Appendix G

Black Canyon NP
Water Right Decree

DISTRICT COURT, WATER DIVISION FOUR Court Address: 1200 N. Grand Ave., Montrose, CO 81401 (970) 252-5335	Filed in the District Court Water Division 4 JAN 0 8 2009
CONCERNING THE APPLICATION FOR WATER RIGHTS OF Applicant: UNITED STATES OF AMERICA In Montrose County	▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): Phone Number: E-mail: FAX Number: Atty. Reg. #:	Case Number: 01 CW 05 Division 2 Courtroom
MINUTE ORDER	

EFILED Document
CO Montrose County District Court 7th JD
Filing Date: Jan 9 2009 10:09AM MST
Filing ID: 23235938
Review Clerk: Darleen Cappannokeep

Having examined the Decree entered December 31, 2008, the Court finds a clerical error. Exhibits A-F were not included with the Lexis served Decree. The Clerk is directed to correct this error.

The Decree being entered is materially identical to the drafts previously circulated by the US, generally dated Aug. 25, 2008 to the mediating parties and by the Court dated Nov. 17, 2008 to all the parties and to that entered by the Court on Dec. 31, 2008. There have been other minor changes, mostly typographical corrections.

Thirty four parties, including all the mediation parties, have formally approved the decree by stipulation and approximately 157 parties conditionally withdrew their Statements of Opposition, the decree being entered fulfills the conditions of those Stipulations. All parties had the opportunity to object to the decree and no objections were timely filed.

As so corrected, the Decree is approved.

Dated this 8th day of January, 2009.

J. Steven Patrick
Water Judge

District Court Water Division No. 4 Colorado Court Address: Montrose Combined Court 1200 N. Grand Ave. Montrose, CO 81401	FILED Document CO Montrose County District Court 7th JD Filing Date: Jan 9 2009 10:08AM MST Filing ID: 23235938 Review Clerk: Dorrice Cappannokzep Filed in the District Court Water Division 4 JAN 0 8 2009
CONCERNING THE APPLICATION FOR WATER RIGHTS OF: **THE UNITED STATES OF AMERICA** **IN MONTROSE COUNTY.**	**COURT USE ONLY**
Attorney (Name and Address): David W. Gehlert U.S. Department of Justice Environment & Natural Resources Div. 1961 Stout St., Eighth Floor Denver, CO 80294 Phone Number: (303) 844-1386 E-mail: david.gehlert@usdoj.gov FAX Number: (303) 844-1350	Case Number: 01 CW 05 Division 4 Courtroom 2

DECREE QUANTIFYING THE FEDERAL RESERVED WATER RIGHT FOR BLACK CANYON OF THE GUNNISON NATIONAL PARK

THIS MATTER comes before the Court for entry of Findings of Fact, Conclusions of Law and Decree on the application for reserved water rights at Black Canyon of the Gunnison National Park. The Court, being fully and sufficiently advised in the premises, hereby makes the following Findings of Fact, Conclusions of Law and Decree.

FINDINGS OF FACT

1. A properly verified Application was filed in this matter by the United States of America on January 18, 2001. Timely and adequate notice of the Application was given in the manner provided by statute. See C.R.S. § 37-92-302 (2007).

2. The time for filing Statements of Opposition and for seeking leave to intervene has expired.

3. Statements of opposition were filed in this case by the parties listed in **Attachment A** to this decree.

4. Statements of opposition filed by the parties listed in **Attachment B** were withdrawn, subject to review of the final decree by said parties. The parties who signed stipulations for withdrawal have been provided the opportunity to review the final decree and have presented no objections. Parties who did not sign the stipulations have had an opportunity to review the final decree and to participate in this proceeding.

5. The parties listed in **Attachment C** participated in the negotiation of this decree and have approved its content. All parties to this case have had the opportunity to review this decree and have presented no objections.

6. This proceeding has been undertaken to quantify the federal reserved water right for Black Canyon of the Gunnison National Monument recognized in Partial Master-Referee Report Covering All of the Claims of the United States of America, slip op. (Aug. 6, 1976) adopted in relevant part as Findings, Conclusions and Order of the Court With Reference to the Partial Master-Referee's Report Covering All of the Claims of the United States of America and the Proposed Interlocutory Decree (Colo. Dist. Ct., March 6, 1978 and October 2, 1978 Order) ("1978 Decree").
The purposes of the water right were determined in the 1978 Decree, which was appealed in *United States v. Denver*, 656 P.2d 1 (Colo. 1982).

7. Black Canyon of the Gunnison National Monument was established by a Presidential Proclamation on March 2, 1933, "for the preservation of the spectacular gorges and additional features of scenic, scientific, and educational interest . . . .subject to all valid existing rights." Proclamation No. 2033, 47 Stat. 2558 (March 2, 1933) ("the Proclamation"). The Proclamation was issued pursuant to the Antiquities Act of 1906 which authorizes the President to establish national monuments to protect "objects of historic or scientific interest that are situated on lands owned or controlled by the Government of the United States." 16 U.S.C. § 431.

8. The Proclamation provides that "The Director of the National Park Service, under direction of the Secretary of the Interior, shall have the supervision, management, and control of [the] monument as provided in the act of Congress entitled 'AN ACT to establish a National Park Service, and for other purposes,' approved August 25, 1916 (39 Stat. 535-36), and acts additional thereto or amendatory thereof." The Department of the Interior reorganization plan no. 3 of 1950, 64 Stat. 1262, allows the Secretary to authorize any officer, agency or employee of the Department of the Interior to perform any function of the Secretary.

9. The Monument was subsequently expanded by two Presidential proclamations. Proclamation No. 2286, 52 Stat. 1548 (May 16, 1938); Proclamation No. 2372, 54 Stat. 2669 (Oct. 28, 1939). Certain lands were excluded in 1960. Proclamation 3344 (April 8, 1960). Congress further revised the boundaries in 1984. Pub.L. 98-357, 98 Stat. 297 (July 13, 1984).

10. Black Canyon of the Gunnison National Monument was made a National Park through the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999, codified at 16 U.S.C. § 410fff-410fff-10 ("the 1999 Black Canyon Act"). In this Decree, Black Canyon of the Gunnison National Park as well as the predecessor National Monument, will be referred to as "the Park." The boundaries of the Park are shown in **Attachment D**, the map attached hereto and made a part, hereof.

11. On January 18, 2001, the United States filed a Quantification of Reserved Right for Black Canyon of the Gunnison National Park in the Form of an Application to Make Absolute a Conditional Water Right ("Application"). The Application sought this Court's approval of a quantification of the federal reserved water right in the Gunnison River for the Park which included three basic elements: a base flow of 300 c.f.s. applicable throughout the year, a peak flow to be provided between May 1 and June 30 and shoulder flows to be provided between May 1 and July 25. The specific quantity of water claimed for the peak and shoulder flows varied depending on the "the total forecasted unregulated inflow into Blue Mesa Reservoir as of May 1 for the period from April 1 through July 31."

12. Consistent with the requirements of the 1978 Decree, the Application included an attachment which explained the need for the water claimed in terms understandable to the lay public.

13. The Application also included a paragraph explaining that "the United States recognizes that exercising the right to peak flows described in this claim will require careful consideration of numerous factors, including the structural capacity of upstream dams and potential downstream flooding, among other river management issues. Therefore, the Secretary of the Interior will confer with the State of Colorado, the National Park Service, the Bureau of Reclamation, the Western Area Power Administration, the Fish and Wildlife Service and other affected interests in order to ensure that operational decisions to exercise this right are in accord with the best available information and with full consideration of the river management issues noted."

14. The Wayne N. Aspinall Unit of the Colorado River Storage Project ("Aspinall Unit") is a federal reclamation project located approximately two miles upstream of the Park. The Aspinall Unit, originally known as the Curecanti Unit, was authorized by the Colorado River Storage Project Act of 1956 ("CRSPA") 70 Stat. 105 (1956), 43 U.S.C. § 620 et seq. The Aspinall Unit consists of Blue Mesa Dam and Reservoir, Morrow Point Dam and Reservoir and Crystal Dam and Reservoir and is governed by applicable law.

15. Water rights were decreed to the reservoirs and power plants of the Aspinall Unit in Civil Action No. 5590, old Water District 59; Civil Action 5782, old Water District 59; and Civil Action 6981, old Water District 62. The decrees in Civil Action numbers 6981 and 5590 were originally prosecuted by the Colorado River Water Conservation District and assigned to the United States by an Assignment of Water Rights dated January 26, 1962 subject to the terms of said assignment. The decrees were issued for the following beneficial purposes: domestic and municipal, irrigation and stock watering, industrial, development of electrical energy, flood control, piscatorial, wildlife protection and preservation and recreational purposes. Although the decrees provide different and successive priority numbers to the individual features of the various units, each and every unit was declared to be of equal priority and each was awarded the priority date of November 13, 1957.

16. On December 11, 1980, in Case No. 80CW156, the Water Court in and for Water Division 4 entered absolute decrees for the Aspinall Unit as follows:

Crystal Reservoir	30,000 acre-feet
Crystal Power Plant	3,000 c.f.s.
Blue Mesa Reservoir	940,755 acre-feet
(Refill decree for Blue Mesa Reservoir)	122,702 acre-feet
Blue Mesa Power Plant	2,500 c.f.s (originally 3,500 c.f.s.)
Morrow Point Reservoir	119,053 acre-feet
Morrow Point Power Plant	5,450 c.f.s.

17. The United States has been using the full amount of water adjudicated to the Aspinall Unit to capture the flows of the Gunnison River in priority.

18. The water right decreed herein fulfills the purposes of the federal reserved water right for Black Canyon of the Gunnison National Park.

CONCLUSIONS OF LAW

19. The Court incorporates the Findings of Fact set forth above to the extent they constitute Conclusions of Law.

20. The Application herein is one contemplated by law, and this Court has jurisdiction over the subject matter of this proceeding.

