

**COLORADO RIVER WATER PROJECTS ENTERPRISE
WATER RIGHTS DESCRIPTIONS
AUGUST 2008**

The Colorado River Water Conservation District owns and controls water supplies through its Colorado River Water Projects Enterprise. Those supplies are available for contracting under the Enterprise's Water Marketing Policy. Following is a summary of the Enterprise's sources of supply for use by River District contractors in their Water Court applications. Electronic format copies of this document are available to River District contractors on request. References herein to the "Water Court" mean the District Court in and for Colorado's Water Division No. 5 as said Division is defined in C.R.S. § 37-92-201(1)(e).

I. Colorado River Supply Sources.

A. Wolford Mountain Reservoir. The River District owns and operates Wolford Mountain Reservoir (f/k/a Gunsight Pass Reservoir) which has the following water rights.

(1) Case No. 87CW283:

Decree Date: November 20, 1989

Legal description of place of storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The intersection of the dam axis with the right abutment will occur at a point which bears S. 54°54'20" E. a distance of 3,716.46 feet from the NW Corner of said Section 25.

Source: Muddy Creek and its tributaries

Amount: 59,993 acre feet conditional; of this amount, 32,986 acre feet were made absolute for piscatorial and recreational uses by decree entered in Water Court Case No. 95CW251, and the full amount was made absolute for all purposes by decree entered in Water Court Case No. 02CW107.

Appropriation Date: December 14, 1987

Use: All beneficial uses, including but not limited to domestic, municipal, agricultural and recreational uses, which uses satisfy the requirements of the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District; use to meet the water requirements of the inhabitants of the River District for all uses, including uses in the Middle Park area; and use to meet the terms of a lease agreement executed March 3, 1987 between the River District and the City and County of Denver.

(2) Case No. 95CW281:

Decree Date: August 26, 1997

Legal description of place of storage: The dam is located in the SW1/4 of the NE1/4 of Section 25, T. 2 N., R. 81 W., 6th P.M. The as-built intersection of the dam axis (Sta. D19+35.61) with the West Access Road (Sta. WR50+55.05), as shown on the Colorado River Water Conservation District, Wolford Mountain Project, Ritschard Dam construction drawing "Dimensional Dam Layout" sheet 8 of 94, occurs at a point which bears S. 53°24'56" E. a distance of 3,395.51 feet from the NW Corner of said

Section 25; the bearing of said dam axis from Sta. 19+35.61 to Sta. 0+00 being S. 75° 28' 29" E.

Source: Muddy Creek and its tributaries

Amount: 6,000 acre feet conditional

Appropriation Date: January 16, 1995

Use: All beneficial uses by and for the benefit of the inhabitants of the Colorado River Water Conservation District, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Project; such uses will be made directly or by substitution, augmentation, or exchange. None of the water stored in the exercise of the right will be delivered directly or by exchange, substitution, or otherwise for use outside of Colorado Water Division No. 5.

(3) **Case No. 98CW237:**

Decree Date: July 6, 2000.

Legal Description of place of storage: Same as for 95CW281.

Source: Muddy Creek and its tributaries

Amount: 30,000 acre feet conditional with 15,895 acre feet being absolute for recreational and piscatorial and flood control.

Appropriation Date: November 17, 1998

Use: Certain of the beneficial uses previously adjudicated for Wolford Mountain Reservoir in Case No. 87CW283, District Court for Colorado Water Division No. 5 (November 20, 1989 Judgment and Decree), and Case No. 95CW281, District Court for Colorado Water Division No. 5 (August 26, 1997 Judgment and Decree).

87CW283: The reservoir will be used to satisfy the requirements of the Windy Gap Settlement made with the Municipal Subdistrict of the Northern Colorado Water Conservancy District. This will involve all uses, including but not limited to domestic, municipal, agricultural, and recreational uses. The reservoir will also be used to meet the water requirements of the inhabitants of the River District for all uses, including uses in the Middle Park area.

95CW281: All beneficial uses by and for the benefit of the inhabitants of the Colorado River Water Conservation District, including but not limited to domestic, municipal, industrial, irrigation, agricultural, piscatorial and recreational; such uses will include environmental mitigation, including environmental mitigation requirements associated with the Wolford Mountain Reservoir Project; such uses will be made directly or by substitution, augmentation, or exchange.

