fork River, trib. to the Colorado River. Legal Description: At a pt. whence the re-survey corner of Secs. 9, 10, 15 and 16, T. 9 S., R. 85 W., 6th P.M. bears N. 48 deg. 21' west 1829.2 ft. on the N. bank of Woody Creek in Pitkin County, Colorado. Decreed Use: Irr. Hist. Use: ASD owns 2.34 percent of the total water rights decreed to the Waco Ditch, consisting of: 0.094 c.f.s. of 4.0 c.f.s. in Priority No. 1; 0.134 c.f.s. of 5.75 c.f.s. in Priority No. 105; 0.308 c.f.s. of 13.19 c.f.s. in Priority No. 403J; and 0.356 c.f.s. of 15.26 in Priority No. 463. ASD obtained decrees in Case Nos. 97CW172 and 08CW197 which confirmed that ASD's Waco Ditch water rights hist.ly irrigated 9.0 acres on ASD's West Ranch teacher housing development. At the conclusion of these cases, ASD retained the right to irrigate 3.65 acres of these 9.0 hist.ly irrigated acres with its Waco Ditch water rights. Diversion records for the Waco Ditch from 1951 to 1996 are tabulated on the attached Table 3 to the engineering report prepared by LRE Water d/b/a Resource Engineering submitted with this Application as Exhibit A. Diversion records associated with ASD's 2.34 percent ownership of the Waco Ditch water rights are tabulated on Table 4 to Exhibit A. The Exhibit A LRE Report utilizes a study period from 1951 to 1997, which is a representative period of use of ASD water rights and includes dry