21. The United States has been joined to this proceeding pursuant to the McCarran Amendment, 43 U.S.C. § 666.

22. Timely and adequate notice of the filing and of the contents of the Application herein was given in the manner provided by law. The Court has jurisdiction over all persons and owners of property, including water rights, affected hereby, irrespective of whether or not those persons and owners of property have appeared. See C.R.S. § 37-92-302 (2007).

23. Under the Federal reserved water rights doctrine, and as previously determined by this Court in the 1978 Decree, the United States has reserved instream flow water rights in the Gunnison River within the boundaries of the Park with a priority date of March 2, 1933, to fulfill the purposes of the Park. *Arizona v. California*, 373 U.S. 546 (1963); *Cappaert v. United States*, 426 U.S. 128 (1976); *United States v. New Mexico*, 438 U.S. 696 (1978); *United States v. Denver*, 656 P. 2d 1 (Colo. 1982).

24. The Monument's designation as a National Park neither constituted an express or implied reservation of water for any purpose; nor affected any water rights in existence prior to October 21, 1999, including any water rights held by the United States. The Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999, 16 U.S.C. § 410fff-8(a).

25. The streamflows specified in Paragraph 31.5 of this decree are the result of a negotiated resolution of this case. In order to implement the accommodation of the parties and efficiently allow the streamflow patterns contemplated by Paragraph 31.5, the use of the Aspinall Unit, including its storage and release capacity, may be needed in some years. Such operation of the Aspinall Unit in conjunction with the exercise of the water right decreed herein, is within the scope of the Aspinall Unit's federally authorized purposes and its Colorado Water Court decrees.

26. Nothing in this decree modifies the Aspinall Unit water rights or the federally authorized purposes of the Unit in any way.

27. The United States has demonstrated its entitlement to this decree as a matter of law.

JUDGMENT AND DECREE

28. The Findings of Fact and Conclusions of Law contained herein are incorporated by reference and made a part of this Decree.

29. This Judgment and Decree constitutes the final adjudication of all claims of the United States for reserved water rights in the mainstem of the Gunnison River for Black Canyon of the Gunnison National Park.

30. Definitions. As used in this decree:

30.1 "Forecasted Inflow" means the **May 1** forecast for the Gunnison River Basin issued by the Colorado Basin River Forecast Center or successor agency, and used by the Bureau of Reclamation for forecasts, of the most probable (50% chance of exceedance) unregulated April 1 through July 31 inflow to Blue Mesa Reservoir. After consultation with the Colorado State Engineer and the Colorado River Water Conservation District, the United States may adopt a different forecast which uses the best scientifically accepted techniques to predict unregulated inflow to Blue Mesa Reservoir, or change the date of the forecast if the timing of peak runoff in the Upper Gunnison Basin changes significantly on a consistent basis.

30.2. Forecasted Inflow to Blue Mesa Reservoir shall be used in Paragraph 32.3 to define year categories as follows:

30.2.1. Dry Year: A year in which the Forecasted Inflow is less than 381,000 acre-feet. This value was defined by a 90% probability of exceedance during the period of record.

30.2.2 Moderately Dry Year: A year in which the Forecasted Inflow is greater than or equal to 381,000 acre-feet but less than 561,000 acre-feet. This value was defined by a 90 to 70% probability of exceedance during the period of record.

30.2.3 Average Dry Year: A year in which the Forecasted Inflow is greater than or equal to 561,000 acre-feet but less than 709,000 acre-feet. This value was defined by a 70 to 50% probability of exceedance during the period of record.

30.2.4 Average Wet Year: A year in which the Forecasted Inflow is greater than or equal to 709,000 acre-feet but less than 871,000 acre-feet. This value was defined by a 50 to 30% probability of exceedance during the period of record.

30.2.5 Moderately Wet Year: A year in which the Forecasted Inflow is greater than or equal to 871,000 acre-feet but less than 1,123,000 acre-feet. This value was defined by a 30 to 10% probability of exceedance during the period of record.

30.2.6 Wet Year: A year in which the Forecasted Inflow is greater than or equal to 1,123,000 acre-feet. This value was defined by a 10% probability of exceedance during the period of record.

30.2.7 The period of record used in the above definitions was 1937 through 1997.

30.2.8 For the purposes of this decree the definitions of this Paragraph 30.2 will not change.

31. Description of the reserved right:

31.1 **Place of Use**: The Gunnison River on lands reserved by Presidential Proclamation on March 2, 1933. (See **Attachment E** for legal description)

31.2 **Source**: Gunnison River

31.3 **Administrative Priority Date**: Antedated to March 2, 1933

31.4 **Purpose of Use**: To fulfill the purposes of the Park as determined in the 1978 Decree, for the instream flow reserved rights herein quantified; the 1978 Decree was appealed in *United States v. Denver*, 656 P.2d 1 (Colo. 1982).

31.5 **Amount**: The amount of water, expressed in cubic feet per second ("c.f.s.") as measured at the Gunnison River below Gunnison Tunnel gage (No. 09128000) reserved to the United States as a direct flow water right for the benefit of the Park is as follows:

31.5.1 During the period January 1 through December 31, the greater of 300 c.f.s. or the quantity set by Paragraphs 31.5.2 or 31.5.3.

31.5.2 During the period May 1 through June 30, one annual Peak Flow of twenty-four hours duration with a mean daily flow in an amount defined by the following formulae:

31.5.2.1 If Forecasted Inflow is 372,000 acre-feet or less, the Peak Flow shall be 482.95 c.f.s. plus 1.44 times the Forecasted Inflow number divided by 1,000, expressed as c.f.s. (By way of illustration, if the Forecasted Inflow for a given year is 100,000 acre-feet, the Peak Flow for that year is 482.95 + (100,000/1,000) x 1.44 = 626.95 c.f.s.).

31.5.2.2 If the Forecasted Inflow is more than 372,000 acre-feet but not more than 715,000 acre-feet, the Peak Flow shall be 15.24 times the Forecasted Inflow number divided by 1,000, expressed as c.f.s., minus 4,651.66 c.f.s. (By way of illustration, if the Forecasted Inflow for a given year is 600,000 acre-feet, the Peak Flow for that year is (600,000/1,000) x 15.24 – 4,651.66 = 4,492.34 c.f.s.).

31.5.2.3 If the Forecasted Inflow is more than 715,000 acre-feet but not more than 925,000 acre-feet, the Peak Flow shall be 5,449.13 c.f.s. plus 1.15 times the Forecasted Inflow number divided by 1,000, expressed as c.f.s. (By way of illustration, if the Forecasted Inflow for a given year is 800,000 acre-feet, the Peak Flow for that year is 5,449.13 + (800,000/1,000) x 1.15 = 6,369.13 c.f.s.).

31.5.2.4 If the Forecasted Inflow is more than 925,000 acre-feet but not more than 1,001,000 acre-feet, the Peak Flow shall be 14.57 times the Forecasted Inflow number divided by 1,000, expressed as c.f.s., minus 6975.28 c.f.s. (By way of illustration, if the Forecasted Inflow for a given year is 975,000 acre-feet, the Peak Flow for that year is (975,000/1,000) x 14.57 - 6975.28 = 7,230.47 c.f.s.).

31.5.2.5 If the Forecasted Inflow is more than 1,001,000 acre-feet but not more than 1,050,000 acre-feet, the Peak Flow shall be 70.40 times the Forecasted Inflow number divided by 1,000, expressed as c.f.s., minus 62886.00 c.f.s. (By way of illustration, if the Forecasted Inflow for a given year is 1,025,000 acre-feet, the Peak Flow for that year is (1,025,000/1,000) x 70.40 - 62886.00 = 9,274.00 c.f.s.).

31.5.2.6 If the Forecasted Inflow is more than 1,050,000 acre-feet, the Peak Flow shall be 10.68 times the Forecasted Inflow number divided by 1,000, expressed as c.f.s., minus 180.00 c.f.s. (By way of illustration, if the Forecasted Inflow for a given year is 1,100,000 acre-feet, the Peak Flow for that year is (1,100,000/1,000) x 10.68 - 180.00 = 11,568 c.f.s.).

31.5.2.7 The calculations in Paragraphs 31.5.2.1 through 31.5.2.6 are shown in graphic form in **Attachment F**.

31.5.2.8 The Secretary shall exercise the Peak Flow component of the water right decreed herein, including any operation of the Aspinall Unit necessary to exercise the Peak Flow component of the water right, with due regard to the efficient use of water.

31.5.3 During the period of May 1 through July 25 and when Paragraph 31.5.2 is not applicable, the streamflow reserved is the quantity set by paragraphs 31.5.3.1 through 31.5.3.4.

31.5.3.1 If the Forecasted Inflow is 561,000 acre-feet or less, or the drought recovery provisions of Paragraph 32.3 are applicable, the flow for the period shall be 300 c.f.s.

31.5.3.2 If the Forecasted Inflow is more than 561,000 acre-feet but not more than 690,000 acre-feet, the flow for the period shall be 2.692 times the Forecasted Inflow number divided by 1,000, expressed as c.f.s, minus 1207.69 c.f.s (By way of illustration, if the Forecasted Inflow for a given year is 600,000 acre-feet, the flow is (600,000/1,000) x 2.692 – 1207.69 = 407.51 c.f.s.).

31.5.3.3 If the Forecasted Inflow is more than 690,000 acre-feet but not more than 1,000,000 acre-feet, the flow for the period shall be 1.129 times the Forecasted Inflow number divided by 1,000, expressed as c.f.s, minus 129 c.f.s (By way of illustration, if the Forecasted Inflow for a given year is 800,000 acre-feet, the flow is (800,000/1,000) x 1.129 - 129 = 774.2 c.f.s.).