Remarks: The Refill Right described herein will be exercised to provide supply for the Western Slope uses of water from Wolford Mountain Reservoir described above, including flood control, other operational purposes, and environmental mitigation and enhancement for the benefit of uses within the District. The Refill Right will not be used in conjunction with the Reservoir capacity (24,000 a.f.) which is allocated for the supply of water to the Denver Board of Water Commissioners under Applicant's contractual relationship with Denver, or the Reservoir capacity (6,000 AF) which is allocated for Colorado River endangered fish releases.

B. Ruedi Reservoir. The River District holds Contracts No. 009D6C0111, 009D6C0118, and 039F6C0011 from the United States Bureau of Reclamation for 1,730 acre feet of annual supply from Ruedi Reservoir and may obtain additional contracts in the future. This water will be used in addition to and substitution for Wolford Mountain Reservoir water in appropriate circumstances where Ruedi water is physically equivalent to Wolford water.

- (1) Legal description of place of storage: Ruedi Reservoir is located in Sections 7, 8, 9, 11 and 14 through 18, T. 8 S., R. 84 W., 6th P.M., in Eagle and Pitkin Counties. The dam axis intersects the right abutment at a point whence the SW corner of Section 7, T. 8 S., R. 84 W. of the 6th P.M. bears N. 82° 10' W. a distance of 1,285 feet.
- (2) Source: Fryingpan River.
- (3) Previous storage decrees:
 - (a) Civil Action No. 4613:
Decree Date: June 20, 1958.
Court: Garfield County District Court.
Amount: 140,697.3 acre feet, reduced to 102,369 acre feet pursuant to order of the Water Court in Case No. W-789-76. The full amount was made absolute in Case No. 88CW85.
Appropriation Date: July 29, 1957.
Use: Domestic, municipal, irrigation, industrial, generation of electrical energy, stock watering and piscatorial.
 - (b) Case No. 81CW34:
Decree Date: April 8, 1985.
Court: District Court, Water Div. No. 5.
Amount: 101,280 acre feet (refill); of this amount, 44,509 acre feet were made absolute in Case No. 95CW95 and 25,257 acre feet were

made absolute in Case No. 01CW269, for a total of 69,766 acre feet absolute.

Appropriation Date: Jan. 22, 1981.

Use: Irrigation, domestic, municipal, generation of electrical energy, stock watering, industrial, piscatorial, recreation and maintenance of sufficient storage reserves to fulfill contractual obligations and provide stored water for recreation in times of drought.

II. Eagle River Supply Sources.

Eagle Park Reservoir Company owns and operates the Eagle Park Reservoir Project located in the headwaters of the Eagle River. The River District is a shareholder in the Reservoir Company and is entitled to yield from the Eagle Park Reservoir Project and exchange supplies provided by Aurora and Colorado Springs. The water delivered to or for the benefit of the River District's contractors as "Eagle River Supplies" will be based upon the following water rights.

- A. Eagle Park Reservoir.** The River District's current supply consists of 2,000 shares of Class A, Series 2 stock in the Eagle Park Reservoir Company, which entitle the River District to the annual release and/or diversion of up to 200 acre feet from Eagle Park Reservoir more particularly described as follows:
- (1) Eagle Park Reservoir, decreed by the Water Court in Cases No. 92CW340 and 93CW301, for a combined total capacity of 27,600 acre feet, with an appropriation date of March 16, 1991, for 5300 acre feet, and May 18, 1993, for 22,300 acre feet, together with the right to divert at the rate of 80 cfs under the August 10, 1956 appropriation date of the Pando Feeder Canal pursuant to the decree of the Water Court entered in Case No. 97CW288, for mining, milling, industrial, snowmaking, municipal, domestic, stock watering, recreation, fish and wildlife, irrigation, agricultural, exchange, replacement, augmentation and all other beneficial purposes. Eagle Park Reservoir is augmented by exchange by decree of the Water Court entered in Case No. 95CW348. The north abutment of the dam crest is located approximately 160 feet north of the south section line and 650 feet east of the west section line of Section 28, T. 7 S., R. 79 W., 6th P.M., Eagle County, Colorado. The source of Eagle Park Reservoir is the East Fork of the Eagle River including runoff, surface flow and seepage from the area above the reservoir and tributary thereto, and water tributary to Tenmile Creek a tributary of the Blue River. In addition to the tributary area upstream of the reservoir, the specific points of diversion into storage for Eagle Park Reservoir are as follows:
 - (a) The East Fork Interceptor Ditch, which has a capacity of 48 cfs and diverts from unnamed tributaries of the East Fork of the Eagle River

at the following points, all of which are located in Eagle County, Colorado:

- (i) 900 feet south of the north section line and 1100 feet west of the east section line of Section 5, T. 8 S., R. 79 W., 6th P.M.
 - (ii) 1250 feet south of the north section line and 700 feet east of the west section line of Section 4, T. 8 S., R. 79 W., 6th P.M.
 - (iii) 1200 feet north of the south section line and 800 feet east of the west section line of Section 33, T. 7 S., R. 79 W., 6th P.M.
 - (iv) Runoff, surface flow, and seepage from the area above the East Fork Interceptor Ditch as it runs between the above-described points of diversion and Eagle Park Reservoir.
- (b) The Chalk Mountain Interceptor Ditch, which has a capacity of 12 cfs and diverts runoff and seepage as it runs a distance of approximately 3.4 miles from Fremont Pass, located in the W1/2 of Section 11, T. 8 S., R. 79 W., 6th P.M., northwesterly along State Highway 91 and the South side of Robinson Tailing Pond, thence westerly to the south of Chalk Mountain Reservoir and Robinson Reservoir, thence northwesterly to Eagle Park Reservoir. The Chalk Mountain Interceptor Ditch diverts water from the headwaters of Tenmile Creek in Summit County and from the headwaters of the East Fork of the Eagle River in Eagle County.
- (c) The East Interceptor Ditch, which has a capacity of 20 cfs and runs northeasterly from a point whence the northeast corner of Section 2, T. 8 S., R. 79 W., 6th P.M. bears North 77°20' East a distance of 850 feet at the north fork of McNulty Creek, thence along the east side of Robinson and Tenmile Tailing Ponds into Supply Canal No.1 described below. The East Interceptor Ditch diverts water from the north fork of McNulty Creek and surface flow, seepage, and runoff from watersheds above it that are tributary to Tenmile Creek.
- (d) The Supply Canal No. 1, which has a capacity of 10 cfs and diverts water from the following tributaries of Tenmile Creek at the following points:
- (i) On the west bank of Humbug Creek at a point whence the southwest corner of Section 18, T. 7 S., R. 78 W. bears South 71°35' West a distance of 3250 feet.

- (ii) On the south bank of Mayflower Creek at a point whence the northeast corner of Section 24, T. 7 S., R. 79 W., 6th P.M. bears North 16°55' East a distance of 2250 feet.
 - (iii) Runoff, surface flow, and seepage from the area above the Supply Canal No. 1 as it runs between the above-described points of diversion and the Climax Mill.
- (e) The Supply Canal No. 2, which has a capacity of 10 cfs and diverts water from the following tributaries of Tenmile Creek at the following points:
 - (i) On the west bank of Searle Creek at a point whence U.S.L.M. Kokomo bears South 45°58' East 3740 feet (located in the NW1/4 of the SE1/4 of Section 13, T. 7 S., R. 79 W., 6th P.M.).
 - (ii) On the south bank of Kokomo Creek at a point whence U.S.L.M. Kokomo bears North 39°36' east 2635 feet (located in the SE1/4 of Section 22, T. 7 S., R. 79 W., 6th P.M.).
 - (iii) Runoff, surface flow, and seepage from the area above the Supply Canal No. 2 as it runs between the above-described points of diversion and the Climax Mill.
- (f) The East Fork Pumping Plant, which has a capacity of 6 cfs and diverts from the East Fork of the Eagle River at a point in the SE1/4 NE1/4 of Section 32, T. 7 S., R. 79 W., 6th P.M. at a point whence the NE corner of said Section 32 bears N. 31°53' E. a distance of 2414 feet.

The Eagle Park Reservoir Company must first receive the permission of Climax Molybdenum Company to use the East Fork Interceptor Ditch, Supply Canal No. 1 and Supply Canal No. 2 described above to divert water into Eagle Park Reservoir. Nevertheless, the firm yield of the River District's supply is not dependent on the use of those facilities.