years, average years, and wet years prior to the development of the West Ranch property. Change of Use: Hist. Consumptive Use: Compass now requests to change 0.0258 c.f.s. of the four Waco Ditch priorities described herein, and to use up to 0.29 AF of hist. consumptive use credit ("HCU Credit") associated with cessation of irr. of an additional 0.26 acre portion of the 3.65 acres that were not removed from irr. pursuant to Cases No. 97CW172 and 08CW197 to provide fully consumable consumptive use credit for use as replacement water pursuant to an updated and amended plan for aug. for the Aspen Community School as described in Sec. 4 of application. This change is requested as an alternate use; if the ASD Lease ever terminates ASD may resume use of the water rights changed herein for irr. purposes upon the original hist. irrigated acreage. The allocation of HCU Credit to be made available in an amount of up to 0.29 AF for operation of the plan for aug. for the Aspen Community School requested herein is shown in Column 6 of Table 9 in Exhibit A of application. Compass will use up to 0.29 AF of fully consumptive HCU Credit associated with the cessation of irr. of up to an additional 0.26 acres located upon ASD's West Ranch parcel to augment out of priority depletions that may otherwise result from water use on the Aspen Community School property for the benefit of senior vested water rights located on the Roaring Fork and Colorado Rivers below the Point of Return Flow shown on the map attached as Exhibit B to this Application, pursuant to the updated and amended plan for aug. for the Aspen Community School requested in Sec. 4 of application. Compass requests to change the method of use of its leasehold interest in ASD's Waco Ditch water rights from direct diversion for irr. use to bypass to Woody Creek for aug. of the uses described below pursuant to the plan for aug. described in Sec. 4 of application. Should the ASD Lease ever terminate, ASD or its successor may resume diversion and use of the Waco Ditch water rights to be changed herein for irr. of ASD's West Ranch property, or such other use(s) as may be approved by this Court in a subsequent change of water right proceeding. Diversion Credit: Diversion and hist. use of ASD's Waco Ditch water was 95 percent depletive to Woody Creek. ASD water diverted into the Waco Ditch was carried out of the Woody Creek drainage for irr. of lands in the Roaring Fork River drainage. This diversion depletion is shown in Table 5 of Exhibit A to application. As part of its requested change of water right, Compass will bypass up to the 0.0258 c.f.s. portion of ASD's Waco Ditch water rights that hist. irrigated approx. 0.26 acres on ASD's West Ranch property and leave this water in Woody Creek. The average monthly additional flow in Woody Creek that will result from this bypass operation is shown in Column 4 in Table 9 of Exhibit A to application. Compass also claims the right to use 0.001 c.f.s. of this increased bypass flow as a credit ("Diversion Credit") to augment out of priority depletions by the Aspen Community School Well No. 2 for the benefit of senior vested water rights located on Woody Creek between the headgate of the Waco Ditch down to and through the confluence of Woody Creek and the Roaring Fork Rivers to the Point of Return Flow shown on the map attached as Exhibit B to this Application, pursuant to the plan for aug. described in Sec. 4 of application. This 0.001 c.f.s. diversion credit exceeds, and therefore will fully replace, the net delayed depletion from operation of the Aspen Community School Well No. 2, as shown in Table 8 of Exhibit A. Second Claim: Approval of Updated Plan for Aug. for the Aspen Community School. Description of Plan for Aug.: This plan for aug. supersedes the plan for aug. plan decreed in Case No. 97CW222, and will replace out of priority depletions from operation of the Aspen Community School Well No. 2 as described herein and in the LRE Report attached as Exhibit A to application. Structure to be Augmented: Aspen Community School Well No. 2. Decree Information: Case No. 97CW222 entered 2/20/1998, Dist. Court, Water Division No. 5. Legal Description: SW1/4, SE1/4 of Sec. 10, T. 9 S., R. 85 W., 6th P.M. at a pt. 2,855 ft. from the W. Sec. Line and 239 ft. from the S. Sec. Line. Decreed Source of Water: Groundwater trib. to Woody Creek, trib. to the Roaring Fork River, trib. to the Colorado River. Depth: 240 ft. Date of Approp.: 1/15/1997. Decreed Amt: 25 g.p.m. (up to 8.99 AF of annual diversions pursuant to the plan for aug. decreed in Case No. 97CW 222). Permit No.: 049604-F. Decreed Uses: Dom., fire prot., and irr. of up to 0.46 acres located in parts of the NW1/4 of Sec. 15 and SW1/4 of Sec. 10, T. 9 S., R. 85 W., 6th P.M.; all of these decreed uses are specifically associated with Compass's Woody Creek School campus operations in the decree entered in Case No. 97CW222. Sources of Aug. Supply: Waco Ditch HCU Credit and Diversion Credit: Up to 0.29 AF of the HCU Credit and 0.001 c.f.s. of the Diversion Credit available to Compass pursuant to its ASD lease and made available pursuant to the change of water rights described in Sec. 3 of application. BWCD Water Allotment Contract: Compass holds Basalt Water Conservancy Dist. ("BWCD") Water Allotment Contract No. 303 for 2.0 AF of water. This 2.0 AF contract is based on Compass's plan for aug. decreed in Case No. 97CW222. If Compass's request to amend this plan is approved herein, Compass may reduce the contract amount to 0.2 AF to meet the replacement requirements shown in Table 9, Column 8, in the LRE Report attached as Exhibit A to application. Sources of replacement water available to Compass pursuant to Contract No. 303 include the following water supplies. Ruedi Reservoir: Source: Fryingpan River, trib. of Colorado River. Legal Description: An on-channel reservoir located in Secs. 7, 8, 9, 11, and 14 through 18, T. 8 S., R. 84 W., 6th P.M. The reservoir is located in portions of Eagle and Pitkin counties. Adjud. Date: 6/20/1958. Approp. Date: 7/29/1957. Case No.: C.A. 4613. Court: Garfield County Dist. Court. Decreed Amt.: 102, 369 AF. The water right was orig. decreed for 140,697.3 AF and reduced to 102,369 AF in Case No. W-789-76. The full amt. was made absolute in Case No. 88CW85. Decreed Uses: Generation of electric energy, dom., mun., pisc., ind., and irr. Refill: By decree of the Water Court in Case No. 81CW34, Ruedi Reservoir was decreed a refill right in the amt. of 101,280 AF, cond. In Water Court Case No. 95CW95, 44,509 AF of the refill right was made absolute. In Water Court Case 01CW269, an additional 25,257 AF of the refill right was made absolute, for a total of 69,766 AF absolute in the refill right. BWCD Interest: BWCD holds contract numbers 2-07-70-W0546, 009D6C0014, 039F6C0012 and 139D6C0099 with the United States Bureau of Reclamation. These four contracts collectively entitle BWCD to delivery of 1790 AF of water annually from the regulatory capacity of Ruedi Reservoir, subject to the terms and conditions of the contracts between BWCD and the Bureau of Reclamation. Green Mountain Reservoir: Source: Blue River, trib. of Colorado River. Legal Description: Located approx. 16 miles S.E. of the Town of Kremmling in Summit County, Colorado, and more particularly in all or parts of Secs. 11, 12, 13, 14, 15, and 24 of T. 2 S., R. 80 W., and in Secs. 17, 18, 19, 20, 21, 28, 29, and 34, T. 2 S., R. 79 W., 6th P.M. Adjud. Date: 12/12/1955. Approp. Date: 8/1/1935. Case Nos.: 2782, 5016, and 5017. Court: United States Dist. Court, Dist. of Colorado. Decreed Amt.: 154,645 AF. Decreed Uses: In accordance with paragraph 5(a), (b), and (c) of the Sec. entitled "Manner of Operation of Project Facilities and Auxiliary Facilities" in Senate Document 80. BWCD Interest: BWCD holds Contract No. 8-07-60-W0727 with the United States Bureau of Reclamation. This contract entitles the BWCD to delivery of 1,000 AF of water annually