31.5.3.4 If the Forecasted Inflow is more than 1,000,000 acre-feet, the flow for the period shall be 1000 c.f.s.

31.5.4 The Secretary of the Interior's exercise of this water right is subject to the Secretary's discretion and obligations as defined by applicable law, and the Terms and Conditions set forth in Paragraph 32.

32. Terms and Conditions:

32.1 Reclamation Projects

32.1.1 This decree shall not be exercised to affect operations under the Taylor Park Operation and Storage Exchange Agreement dated August 28,1975 (Reclamation Contract No. 6-07-01-00027), as supplemented by the Agreement dated April 16, 1990 and Assignment of Water Rights dated March 22, 1993; the Uncompahgre Project's Gunnison Tunnel; the Uncompahgre Project's water stored in Blue Mesa Reservoir and the Dallas Creek Project's Ridgway Reservoir Exchange.

32.2 Prevention of flooding

32.2.1 The magnitude, duration and frequency of high flows through the Park is generally a function of the natural runoff pattern and the operation of the Aspinall Unit. There are unusually wet years in the historical record, however, in which the runoff cannot be, and has not been, completely controlled by the Aspinall Unit in a manner sufficient to prevent downstream flooding.

32.2.2 In order to minimize downstream flooding: (1) the United States shall continue to operate the Aspinall Unit to give the highest priority to flood control, subject to the need to release water in order to maintain the safety and integrity of the Aspinall Unit structures; and (2) this decree shall not be exercised to supersede flood control operations. This provision is intended to protect human health and safety and prevent the loss of property located along the Gunnison River downstream from the Park, including particularly, but without limitation, property in and the inhabitants of Delta County.

32.3 Drought recovery provisions.

32.3.1 In any year classified as Average Dry or Moderately Dry which (1) follows a Dry year or two consecutive years classified as Dry and/or Moderately Dry Years, and (2) in which in the prior year Blue Mesa Reservoir live storage content was at or below 550,000 acre-feet on December 31, the Aspinall Unit shall be allowed to store and retain in storage until later released downstream, the volume of water that is the difference between the Peak Flow determined under Paragraph 31.5.2 and the peak flow obtained by multiplying the streamflow value determined under Paragraph 31.5.2 by the following formula:

[(Actual Apr. through July BM inflow in previous year) + (May 1 Forecast for Apr. through July BM inflow in current year)] [(Max. possible April through July BM Inflow in the previous year category) + (Max. possible Apr. through July BM inflow in current year category)];

32.3.2 Provided, that as against all water rights other than the Aspinall Unit water rights, the Park's Water Right shall be administered on the basis of the streamflow determined under Paragraph 31.5.

32.3.3 This Court finds that the United States' forbearance of its right to call the full streamflow amounts as against the Aspinall Unit water rights under the conditions of this paragraph is not a selective subordination.

32.4 Fisheries and Endangered Species Act requirements.

32.4.1 The Secretary's exercise of this water right shall be with due regard for the fishery within the Gunnison River. The Secretary shall consult with the Colorado Division of Wildlife regarding the exercise of this right consistent with this decree.

32.4.2 Contemporaneous with the negotiated resolution of this decree, the United States has been engaged in analysis pursuant to the Endangered Species Act ("ESA") and the National Environmental Policy Act ("NEPA") regarding operation of the Aspinall Unit pursuant to the Endangered Species Act, and anticipates that the Secretary will issue a Record of Decision ("ROD").

32.4.3 The Secretary's exercise of this water right shall be with due regard for, and shall be coordinated with, requirements of the Endangered Species Act.

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32.4.4 To the extent practicable, this right shall be exercised so that the timing of the Peak Flow is coordinated with releases made pursuant to the ROD to achieve a single peak flow, subject to 32.2.2. It may be necessary in some years to de-synchronize the Peak Flow from the peak runoff of the North Fork of the Gunnison River to reduce the potential for downstream flooding.

32.4.5 The Court shall exercise limited continuing jurisdiction in this case as set forth in this paragraph. The Court's continuing jurisdiction may be invoked only (1) upon a motion filed by a party to this case pursuant to C.R.C.P. 60(b)(5) no later than 90 days following issuance of a ROD, and (2) only if such motion asserts, and the Court finds, that, due to the provisions of the decree herein: the ROD does not include the implementation of a Programmatic Biological Opinion that (a) covers existing depletions in the Gunnison River Basin from federal and non-federal water uses plus reasonably foreseeable future in-basin depletions of approximately 45,000 acre-feet (the future in-basin depletions are anticipated to be 22,200 acre-feet in the Gunnison River Basin above Crystal Reservoir, 4,000 acre-feet in the North Fork Gunnison River Basin, and 17,000 acre-feet in the Uncompahgre River Basin); and (b) contains a finding of no jeopardy to the listed species and a finding of no adverse modification of critical habitat, or contains a reasonable and prudent alternative to offset identified impacts. Upon invocation of the Court's continuing jurisdiction, the Court may award such relief as it deems appropriate. The description of the ROD and its contents apply only to the provisions of this paragraph. This paragraph does not limit the Secretary's discretion in formulating the ROD.

32.5 Agreements governing implementation of the water right

32.5.1 The United States shall subordinate the Black Canyon Right to all water rights with adjudicated priorities that are senior to the Aspinall Unit Rights. The Black Canyon Right is subordinated by this paragraph to all water rights assigned an administration number less than 39398.00000 in the tabulation of water rights for Water Division 4 dated July 1, 2006 (the "Senior Rights").

32.5.2 In determining whether a future change in the place of use of a Senior Right from within the Upper Gunnison River Basin to outside of the Basin, or a future change of a Senior Right that would facilitate the use of any other Upper Gunnison River Basin water right outside of the Basin, would injuriously affect other water rights under § 37-92-305(3), C.R.S. (2006) and in imposing terms and conditions to prevent injury under § 37-92-305(4)(a), C.R.S. (2006) the referee or water judge shall evaluate the historical use of that Senior Right without the benefit of the subordination described in Paragraph 32.5.1 above. The State and Division Engineers shall not be required to file a statement of opposition or otherwise appear in a change of water right case for the purpose of enforcing the terms of this paragraph.

32.5.3. The Aspinall Subordination Agreement as decreed in Case No. 03CW263, Water Division 4, represents an existing, non-discretionary commitment by the United States to operate the Aspinall Unit so as to allow the depletions authorized in Case No. 03CW263 to the Gunnison River in the drainages above Crystal Dam, Morrow Point Dam, and Blue Mesa Dam. In furtherance of this existing commitment, the depletions to the Gunnison River that are authorized by the Aspinall Subordination Agreement shall be entitled to continue when a call is placed on the Gunnison River by the United States under the Black Canyon Right, subject to the separate drainage limitations set forth in the Agreement. This Court finds that the United States' forbearance of its right to call specifically noted above is not a selective subordination because (1) doing so gives effect to the commitment made by the United States in the Aspinall Subordination Agreement as recognized by the Colorado Supreme Court in *Board of County Commissioners of the County of Arapahoe v. Crystal Creek Homeowners Association*, 14 P. 3d 325 (Colo. 2000); and (2) in administering this decree, as a matter of state law, the State and Division Engineers shall continue to account for up to 60,000 acre-feet of water that is necessary to implement the augmentation plan that is the subject of the decree in Case No. 03CW263, Water Division 4, as the first 60,000 acre-feet of water attributable to the Aspinall Unit Water Rights, regardless of the temporal relationship between the depletions that benefit from the decree in Case No. 03CW263 and the call for water by the Black Canyon Right.

32.5.4. Some Parties have interpreted the tabulation of water rights for Water Division 4, dated July 1, 2006, to assign administrative number 39398 to individual plans for augmentation. For the purposes of this Decree, any attribution of an administrative number to individual plans for augmentation in the Water Division 4 Tabulation dated July, 1 2006, or any future tabulation, does not assign an administrative priority to the plan for augmentation. For the purposes of this Decree, any such attribution is purely for reference to the water right used for replacement purposes in the augmentation plan, and such attribution is not intended to assign an administrative priority to a plan for augmentation nor to the actual water right or water use that is augmented. Accordingly, any such attribution of administrative numbers shall not affect whether the water right or water use is entitled to the protections of Paragraphs 32.5.1, 32.5.2, or 32.5.3 of this Decree.

32.5.5. The provisions of Paragraphs 32.5.1, 32.5.2, 32.5.3, and 32.5.4 of this Decree do not include a selective subordination and therefore nothing in these provisions is intended to require the State and Division Engineers to administer a selective subordination. Nothing in this Decree constitutes any admission by any party as to the legality of selective subordination, or shall be used as precedent in any other case regarding any party's position on selective subordination.

32.5.6. In the event that the subordination of the Black Canyon Right in paragraphs 32.5.1 and 32.5.3 are deemed unenforceable for any reason, then no subordination pursuant to the unenforceable provisions shall occur. In that event, if administration of a call on the Gunnison River by the Black Canyon Right would result in curtailment in whole or part of a water right which would have been permitted to divert water as a result of the subordination in paragraphs 32.5.1 or 32.5.3, water shall be released without charge from the Aspinall Unit to the extent necessary to replace depletions sufficient to permit diversions by said water right in amounts that would have been permitted under the subordination. This paragraph does not change any water rights of the Aspinall Unit or decree a plan for augmentation or exchange.

33. This Decree was entered pursuant to agreement of the parties to address their interests and concerns and resolves them finally in this matter. However, because the issues decided herein have not been litigated by the parties, the parties shall not be collaterally estopped from asserting any factual and/or legal issues in any other cases not involving these water rights. This Decree shall not be used, considered, or cited as precedent in any other case except and only to the extent that the rights decreed herein are at issue.

34. The reserved water right decreed herein is subject to, and capable of, administration by the Colorado State Engineer. The United States shall keep such records as the Division Engineer may request for administration of this water right.