- B. Exchange Supply.** Pursuant to a Memorandum of Understanding dated effective as of April 21, 1998 (the "MOU") among the City of Aurora, the City of Colorado Springs, the River District, Climax Molybdenum Company, Vail Associates, Inc., the Upper Eagle Regional Water Authority, and the Eagle River Water & Sanitation District; and the Water Exchange Agreement dated June 17, 1998 among Aurora,

Colorado Springs, and the Eagle Park Reservoir Company, Aurora and Colorado Springs agreed to make up to 500 acre feet of water available for West Slope use from facilities owned and operated by Aurora and Colorado Springs in exchange for up to 800 acre feet of replacement water from the West Slope participants. The River District's 100 shares of Class B stock in the Eagle Park Reservoir Company entitle the River District to up to 100 acre feet per year of consumptive beneficial use water to be derived from fully consumable water annually diverted by and/or stored in the following structures owned and controlled by Aurora and Colorado Springs:

- (1) **Homestake Project.** Homestake Reservoir, also known as Elliott-Weers Reservoir, was decreed by the Eagle County District Court in Civil Action No. 1193 for 83,338.98 acre feet conditional, 43,504.7 acre feet of which is now absolute. This reservoir is located on Homestake Creek with a dam being located whence the NW Corner of Section 31, T. 7 S., R. 80 W., 6th P.M. bears N. 58°30.6' E. 24,659 feet from the East dam abutment and N. 62°25.8' E. 25,746 feet from the West dam abutment. The sources of supply of said Reservoir are the East Fork of Homestake Creek, the Middle Fork of Homestake Creek and Homestake Creek.
- (2) **Camp Hale Project.** Aurora and Colorado Springs may provide to the River District water released from those surface and ground water storage rights sought by Aurora and Colorado Springs in Cases No. 88CW449 and 95CW272, District Court for Colorado Water Division No. 5.

River District Contractors' use of augmentation water from Homestake Reservoir made available through contract or other arrangement with the Eagle Park Reservoir Company shall be dependent upon the continued existence of, and conditions set forth in, the Water Exchange Agreement dated June 17, 1998 between the Cities of Aurora and Colorado Springs and the Eagle Park Reservoir Company, together with any modifications thereto, or constraints thereon, as may be necessitated by the decree entered in Case No. 98CW270, Water Division No. 5.

Additional Information for Homestake Project. The detailed descriptions of the structures decreed by the Eagle County District Court in Civil Action No. 1193 for the Homestake Project are set forth below.

<u>Structure</u>	<u>Amount</u>
French Creek Intake. S. 82°18.3' E. 20988 ft. to NW corner Sec. 31, T. 7 S., R. 80 W.	60.1 cfs
Fancy Creek Intake.	38.6 cfs

Colorado River Water Projects Enterprise
Water Rights Descriptions
August 2008
Page 8 of 9

N. 85°10.5' E. 25280 ft. to NW corner Sec. 31,
T. 7 S., R. 80 W.

Missouri Creek Intake. 39.8 cfs
N. 77°12.4' E. 28800 ft. to NW corner Sec. 31,
T. 7 S., R. 80 W.

Sopris Creek Intake. 41.3 cfs
N. 74°7.6' E. 29848 ft. to NW corner Sec. 31,
T. 7 S., R. 80 W.

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 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, T. 7 S., R. 80 W. bears N. 55°40.5' E., 22,917 feet.

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, T. 9 S., R. 81 W., 6th P.M. bears S. 15°27'08" E. 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, T. 9 S., R. 81 W., 6th P.M. bears N. 6°40'52" E., a distance of 2,173.54 feet.

Homestake Reservoir.

Homestake Reservoir, also known as Elliott-Weers Reservoir, has capacity of 83,338.98 acre feet conditional, is located on Homestake Creek with a dam whence Homestake Peak bears S. 73°26' E. 10,477 feet from the easterly end thereof and S. 74°57' E. 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 as herein above set forth), East

Fork Conduit (the source of this conduit as herein above set forth), 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 T. 7 S., R. 80 W., 6th P.M. bears N. 58°30.6' E. 24,659 feet from the East dam abutment and N. 62°25.8' E. 25,746 feet from the West dam abutment, said dam has a maximum height of 265.0 feet and a length of 1996 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.