from the marketable yield of Green Mountain Reservoir, subject to the terms and conditions of the contracts between BWCD and Bureau of Reclamation. Robinson Ditch: Information from previous decrees for Robinson Ditch rights:

STRUCTURE	DECREED AMOUNT/ (C.F.S.)	AMOUNT OWNED BY BWCD (C.F.S.)(1)	ADJ. DATE	APP. DATE	PRIORITY	CASE NO. (2)
ROBINSON DITCH	5.00	1.21	05/11/1889	06/15/1882	38	132
ROBINSON DITCH	2.50	0.60	05/11/1889	04/15/1886	140	132
ROBINSON DITCH	2.00	0.48	05/11/1889	11/15/1886	167	132
ROBINSON DITCH	10.70	2.59	12/29/1903	04/25/1899	212C	1061
ROBINSON DITCH	20.06	4.85	08/25/1936	04/25/1900	326	3082

(1) The BWCD owns 441 shares of Class 1 stock issued by the Robinson Ditch Company. The said 441 shares equal 24.16% of the total shares and are associated with 9.73 c.f.s. of the 40.26 c.f.s. decreed to the Robinson Ditch.

(2) BWCD Court in and for Garfield County

Legal Description: The pt. of diversion, as decreed, is located on the N. bank of the Roaring Fork River one-half mile below the mouth of Sopris Creek in Sec. 11, T. 8 S., R. 87 W., 6th P.M. Hist. Use: Irr. of approx. 137.2 acres of hay and pasture under BWCD's interest in the Robinson Ditch water rights. In Case No. 93CW319, the Court decreed that 360 AF of annual consumptive-use credits are associated with said irr. In that case, the Court also decreed a change of use of BWCD's Robinson Ditch rights to include aug. BWCD makes the credits available to contract allottees for use pursuant to an approved substitute supply plan or decree of Court. BWCD applies the credits principally to the aug. of Blue Creek and the Roaring Fork River. Troy & Edith Ditch: Information from previous decrees for Troy & Edith Ditch rights:

Structure	Priority	Case No.	Adj. Date	App. Date	Decreed Amount (C.F.S.)	Use (4)	AMOUNT SOLD, TRANSFERRED OR RESERVED					AMOUNT REMAINING FOR BWCD (10)	
							(5)	(6)	(7)	(8)	(9)	C.F.S	AF
Troy Ditch (1)	370	3082	08/25/1936	05/01/1906	5.10	I	0.000	0.000	0.095	0.064	0.035	4.906	N/A
Troy Ditch 1st Enl.	427	3082	08/25/1936	05/01/1928	10.80	I	0.000	0.000	0.200	0.134	0.073	10.393	N/A
Troy Ditch 2nd Enl.	669	4613	06/20/1958	06/01/1942	6.20	I	0.000	0.000	0.115	0.077	0.042	5.966	N/A
Edith Ditch	353	3082	08/25/1936	05/01/1904	2.72	I	0.110	0.1320	0.050	0.000	0.018	2.410	N/A
Edith Ditch 1st Enl.	673	4613	06/20/1958	07/01/1946	3.23	I	0.000	0.000	0.060	0.000	0.022	3.148	N/A
Troy Ditch Water System a.k.a. Lower Headgate	(2)	W-2281			15.50(3)	I, D, M, C, P	0.110	0.1320	0.520	0.275	0.190	14.273	412.89

(1) Orig. diverted from Miller Creek. All others orig. diverted from Fryingpan River.

- (2) Alternate pt. for all priorities of Troy and Edith Ditches.
- (3) Combined amount limited to 15.5 c.f.s. and 453 AF of consumptive use, 300 AF of which can be stored.
- (4) I = Irr., D = Dom., M = Municipal, C = Industrial and P = Piscatorial.
- (5) Transferred to Edith Ditch Well in Case No. 80CW1 with 1.0 AF.
- (6) Transferred to three springs on Cap K Ranch in Case No. 82CW189 (1.29 AF assumed to be included).
- (7) Deeded to George Yates with 15.4 AF in 1983. 0.2 c.f.s. and 10.60 c.f.s. was included in Case No. 82CW357 for Ruedi S. Shores plan for aug.
- (8) Deeded to Joan Wheeler in 1987 for diversion at the Troy Ditch 1st and 2nd Enlargement (16.9 AF assumed to be included).
- (9) Reserved for aug. of Cap K Ponds with 5.52 AF. Case No. 91CW220.
- (10) A total of 40.11 AF of the original 453.00 AF has been sold or transferred.