35. The water clerk shall serve a copy of this Decree upon the parties, the Division Engineer, Water Division No. 4, and the State Engineer.

36. The Court shall exercise limited continuing jurisdiction over this Decree solely as specified in Paragraph 32.4.5.

Done this 8 day of January, 2009 nunc pro tunc 12/31/08

BY THE COURT:

J. Steven Patrick
Water Judge

E-filed A Copy of this Document to all parties in this case.

Dated

Water Clerk

ATTACHMENTS

EFILED Document
CO Montrose County District Court 7th JD
Filing Date: Jan 9 2009 10:08AM MST
Filing ID: 23235938
Review Clerk: Darleen Cappannokeep

Letter	Title
A	List of Parties Filing a Statement of Opposition.
B	List of Parties Stipulating to Withdrawal of Their Statement of Opposition.
C	List of Parties Participating in the Mediation of this Case
D	Map of Black Canyon of the Gunnison National Park.
E	Lands Reserved by Presidential Proclamation of March 2, 1933.
F	Annual Peak Flow in Graphic Form.

ATTACHMENT A
Decree, Case No. 01CW05

LIST OF PARTIES FILING A STATEMENT OF OPPOSITION

1	Adams-Wilson Ranch LLP **Rufus O. Wilderson** Wilderson O Hayre, Dawson & Frazier P.O. Box 179 Gunnison, CO 81230
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4	Anderson, Perry 1312 W. Tomichi Gunnison, CO 81230 *Pro Se*
5	Anderson, Rosemary P.O. Box 2 Delta, CO 81416-0002 *Pro Se*
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7	Barkman, Rebecca J. 900 County Road 13 Gunnison, CO 81230 *Pro Se*
8	Barrett, Edward 56981 Ida Road Montrose, CO 81401 *Pro Se*
9	Board of Director Upper Surface Creek Dom Water P.O. Box 70 Cedaredge, CO 81413 *Pro Se*
10	Benson, Catherine P.O. Box 142 Crested Butte, CO 81229 *Pro Se*
11	Benson, Fred 508 W. Georgia Ave. Gunnison, CO 81230 *Pro Se*
12	Berg, Alvin & Vera 840 Gothic Road Mt. Crested Butte, CO 81225 *Pro Se*
13	Bertschy, Elizabeth Ann 607 County Road 730 Gunnison, CO 81230 *Pro Se*
14	Black Canyon Audubon Society c/o J. Richard Guadagno P.O. Box 1371 Paonia, CO 81428 *Pro Se*
15	Black Mesa Cattlewomen c/o Kandice Schwartz P.O. Box 65 Crawford, CO 81415 *Pro Se*
16	Blaum, Ray P.O. Box 789 Lake City, CO 81235 *Pro Se*
17	Board Of County Commissioner of Gunnison County **David Baumgarten** 200 East Virginia Avenue Gunnison, CO 81230-2297
18	Board Of County Commissioner of Arapahoe County **Paul J. Zilis** Vranesh & Raisch LLP P.O. Box 871 Boulder, CO 80306

19	Board of County Commissioner of Delta County **Bradley K. Kolman** 501 Palmer Street, Suite 105 Delta, CO 81416-1764t
20	Bolton, Cynthia c/o Gerald Bullock 189 Park Drive Gunnison, CO 81230 *Pro Se*
21	Bombard, Ron 4566 Highway 114 Gunnison, CO 81230 *Pro Se*
22	Boris, William Outsiders Ranch 9908 County Road 76 Parlin, CO 81239
23	Boston, Linda c/o Gerald Bullock 189 Park Drive Gunnison, CO 81230 *Pro Se*
24	Bostwick Park Water Conservancy District **Robert J. Thomas** Cashen Cheney & Thomas P.O. Box 387 Montrose, CO 81402
25	Buffington, Frank 3148 County Road 730 Gunnison, CO 81230 *Pro Se*
26	Gerald Bullock 189 Park Drive Gunnison, CO 81230 *Pro Se*
27	Cadwell, Forest Guy 2104 HC 52 Powderhorn, CO 81243 *Pro Se*
28	Calkins, Don & Reta c/o Gerald Bullock 189 Park Drive Gunnison, CO 81230 *Pro Se*

29	Calkins, Glenn & Leila c/o Gerald Bullock 189 Park Drive Gunnison, CO 81230 *Pro Se*
30	Caloger, Peter P.O. Box 343 Almont, CO 81210 *Pro Se*
31	Camp Gunnison Inc. c/o Edwin Horney 606 County Road 9 Gunnison, CO 81230 *Pro Se*
32	Camp Redcloud Inc. P.O. Box 130 Lake City, CO 81235 *Pro Se*
33	Campbell, Donald W P.O. Box 880 3445 County Road 30 Lake City, CO 81235 *Pro Se*
34	Card, William c/o Gerald Bullock 189 Park Drive Gunnison, CO 81230 *Pro Se*
35	Carlson, May Lee 521 N. Taylor Street Gunnison, CO 81230 *Pro Se*
36	Carlson, Richard B P.O. Box 641 Gunnison, CO 81230 *Pro Se*
37	Carney, Jon 190 Park Drive Gunnison, CO 81230 *Pro Se*
38	Castle Mtn. Irrigation Road & Recreation c/o David M. Barton 304 W. Tomichi - Suite 26 Gunnison, CO 81230 *Pro Se*

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39	Cebolla Hot Springs **Richard Bratton** Bratton, Hill & Essex, LLC 232 W. Tomichi Ave, Suite 202 Gunnison, CO 81230
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41	Chamberland, Patricia & Phillip 18 Mallard Point Drive Gunnison, CO 81230 *Pro Se*
42	Chambers, Joe c/o Gerald Bullock 189 Park Drive Gunnison, CO 812130 *Pro Se*
43	Cimarron Canal & Reservoir CO **Robert J. Thomas** Cashen Cheney & Thomas P.O. Box 387 Montrose, CO 81402
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45	City of Fruita **Nathan Keever** Dufford Waldeck Milburn & Krohn 744 Horizon Ct., Suite 300 Grand Junction, CO 81506
46	City of Grand Junction **John Patrick Shaver** 250 N. 5th Street Grand Junction, CO 81501
47	City of Gunnison **Timothy Beaton** Moses Wittemyer Harrison & Woodruff P.O. Box 1440 Boulder, CO 80306-1440

48	City of Montrose **Russell Dale Duree** 433 So. First Street Montrose, CO 81402-0790
49	City of Ouray Lee D. Merkel, City Administrator P.O. Box 468 Ouray, CO 81427
50	Clark III, Ralph E. & Judy 519 E. Georgia Ave Gunnison, CO 81230 *Pro Se*
51	Clarke, Charmaine F. & Jeff P.O. Box 293 Gunnison, CO 81230 *Pro Pro Se*
52	Cochran Jacqueline S. & James O. 23825 Highway 149 Powderhorn, CO 81243 *Pro Se*
53	Cockrell Trustees **Charles B. White** **David S. Hayes** Petros & White, LLC 1999 Broadway, Suite 3200 Denver, CO 80202
54	Coffey, Bradley & Cheryl 1709 Tomichi Road Gunnison, CO 81230 *Pro Se*
55	Coleman, Tim P.O. Box 613 Saguache, CO 81149 *Pro Se*
56	Collin, Steve J. 910 County Road 906 Montrose, CO 81401 *Pro Se*
57	Collin, Theodore G. 70252 Buckhorn Road Montrose, CO 81401 *Pro Se*
58	Collins, Rebie 14220 Highway 114 Gunnison, CO 81230 *Pro Se*

59	Colorado Farm Bureau **Lee Edward Miller** Burns, Figa & Will, PC 6400 South Fiddlers Green Circle Suite 1030 Denver, CO 80111
60	Colorado River Energy Distribution Assoc. **Timothy J. Beaton** Moses, Wittemyer, Harrison & Woodruff P.O. Box 1440 Boulder, CO 80306-1440
61	Colorado River Outfitters Association Andy Neinas P.O. Box 1662 Buena Vista, CO 81211 *Pro Se*
62	Colorado River Water Conservancy District **Peter C. Fleming** **Jill McConaughy** P.O. Box 1120 Glenwood Springs, CO 81602
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66	Corn, Shirley c/o Gerald Bullock 189 Park Drive Gunnison, CO 81230 *Pro Se*
67	Coury, Janet P.O. Box 791 Gunnison, CO 81230 *Pro Se*
68	Cranor Inc. c/o Walter J. Cranor, President 3600 County Road 110 Gunnison, CO 81230 *Pro Se*
69	Crystal Creek Homeowners Association **Charles B. White** **David S. Hayes**
70	Daily, Mark R. 1388 County Road 8 Gunnison, CO 81230 *Pro Se*
71	Delta County Farm Bureau Attn: Hugh Sanburg 322 W. 5th Delta, CO 81416 *Pro Se*
72	Delta County Soil Conservation Board 690 Industrial Boulevard Delta, CO 81416 *Pro Se*
73	Deming, Wanda 3044 McDowell Road Las Cruces, NM 88005-6403 *Pro Se*
74	Denham Ranch 2070 57.25 Road Olathe, CO 81425 *Pro Se*
75	Dickenson, Audrey c/o Gerald Bullock 189 Park Drive Gunnison, CO 81230 *Pro Se*
76	Division Engineer **Wayne Schieldt** P.O. Box 456 Montrose, CO 81402

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77	Doll, Patricia 20645 Highway 135 Crested Butte, CO 81224 *Pro Se*
78	Dos Rios Homeowners Association - Unit 1 P.O. Box 462 Gunnison, CO 81230 *Pro Se*
79	Dos Rios Water Company George Stowell, President P.O. Box 891 Gunnison, CO 81230 *Pro Se*
80	Dunda, Peter P 6966 County Road 742 Almont, CO 81210 *Pro Se*
81	Dvorak, Bill 17921 US Highway 285 Nathrop, CO 81236 *Pro Se*
82	Dykes III, John R. 499 County Road 771 Ohio City, CO 81237 *Pro Se*
83	Eagle Ridge Ranch Homeowners 6635 County Road 730 Gunnison, CO 81230 *Pro Se*
84	East River Ranches Homeowners Assn. **Richard Bratton** Bratton, Hill & Essex, LLC 232 W. Tomichi - Suite 202 Gunnison, CO 81230
85	Edmonds, Gary c/o Gerald Bullock 189 Park Drive Gunnison, CO 81230
86	Edmondson, Robert 333 Bluff, Box 566 Lake City, CO 81235 *Pro Se*

87	Eichhorn, Jeff 4076 57.25 Road Olathe, CO 81425 *Pro Se*
88	Elliott, Charles 52086 Carnation Road Delta, CO 81416 *Pro Se*
89	Environmental Defense **Andrew L. Spielman** Hogan & Hartson, L.L.P. 1200 17th Street, Suite 1500 Denver, CO 80202
90	Environmental Defense Rocky Mtn. Office **Bruce Driver, Bart Miller** Land & Water Fund 2260 Baseline Road, Suite 200 Boulder, CO 80302
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92	Esty Ranch Inc **Richard Bratton** Bratton, Hill & Essex, LLC 232 W. Tomichi - Suite 202 Gunnison, CO 81230
93	Fabiano, Gary L. c/o Gerald Bullock 189 Park Drive Gunnison, CO 81230 *Pro Se*
94	Fairway Condominium Associtaion 37510 U.S. Highway 50 #E-2 Gunnison, CO 81230 *Pro Se*
95	Fisher, Cynthia E & Frederick S 12756 Shavano Road Montrose, CO 81401 *Pro Se*

96	Ford, Donna & Lucky 9950 County Road 17GG Gunnison, CO 81230 *Pro Se*
97	Ford, Rey 707 County Road 28 Powderhorn, CO 81243 *Pro Se*
98	Frame, Mary Jacks Cabin P.O. Box 339 Almont, CO 81210 *Pro Se*
99	Fulton, Alice L 2750 County Road 721 Gunnison, CO 81230 *Pro Se*
100	Gabriella, Kathleen P.O. Box 414 Gunnison, CO 81230 *Pro Se*
101	Gaddis, Donald 10011 James Road Fredricksburg, OH 44627 *Pro Se*
102	Gallowich, John W 20369 Hwy 135 Crested Butte, CO 81221 *Pro Se*
103	Garfield Investments **Richard Bratton** Bratton, Hill & Essex, LLC 232 W. Tomichi - Suite 202 Gunnison, CO 81230
104	Garreffa, Nick 6617-5700 Road Olathe,CO 81425 *Pro Se*
105	Glacier Lily Association **Lori J. M. Satterfield** Holland & Hart 555 17th Street, Suite 3200 Denver, CO 80202
106	Glass, Fred P.O. Box 1309 207 Rainbow Acres Lane Gunnison, CO 81230 *Pro Se*
107	Glass, Fred O P.O. Box 88 Parlin, CO 81230 *Pro Se*
108	James Glivar 3352 S. Valencia Court Denver, CO 80231 *Pro Se*
109	Glover, Bonnie 69629 U.S. Highway 50 Montrose, CO 81401 *Pro Se*
110	Gold Basin Homeowners Association Susan Basso, President 33 Willow Trail Gunnison, CO 81230 *Pro Se*
111	Gore, David P.O. Box 572 Colleyville, TX 76034 *Pro Se*
112	Goring, Nichole R T 94 Tradewinds Lane Bayfield, CO 81122 *Pro Se*
113	Gorsuch, David 236 E. Gore Creek Drive Vail, CO 81657 *Pro Se*
114	Gorsuch, S David 1193 Cabin Circle Vail, CO 81657 *Pro Se*
115	Graham, Zeta I 225 Columbine Road Gunnison, CO 81230 *Pro Se*

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116	Grand Mesa Ranch Homeowners Assn. Herschel G. Burgess P.O. Box 129 Cedaredge, CO 81413 *Pro Se*
117	Grand Mesa Water Users Association Bob Brewer POB 399 Cedaredge, CO 81413
118	Green Mesa Ranch Homeowners Johnny Leverett, President 525 County Road 75 Parlin, CO 812139 *Pro Se*
119	Greenhalgh, Lily & Mike 2267 R. Road Cedaredge, CO 81413 *Pro Se*
120	Greenhill, Ken P.O. Box 1384 Olathe, CO 81925 *Pro Se*
121	Greer, James R. c/o Gerald Bullock 189 Park Drive Gunnison, CO 81230 *Pro Se*
122	Greiner, Joe P.O. Box 1550 Buena Vista, CO 81211 *Pro Se*
123	Groda III, Bertie 349 1550 Road Delta, CO 81416 *Pro Se*
124	Grosse, Jason c/o Gerald Bullock 189 Park Drive Gunnison, CO 81230 *Pro Se*
125	Gunnison County Stockgrowers Assn. **Kenneth Spann** 16080 Highway 135 Almont, CO 81210

126	Gunnison Gold Club Inc John Perusek, President P.O. Box 86 Gunnison, CO 81230 *Pro Se*
127	Gunnison Soil Conservation District Ted T. Bemis 216 N. Colorado Gunnison, CO 81230 *Pro Se*
128	Hagar Partners 1028 County Road 744 Almont, CO 81210 *Pro Se*
129	Hagar, Donald K. 1000 County Road 744 Almont, CO 81210 *Pro Se*
130	Hammon, Bruce G 146 County Road 8 Gunnison, CO 81230 *Pro Se*
131	Hardilek, Thomas A 417 Paradise Point Drive Boerne, TX 78006-94002 *Pro Se*
132	Harold F. Kreuger Trust 6794 Highway 114 Gunnison, CO 81230 *Pro Se*
133	Harrison, Harriett 1986 6450 Road Montrose, CO 81401 *Pro Se*
134	Hawkins, Bud 150 2450 Drive Delta, CO 81416 *Pro Se*
135	Hayes, Roy A 7444 County Road 50 Powderhorn, CO 81243 *Pro Se*
136	Haynes, Richard H. 123 County Road 13 Gunnison, CO 81230 *Pro Se*

137	Heath, Bruce Box 36 Lake City, CO 81236 *Pro Se*
138	Heatherwood Villas Condominiums P.O. Box 1118 Gunnison, CO 81230 *Pro Se*
139	Hefftner, Debra 4890 County Road 76 Parlin, CO 81239 *Pro Se*
140	Herrick, Edward D P.O. Box 176 Telluride, CO 81435 *Pro Se*
141	Hicks, Melvin R. Hicks P.O. Box 669 Gunnison, CO 81230 *Pro Se*
142	Hicks, Marion L 211 S. Taylor Gunnison, CO 81230 *Pro Se*
143	Higgins, Lisa P.O. Box 413 Lake City, CO 81235 *Pro Se*
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146	Hildreth, Kelly & Vicky 9102 County Road #76 Ohio City, CO 81237 *Pro Se*
147	Hoffman, Patricia K. 2246 R. Rad Cedaredge, CO 81413 *Pro Se*
148	Holley, Susan Guy 9901 County Road 30 Lake City, CO 81235 *Pro Se*
149	Horizon Ranch Inc. **Patrick Miller** Patrick Miller & Kropf PC 730 E. Durant, Suite 200 Aspen, CO 81611
150	Hoskins, Larry & Ruth P.O. Box 902 Olathe, CO 81425 *Pro Se*
151	Hostetler, Patricia 10319 James Road Fredricksburg, OH 44627 *Pro Se*
152	Hotze, Henry P.O. Box 315 Montrose, CO 81402 *Pro Se*
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154	Howard, Edward & Robert 37526 U.S. Highway 50 Gunnison, CO 81230 *Pro Se*
155	Howard, Michael **Richard Bratton** Bratton, Hill & Essex, LLC 232 W. Tomichi Ave, Suite 202 Gunnison, CO 81230
156	Hutchins, William 1735 H 75 Road Delta, CO 81416 *Pro Se*
157	Hutto, Colin 120 N.W. Fir Cedaredge, CO 81413 *Pro Se*

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158	Ingham, Jacqueline E P.O. Box 1399 Crested Butte, CO 81224 *Pro Se*
159	Isham, Shirley 4595 County Road 10 Gunnison, CO 81230 *Pro Se*
160	Jones, David 2171 R Road Cedaredge, CO 81413 *Pro Se*
161	Katheiser, Jim 23 County Road 75 Parlin, CO 81239 *Pro Se*
162	Kelso, West 9217 County Road 76 Parlin, CO 81239 *Pro Se*
163	Knight, MacDonald 3676 - 3700 Road Hotchkiss, CO 81419 *Pro Se*
164	Joe Knox P.O. Box 246 412 Elk Avenue, Suite 2 Crested Butte, CO 81224 *Pro Se*
165	Kruthaupt, Gregory 3161 Ohio Creek Rd Gunnison, CO 81230 *Pro Se*
166	Lake City Ranches LTD **Richard Bratton** Bratton, Hill & Essex, LLC 202 W. Tomichi Ave, Suite 202 Gunnison, CO 81230
167	Lake Fork Homeowners Assn. Route 4, Box 5 Lake City, CO 81225 *Pro Se*
168	Lake Fork Hunt & Fish Club Charles N. Colopy, Manager Route 4, Box 5 Lake City, CO 81235 *Pro Se*