In Case No. W-2281, Division 5, the Court decreed that 453 AF of annual consumptive-use credits were available to these ditches, and that 300 AF could be stored in an unnamed reservoir. BWCD owns 412.89 AF of the 453 AF and makes the water rights available to contract allottees for use pursuant to an approved substitute supply plan or decree of Court. This Court changed the use of the 412.89 AF to include aug. and exchange in Case Nos. 98CW26 and 98CW89 (Consolidated). The Troy and Edith Ditch aug. water can be delivered to the Fryingpan, Roaring Fork or Colorado Rivers by bypassing water at the headgate on the Fryingpan River. Operation of Plan for Aug.: Compass's 97CW222 Decree plan for aug. contemplated a dom. water supply for up to 144 students and faculty, five employee housing units, 12 dormitory units, four single-family homes and 0.46 acre of irr., all supplied by the Aspen Community School Well No. 2, with total annual diversions of 8.97 AF and resulting depletions of 1.97 AF. Compass's water supply needs have since evolved, and the updated plan for aug. requested herein refines and, significantly reduces, the diversion requirement for the Aspen Community School and the resulting depletion volume. The plan for aug. proposed herein also replaces 3.0 AF of replacement water stored in the proposed Aspen Community School Pond with Compass's leasehold interest in the Waco Ditch priorities changed in paragraph 3 of application. Dom.: Under this plan for aug., the Aspen Community School Well No. 2 will provide the dom. water supply for 154 students and employees, five employee apartments, and other dom. uses at Compass's public educational facility related to educational services. Cumulative annual diversions from the Aspen Community School Well No. 2 for these needs are estimated at 2.73 AF. Effluent will be treated through an on-site sewage disposal system with assumed efficiency of 85 percent, and the resulting total annual depletion associated with the diversions of 2.73 AF is 0.41 AF. This is less than 25 percent of the depletion permitted by the 97CW222 Decree. A schedule of diversions and depletions is shown in Table 1 within Exhibit A to application. These diversions and depletions impact Woody Creek below the headgate of Waco Ditch. Irr.: The Aspen Community School Well No. 2 will not be used for irr. purposes under this plan for aug. Any future irr. within the Aspen Community School campus will be performed using other water supplies available to Compass. Seepage and Evap.: The 97CW222 Decree also replaces seepage and evap. from the Clavel Ditch, First Enlargement and Aspen Community School Pond water rights. Seepage and evap. from these structures will not be augmented under this plan for aug. Well Replacement: Compass requests that it be allowed in the future to reconstruct one or more replacement wells for the Aspen Community School Well No. 2 at any location within the boundaries of the Compass School Well Field shown on Exhibit B to application and operate said replacement well(s) pursuant to this plan for aug. provided that the diversion rate shall not exceed 25.0 g.p.m. Hist. Delayed Irr. Return Flows: To the extent necessary to prevent injury from the change of water rights requested in paragraph 3 of application, Compass will replace delayed irr. return flows to the Roaring Fork or Colorado Rivers through release of water for such purposes from contract supplies available to it in Ruedi and Green Mountain Reservoirs. Delayed return flows from hist. irr. that may be owed to the system are shown as negative values in Table 9, Column 6, in the LRE Report attached as Exhibit A to application. Call Scenarios: Woody Creek: If an administrative call is enforced on Woody Creek below the pt. where diversions by the Aspen Community School Well No. 2 impacts the creek, resulting out-of-priority depletions will be replaced by Compass's bypass of the 0.001 c.f.s. Diversion Credit. No local calls are expected on Woody Creek outside of the hist. season of use of ASD's Waco Ditch water rights, and the Diversion Credit should be adequate to prevent injury from operation of Compass's Aspen Community School Well No. 2 to senior calling water rights on Woody Creek during this period. Roaring Fork River above Fryingpan River: If an administrative call is enforced on the Roaring Fork River below Woody Creek and above the pt. where hist. irr. return flows arising from use of ASD's Waco Ditch water rights returned to the Roaring Fork River, out-of-priority depletions resulting from use of the Aspen Community School Well No. 2 will be replaced by Compass's bypass of the 0.001 c.f.s. Diversion Credit. If an administrative call is enforced on the Roaring Fork River below the pt. where hist. irr. return flows resulting from use of ASD's Waco Ditch water rights returned to the Roaring Fork River, out-of-priority depletions resulting from use of the Aspen Community School Well No. 2 will be replaced by HCU Credits in the amounts and schedule shown on shown on Table 9 of Exhibit B to application. No calls are expected on Woody Creek or the Roaring Fork River outside of the hist. season of use of ASD's Waco Ditch water rights, and the Diversion Credit and HCU Credit should be adequate to prevent injury from operation of Compass's Aspen Community School Well No. 2 to senior calling water rights on Woody Creek or the Roaring Fork River during this period. Roaring Fork River below Fryingpan River and Colorado River below Roaring Fork River: If an administrative call is enforced on the Roaring Fork River below its confluence with the Fryingpan River or on the Colorado River below its confluence with the Roaring Fork River, out-of-priority depletions resulting from use of the Aspen Community School Well No. 2 will be replaced by HCU Credits in the amounts and schedule shown on shown on Table 9 of Exhibit A to application when available. If an administrative call is enforced on the Roaring Fork River below its confluence with the Fryingpan River or on the Colorado River below its confluence with the Roaring Fork River, at times that HCU Credits are not available in sufficient supply to satisfy the call, replacement water will provided under Compass's BWCD contract supplies at a location upstream of the calling right and utilized, by exchange, to replace out-of-priority depletions. It is estimated that up to 0.2 AF (including 10% transit loss) of BWCD contract supplies are required to replace out-of-priority depletions as shown on