169	Lane, Bob P.O. Box 57 Olathe, CO 81425 *Pro Se*
170	Lechleiter Ranch LTD Stewart Lechleiter 58143 Kiowa Road Montrose, CO 81401 *Pro Se*
171	Leverett, Johnny & Sybil 5255 County Road 75 Parlin, CO 81239 *Pro Se*
172	Liberton, Cindy c/o Gerald Bullock 189 Park Drive Gunnison, CO 81230 *Pro Se*
173	Love, Dan 62483 Falcon Road Montrose, CO 81401 *Pro Se*
174	Lypps, Nick Jacks Cabin P.O. Box 567 Almont, CO 81210 *Pro Se*
175	Maier, William G 913 Hartman Rocks Drive Gunnison, CO 81230 *Pro Se*
176	Malensek, John J 3995 County Road #10 Gunnison, CO 81230 *Pro Se*
177	Martin, John H 8568 County Road 50 Powderhorn, CO 81243 *Pro Se*
178	Martin, Lorena & Richard 78 1700 Road Delta, CO 81416 *Pro Se*
179	Mason, Barbara & Gene 255 Upper Allen Road Crested Butte, CO 81224 *Pro Se*

180	McCallister, Dave 916 Highway 115 Penrose, CO 81240 *Pro Se*
181	McCutchin, Ronald Lee P.O. Box 670307 Dallas, TX 75367-0307 *Pro Se*
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183	Means, David G. Means Ranch 7009 County Road 76 Parlin, CO 81239 *Pro Se*
184	Michaels, Glenda B P.O. Box 212 Gunnison, CO 81236 *Pro Se*
185	Miller Land & Cattle Of Gunnison Harry & Carl Miller 741 County Road 7 Gunnison, CO 81230 *Pro Se*
186	Minks, Laura 707 County Road 28 Powderhorn, CO 81243 *Pro Se*
187	Moncrief, W. A., C.B., Tom O. 950 Commerce Street Fort Worth, TX 76102-5418 *Pro Se*
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190	Montrose County Republican Central P.O. Box 197 Montrose, CO 81402 *Pro Se*
191	Montrose Potato Growers Coop Assn. c/o Steven Mosher, General Manager P.O. Box 65 Montrose, CO 81402 *Pro Se*
192	Mt. Crested Butte Water & Sanitation Rufus Wilderson P.O. Box 179 Gunnison, CO 81230 *Pro Se*
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194	Mulford, Denny S 5494 Highway 348 Olathe, CO 81425 *Pro Se*
195	Murphy - Lakeview Resort Inc. P.O. Box 1000 Lake City, CO 81235 *Pro Se*
196	Murphy, Kelli M P.O. Box 628 Lake City, CO 81235 *Pro Se*
197	Murphy - Starlight Meadow Ranch P.O. Box 1000 Lake City, CO 81235 *Pro Se*
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199	Natural Energy Resources Company M.E. MacDougall, Esq. MacDougall, Woldridge & Worley, P.C. 530 Communication Circle, Suite 204 Colorado Springs, CO 80905-1743
200	Nelson, David P.O. Box 791 Gunnison, CO 81230 *Pro Se*
201	Nicholl, David & Dee 9102 County Road #76 Ohio City, CO 81237 *Pro Se*
202	North Elk Meadows Association P.O. Box 365 Gunnison, CO 81230 *Pro Se*
203	North Fork Water Conservancy District **Stephen Stanway** Briscoe and Stanway P.O. Box 120 Hotchkiss, CO 81419
204	Northern CO Water Conservancy **Robert Trout & Douglas Sinor** Trout Raley Montano Witwer & Freeman 1120 Lincoln Street, Suite 1600 Denver, CO 80203
205	Obergfell Tarr, Sandra Geraldine P.O. Box 4 Delta, CO 81416 *Pro Se*
206	Oconnor, Karen & Michael 4110 Ocean Dr. Corpus Cristi, TX 75411 *Pro Se*
207	Overland Ditch & Reservoir Company Peter A. Kasper 1321 - 2900 Road Hotchkiss, CO 81419 *Pro Se*

208	Owens, Matt 2445 S-25 Road Cedaredge, CO 81413 *Pro Se*
209	Palisades Retreat Club P.O. Box 838 Gunnison, CO 81230 *Pro Se*
210	Parker Water & Sanitation District **Robert Krassa** Krassa & Miller, LLC 1680 38th Street, Suite 800 Boulder, CO 80301-26111
211	Partch, Earl & Francis 301 S. 2nd Street Gunnison, CO 81230 *Pro Se*
212	Paul P. Guerrieri & Sons, Inc. William Guerrieri P.O. Box 383 Gunnison, CO 81230 *Pro Se*
213	Peairs, Annie & Darrin 8002 County Road 887 Gunnison, CO 81230 *Pro Se*
214	Penn Enterprises LLC **Rufus Wilderson** Wilderson, O'Hayre & Dawson P.O. Box 179 Gunnison, CO 81230
215	Phelps, Brad , Jill & Marvella P.O. Box 87 Parlin, CO 81239 *Pro Se*
216	Phelps, Donna 6466 Simms Street - #C Arvada, CO 80004 *Pro Se*
217	Phelps, Duane R P.O. Box 87 Parlin, CO 81239 *Pro Se*

218	Phoenix Family Group **David Hallford** Post Office Drawer 790 818 Colorado Avenue Glenwood Springs, CO 81602
219	Pilgren, Heather D c/o Gerald Bullock 189 Park Drive Gunnison, CO 81230 *Pro Se*
220	Piloni, Susan K 1791 County Road 721 Gunnison, CO 81230 *Pro Se*
221	Pinon Ditch Company James A. Lee 23068 Uncompahgre Road Montrose, CO 81401 *Pro Se*
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223	Pittman, Richard R 11690 County Road 76 Parlin, CO 81239 *Pro Se*
224	Post, Leonard P.O. Box 807 Salida, CO 81201 *Pro Se*
225	Proschold, Peter & Linda 4250 E. Quail Ave. Las Vegas, NV 89120 *Pro Se*
226	Que Qua Condominiums Louis H. Hayden, President 494 Curecanti Drive, RR #7 Gunnison, CO 81230 *Pro Se*
227	R I Vader & Sons Inc. 44707 E. Highway 50 Gunnison, CO 81230 *Pro Se*

228	Ragle, Linda & Norman P.O. Box 460 Lake City, CO 81235 *Pro Se*
229	Ralph R. Allen & Sons Inc Curtis Allen, President 2090 County Road 8 Gunnison, CO 81230 *Pro Se*
230	Rangeview Metropolitan District 700 17th Street, Suite 1800 Denver, CO 80202 *Withdrawn on November 22, 2002*
231	Razor Creek Outfitters c/o Wanda Brink 6551 County Road 10 S Alamosa, CO 81101-9131 *Pro Se*
232	Redden Ranches Inc. Jack Hanson 5048 County Road 730 Gunnison, CO 81230 *Pro Se*
233	Redlands Mesa Water Users Inc Dan A. Hawkins, Vice President 2609 M. Road Hotchkiss, CO 81419 *Pro Se*
234	Redlands Water and Power CO **John Howe & Greg Hoskin** Hoskin Farina & Kampf, PC 2148 Broadway, Suite B-5 Grand Junction, CO 81503
235	Redwing Partners, LLC Susan A Spehar 85 Leeuwarden Road Darien, CT 06820 *Pro Se*
236	Relief Ditch Company c/o Carol Morrell 2151 H75 Road Delta, CO 81416 *Pro Se*
237	Renselaar, Lora Van 271 Park Dr Gunnison, CO 81230 *Pro Se*

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238	Riverland Lot Owners Association P.O. Box 561 Crested Butte, CO 81224 *Pro Se*
239	Riverside Grange #203 Attn: Norman S. Brooks P.O. Box 53 Montrose, CO 81402 *Pro Se*
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241	Roberts, Sonya Ann P.O. Box 545 Lake City, CO 81235 *Pro Se*
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244	Roper, Melody L **Richard Bratton** Bratton, Hill & Essex, LLC 232 W. Tomachi Ave. Suite 202 Gunnison, CO 81230
245	Roper, Robert L **Richard Bratton** Bratton, Hill & Essex, LLC 232 W. Tomachi Ave. Suite 202 Gunnison, CO 81230
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247	Rutter, Leroy RR #1 1110 Churchill Florence, CO 81226 *Pro Se*

248	Sammons, Judy Buffington 103 Juniper Way Gunnison, CO 81230 *Pro Se*
249	San Juan Ranch Estates Dennis Cavit, Property Manager P.O. Box 342 Lake City, CO 81235 *Pro Se*
250	Schick, Peggy 391 Apache Road Gunnison, CO 81230 *Pro Se*
251	Schmidt, Betty Joe 2236 R. Road Cedaredge, CO 81413 *Pro Se*
252	Schroder, Richard B 200 Grand Avenue Suite 400 Grand Junction, CO 81502 *Pro Se*
253	Schultheis, Joe 38105 West Highway 50 Gunnison, CO 81230 *Pro Se*
254	Scott, Floyd 6063 5600 Road Olathe, CO 81425 *Pro Se*
255	Scott, John M. P.O. Box 142 Crested Butte, CO 81229 *Pro Se*
256	Sellers, Kirk 17300 Highway #135 Crested Butte, CO 81224 *Pro Se*
257	Setzer, Debbie 765 County Road 18 Gunnison, CO 81230 *Pro Se*
258	Sharpe, Frances & Robert **Richard Bratton** Bratton, Hill & Essex, LLC 232 W. Tomachi Ave. Suite 202 Gunnison, CO 81230

259	Shavano Soil Conservation District 102 Par Place Montrose, CO 81401 *Pro Se*
260	Shea, Jack **Nathan Keever** Dufford Waldeck Milburn & Krohn 744 Horizon Court, Suite 300 Grand Junction, CO 81506
261	Skinner, Kit c/o Gerald Bullock 189 Park Drive Gunnison, CO 81230 *Pro Se*
262	Smith, Wallace 1899 Spring Canyon Road Montrose, CO 81402 *Pro Se*
263	Smock, Lori 174 Chinook Tr. Gunnison, CO 81230 *Pro Se*
264	Snyder, Joann & Terrell P.O. Box 363 Norwood, CO 81423
265	Southeastern Colorado Water Conservancy **Lee Miller & Steve Leonhardt** Burns Figa & Will, PC 6400 South Fiddlers Green Circle - Suite 1030 Denver, CO 80111
266	Spallone, Nick P.O. Box 1145 Gunnison, CO 81230 *Pro Se*
267	Spence, Robin 623 County Road 813 Almont, CO 81210 *Pro Se*
268	Spring Meadows Homeowners Assn. c/o Lloyd Hawes P.O. Box 7010 Gunnison, CO 81230 *Pro Se*
269	Squirrell, James F P.O. Box 114 Cimmarron, CO 81220 *Pro Se*
270	Stabelik, Katherine G & Ralph **Mark Hermundstad** Williams Turner & Holmes PC P.O. Box 338 Grand Junction, CO 81243
271	Starner, Thelma B 1363 F. Road Delta, CO 81416
272	State Engineer **Chad M. Wallace** Assistant Attorney General - Colorado 1525 Sherman Street, 5th Floor Denver, CO 80203
273	Stayton, Mary Lynn & Thomas 266 Tomichi Trail Gunnison, CO 81230 *Pro Se*
274	Steinke, Carmen c/o Gerald Bullock 189 Park Drive Gunnison, CO 81230 *Pro Se*
275	Stewart, Sam 14104 Shavano Valley Road Montrose, CO 81401 *Pro Se*
276	Stiger, Mark 271 Park Drive Gunnison, CO 81230 *Pro Se*
277	Stratman Cattle CO 498 Curecanti Dr. #12 Gunnison, CO 81230-9203 *Pro Se*

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278	Stratman, Barbara 498 Curecanti Dr. #12 Gunnison, CO 81230-9203 *Pro Se*
279	Stratman, Omar Box 2376 Kodiak, AK 99615 *Pro Se*
280	Suppes, Christine 20442 Woodbrook Lane Parker, CO 80138 *Pro Se*
281	Swineford, Thomas D 560 Camino Del Rio Gunnison, CO 81230 *Pro Se*
282	Tankersley, John & Patsy 11333 W. Highway 50 Gunnison, CO 81230 *Pro Se*
283	Tevis, Donner c/o Gerald Bullock 189 Park Drive Gunnison, CO 81230 *Pro Se*
284	The Bona Fide Ditch William Hutchins, Randie Volk 754 1850 Road Delta, CO 81416 *Pro Se*
285	The Gunnison Bank and Trust Tom Havens, President 232 W. Tomichi Ave. Gunnison, CO 81230 *Pro Se*
286	The Weihs Family Trust Greg Weihs P.O. Box 1285 Gunnison, CO 81230 *Pro Se*
287	The Wilderness Society **Bart Miller** 2260 Baseline Road, Suite 200 Boulder, CO 80302

288	The Wilderness Society **Andrew L. Spielman** Hogan & Hartson, L.L.P. 1200 17th Street, Suite 1500 Denver, CO 80202
289	Town of Lake City & Lake City Water and Sanitation District **Malcolm MacDougall** MacDougall Woldridge & Worley 530 Communication Circle, #204 Colorado Springs, CO 80905-1743
290	Town of Olathe Wayne A. Blair, Mayor P.O. Box 789 Olathe, CO 81425 *Pro Se*
291	Town of Pitkin P.O. Box 188 Pitkin, CO 81241 *Pro Se*
292	Town of Ridgeway P.O. Box 10 Ridgeway, CO 81423 *Pro Se*
293	Trenhaile, Irvin R. 6224 5600 Road Olathe, CO 81425 *Pro Se*
294	Tri-County Water Conservancy District **Vic Roushar** P.O. Box 327 Montrose, CO 81402
295	Trout Unlimited **Andrew Peternell & Melinda Kassen** 1320 Pearl Street, Suite 320 Boulder, CO 80302
296	Trout Unlimited **Andrew L. Spielman** Hogan & Hartson, L.L.P. 1200 17th Street, Suite 1500 Denver, CO 80202
297	Twist, Robert I. 4612 E. Sparkling Lane Paradise Valley, AZ 85253 *Pro Se*

298	Uncompahgre Cattlemens Association 38 West Main Street Montrose, Co 81401 *Pro Se*
299	Uncompahgre Valley Water Users Association **Vic Roushar** P.O. Box 327 Montrose, CO 81402
300	Upper Gunnison River Water Conservancy District **John McClow** 234 N. Main Street, Suite 3C Gunnison, CO 81230
301	U.S. Energy Corp and Crested Corp. **Zach C. Miller & Steven E. Marlin** Davis Graham & Stubbs, LLP 1550 Seventeenth Street, Suite 500 Denver, CO 80202
302	Vader Cloverleaf Ranch 4042 County Road 76 Parlin, CO 81239 *Pro Se*
303	Vader, Kevin M 9444 County Road 38 Gunnison, CO 81230 *Pro Se*
304	Vader, Thomas J P.O. Box 95 Gunnison, CO 81230 *Pro Se*
305	Valco Inc. Ed Stewart, Manager P.O. Box 837 Gunnison, CO 81230 *Pro Se*
306	Van Dyke, Milton W. 438 County Road 29 Powderhorn, CO 81243 *Pro Se*
307	Vanlew, Vera 11025 U.S. Highway 50 Gunnison, CO 81230 *Pro Se*

308	Vickers Enterprises Inc. P.O. Box 969 Lake City, CO 81235 *Pro Se*
309	Voices for Western CO N. Wallace Smith, Representative P.O. Box 197 Montrose, CO 81402 *Pro Se*
310	Vickers Enterprises, Inc. P.O. Box 969 Lake City, CO 81235 *Pro Se*
311	Voices For Western CO N Wallace Smith, Representative P.O. Box 197 Montrose, CO 81402 *Pro Se*
312	Walsh, John L. 23714 N. 75th Street Scottsdale, AZ 85255 *Pro Se*
313	Wapiti Canyon Ranch, LTD **Rufus Wilderson** Wilderson O'Hayre Dawson & Frazier P.O. Box 179 Gunnison, CO 81230
314	Ward Investments Sara Sims, Managing Partner 101 South Fourth Artesia, NM 88210 *Pro Se*
315	Wartes, Linda c/o 189 Park Drive Gunnison, CO 81230 *Pro Se*
316	Water Wheel Inn 37478 Highway 50 P.O. Box 882 Gunnison, CO 81230 *Pro Se*
317	Watson, Everett G 1041 County Road 24 UU Gunnison, CO 81230 *Pro Se*

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318	Waunita Hot Springs Ranch, LLC 8007 N. County Road 887 Gunnison, CO 81230 *Pro Se*
319	We idler, Charles 4413 Bombay Court Fort Worth, TX 76116 *Pro Se*
320	Weiss, Robert c/o Gerald Bullock 189 Park Drive Gunnison, CO 81230
321	Wenman, Charles A 7393 5450 Road Olathe, CO 81424-9661 *Pro Se*
322	West Side Land & Timber **Richard Bratton** Bratton, Hill & Essex, LLC 232 W. Tomichi Ave, Suite 202 Gunnison, CO 81230
323	Western Colorado Congress **Bruce Driver & Bart Miller** 2260 Baseline Road, Suite 200 Boulder, CO 80302
324	Western Colorado Congress **Andrew L. Spielman** Hogan & Hartson, L.L.P. 1200 17th Street, Suite 1500 Denver, CO 80202
325	Western Slope Environmental Resource **Bruce Driver & Bart Miller** 2260 Baseline Road, Suite 200 Boulder, CO 80302
326	Western Slope Environmental Resource **Andrew L. Spielman** Hogan & Hartson, L.L.P. 1200 17th Street, Suite 1500 Denver, CO 80202
327	White, Barry & Shelly Box 1991 Crested Butte, CO 81224 *Pro Se*

328	White, Ford 620 Lakeshore Drive Grand Junction, CO 81505 *Pro Se*
329	Wicks, Nancy 17280 Highway 135 Almont, CO 81210 *Pro Se*
330	Wilhelm, Charles L & Diane 9723 County Road 76 Ohio City, CO 81237 *Pro Se*
331	Willey, Ruth 222 East Gothic Avenue Gunnison, CO 81230 *Pro Se*
332	Williams, Chadwick c/o Gerald Bullock 189 Park Drive Gunnison, CO 81230 *Pro Se*
333	Williams, Shelly 1525 County Road 27 Powderhorn, CO 81243 *Pro Se*
334	Williams, Sydney C c/o Gerald Bullock 189 Park Drive Gunnison, CO 81230 *Pro Se*
335	Witkin, Jack A Cowaramup Trust P.O. Box 3210 Crested Butte, CO 81224 *Pro Se*
336	Wooden, Linda M 190 Park Ave Gunnison, CO 81230 *Pro Se*
337	Yeager, Don 951 County Road 50 Powderhorn, CO 81243 *Pro Se*

338	Youmans, Joe 146 County Road 29 Powderhorn, CO 81243 *Pro Se*
339	Zamora, Pamela c/o Gerald Bullock 189 Park Drive Gunnison, CO 81230 *Pro Se*

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ATTACHMENT B
Decree, Case No. 01CW05

LIST OF PARTIES STIPULATING TO WITHDRAWAL OF THEIR STATEMENT OF OPPOSITION

EFILED Document
CO Montrose County District Court 7th JD
Filing Date: Jan 9 2009 10:08AM MST
Filing ID: 23235938
Review Clerk: Darleen Cappannokeep