Table 9 of Exhibit A to application. Approp. Rights of Exchange. This plan for aug. will operate by exchange when utilizing replacement water available to Compass under its BWCD Contract No. 303. The overall exchange reach extends from the confluence of the Colorado River and the Roaring Fork River up the Roaring Fork River to its confluence with Woody Creek, and then up Woody Creek to the Aspen Community School Well No. 2 pt. of depletion near the Waco Ditch headgate. Individual replacement supplies available under Contract No. 303 have specific lower exchange termini as described below, and the upper exchange terminus is to the Aspen Community School Well No. 2 pt. of depletion near the Waco Ditch headgate in each instance. Green Mountain Reservoir Supply Lower Terminus: Confluence of the Colorado River and the Roaring Fork River, which is currently located in the SE1/4, NW1/4 of Sec. 9, T. 6 S., R. 89 W., 6th P.M., at a pt. approx. 2,200 ft. from the N. Sec. line and 2,350 ft. from the W. Sec. line of said Sec. 9. Ruedi Reservoir Supply and Troy & Edith Ditch Supply Lower Terminus: Confluence of the Roaring Fork River and the Fryingpan River, which is currently located in the SW1/4 SE1/4, Sec. 7, T. 8 S., R. 86 W., 6th P.M., at a pt. approx. 750 ft. from the S. Sec. line and 1,440 ft. from the E. Sec. line of the said Sec. 7. Robinson Ditch Supply Lower Terminus: Confluence of the Roaring Fork River and Blue Creek, which is approx. in the NW1/4 SE1/4 Sec. 27, T. 7 S., R. 88 W., 6th P.M. at a pt. 1,520 ft. from the S. Sec. line and 1,420 ft. from the E. Sec. line of said Sec. 27. Upper Terminus: The upper terminus is the Aspen Community School Well No. 2 pt. of depletion near the Waco ditch headgate described above. A map of the exchange reaches is attached as Exhibit C to application. Amt.: The max. rate of exchange is 0.001 c.f.s. and up to 0.2 AF per year. Date of Approp.: The date of filing this application. Use: Exchange of replacement water for operation of plan for aug. described herein. No Injury: This amended plan for aug. will be sufficient to permit the continuation of diversions when curtailment of the Aspen Community School Well No. 2 would otherwise be required to meet a valid senior downstream call for water on Woody Creek, the Roaring Fork River or the Colorado River. Operation of the amended plan for aug. as described above and subject to the terms and conditions proposed herein will prevent injury to other vested or decreed water rights. Name and Address of Landowner upon which any New or Modified Diversion or Storage Structure is Located: No new or modified storage structures are contemplated in this Application. The Aspen Community School Well No. 2 is located on property owned by WCCP 2 LLC, P.O. Box 7138, Garden City, NY 11530 (any replacement well will be on Compass's property). The headgate of the Waco Ditch is located on property owned by Kindness Trust, 1220 Woody Creek Rd., Woody Creek, CO 81656.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE until the last day of FEBRUARY 2021 to file with the Water Clerk a verified Statement of Opposition setting forth facts as to why this application should not be granted or why it should be granted in part or on certain conditions. A copy of such statement of opposition must also be served upon the applicant or the applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing Fee: \$192.00) KATHY POWERS, Water Clerk, Water Division 5; 109 8th Street, Suite 104 Glenwood Springs, CO 81601.