1	Anderson, James
2	Anderson, Perry
3	Anderson, Rosemary
4	Arch Ditch Association (Charles Irby)
5	Barkman, Rebecca J.
6	Barrett, Edward
7	Bemis, Ted & Kimberly
8	Benson, Catherine
9	Benson, Fred
10	Blaum, Ray
11	Bolton, Cynthia
12	Bombard, Ron
13	Boris, William
14	Buffington, Frank
15	Bullock, Gerald
16	Cadwell, Forest Guy
17	Calkins, Don & Reta
18	Camp Gunnison Inc.
19	Campbell, Donald W
20	Card, William
21	Castle Mtn. Irrigation Road & Recreation
22	Cement Creek LLC
23	Chamberland, Patricia & Phillip
24	Cochran Jacqueline S. & James O.
25	Coeffey, Bradley & Cheryl
26	Collins, Rebie
27	Coury, Janet
28	Cranor Inc.
29	Daily, Mark R.
30	Deldorita Ranches, Inc. (Michelle Lehmann)
31	Delta County
32	Dunbar, Donald
33	Dunbar, Marilyn
34	Dykes III, John R.
35	Edmonds, Gary
36	Endner, Patsy
37	Estess Family Limited Partnership
38	Field, Fred
39	Ford, Donna & Lucky
40	Frame, Mary
41	Gabriella, Kathleen
42	Gaddis, Donald

43	Garreffa, Nick
44	Gateview Ranch, Inc. (Cindy Smock)
45	Glacier Lily Association
46	Gore, David
47	Gorsuch, David
48	Graham, Zeta I
49	Greer, James R.
50	Guerrieri, Burt
51	Guerrieri, Richard
52	Gunnison Banks and Trust Company (Ashley Burt)
53	Hagar, Donald K
54	Hagar, Richard (Hager Partners)
55	Hammond, Bruce G.
56	Hardilek, Thomas A.
57	Harold F. Kreuger Trust
58	Harrison, Harriett
59	Heatherwood Villas Condominiums (Harvey Johnson)
60	Hefftner, Debra
61	Hicks, Marion L
62	Hicks, Melvin R.
63	Higgins, Lisa
64	Hinsdale County
65	Holley, Susan Guy
66	Hoskins, Larry & Ruth
67	Hostetler, Patricia
68	Howard, Edward & Robert
69	Hutchins, William
70	Ingham, Jacqueline E
71	Irby, Stanley (Irby Ranches, LLC)
72	Isham, Shirley
73	Kelso, West
74	Krutthaupt, Gregory
75	L Lazy 2 Ranch, LLC (Burt Guerrieri)
76	Lake Fork Homeowners Association
77	Lake Fork Hunt & Fish Club
78	Liberton, Cindy
79	Lypps, Nick
80	Maier, William G.
81	Malensek, John J
82	Mason, Barbara & Gene
83	McCallister, Dave
84	McLain, David & Ladonna
85	Means Ranch (David Means)

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86	Michaels, Glenda B
87	Mill Creek Land and Cattle, LLC (Burt Guerrieri)
88	Mill Creek Ranch, LLC (Burt Guerrieri)
89	Miller Land & Cattle Of Gunnison
90	Mineral Creek Ranch & Investments (James Gliver)
91	Moncrief, W.A., C.B., Tom O.
92	Montrose County
93	Murphy- Starlight Meadow Ranch (Tom Murphy)
94	Murphy, Kelli M.
95	Nelson, David
96	Nicholl, David & Dee
97	Oldcastle SW Group, formerly Valco, Inc.
98	Outriders Ranch
99	Partch, Earl & Francis
100	Peterson Ranch (Mae Peterson)
101	Phelps, Brad, Jill & Marvella
102	Phoenix Family Group (Anne Marie McPhee)
103	Piloni, Susan K
104	Pinon Ditch Company
105	Pittman, Richard R
106	Post, Leonard
107	Proschold, Peter & Linda
108	Razor Creek Ranch (Greg Peterson)
109	RI Vader and Sons Inc
110	Riverland Industrial Park
111	Riverland Lot Owners Association (Daniel M. D'Aquila)
112	Robbins, Harold R.
113	Rozman, John L.
114	Sammons, Judy Buffington
115	San Juan Ranch Estates
116	Schick, Peggy
117	Scott, John M.
118	Sellers, Kirk
119	Shea, Jack
120	Smith, Wallace
121	Smock, Lori
122	Spence, Robin
123	Squirrell, James F
124	Starlight Meadow Ranch (Tom Murphy)
125	Starner, Thelma B
126	Stayton, Mary Lynn & Thomas

127	Stiger, Mark and Lora Van Renselaar
128	Stratman Cattle CO
129	Stratman, Barbara
130	Stratman, Omar
131	Swineford, Thomas D
132	Tankersley, John & Patsy
133	Taramarcaz, Duane
134	Taramarcaz, Paul
135	Tevis, Donner
136	Three Rivers Resort, Inc. (Mark Schumacher)
137	Three Valleys , LLC (Burt Guerrieri)
138	Town of Lake City and Lake City Area Water and Sanitation
139	Trampe, William (Trampe Ranches)
140	Twist, Robert L
141	Unknown Identity
142	Unknown Identity
143	Unknown Identity
144	Vader, Thomas J.
145	Van Dyke, Milton W.
146	Vanlew, Vera
147	Voices for Western CO
148	Ward Investments
149	Watson, Everett
150	Weidler, Charles
151	Weihs Family Trust, The
152	Weiss, Robert
153	Wicks, Nancy
154	Williams, Sydney C
155	Witkin, Jack A
156	Yeager, Don
157	Youmans, Joe

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ATTACHMENT C
Decree, Case No. 01CW05

PARTICIPANTS IN THE MEDIATION

1) Board of County Commissioners of Arapahoe County
2) Board of County Commissioners of Delta County
3) Board of County Commissioners of Gunnison County
4) Board of County Commissioners of Montrose County
5) City of Delta
6) City of Gunnison
7) City of Montrose
8) City Of Ouray
9) Cockrell Trustees
10) Colorado Farm Bureau
11) Colorado River Energy Distributors Association
12) Colorado River Water Conservation District
13) Crystal Creek Homeowners Association
14) Environmental Defense
15) Estess Family Limited Partnership
16) High Country Citizens Alliance
17) National Parks Conservation Association
18) North Fork Water Conservancy District
19) Southeastern Colorado Water Conservancy District
20) State of Colorado, Department of Natural Resources
21) State of Colorado, Attorney General's Office

22) Town of Ridgway

23) Tri-County Water Conservation District

24) Trout Unlimited

25) Uncompahgre Valley Water Users Association

26) United States

27) Upper Gunnison River Water Conservancy District

28) Western Colorado Congress

29) Western Slope Environmental Resource Council

30) The Wilderness Society

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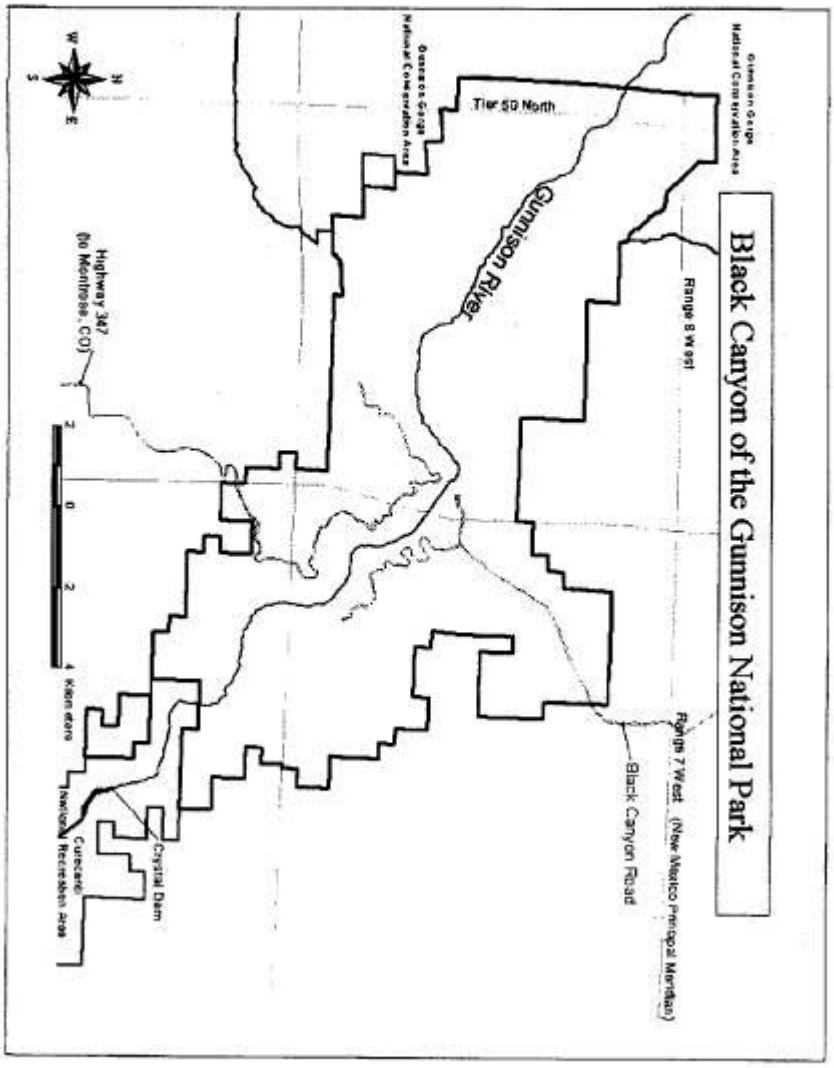
ATTACHMENT D
Decree, Case No. 01CW05

MAP OF BLACK CANYON OF THE GUNNISON NATIONAL PARK



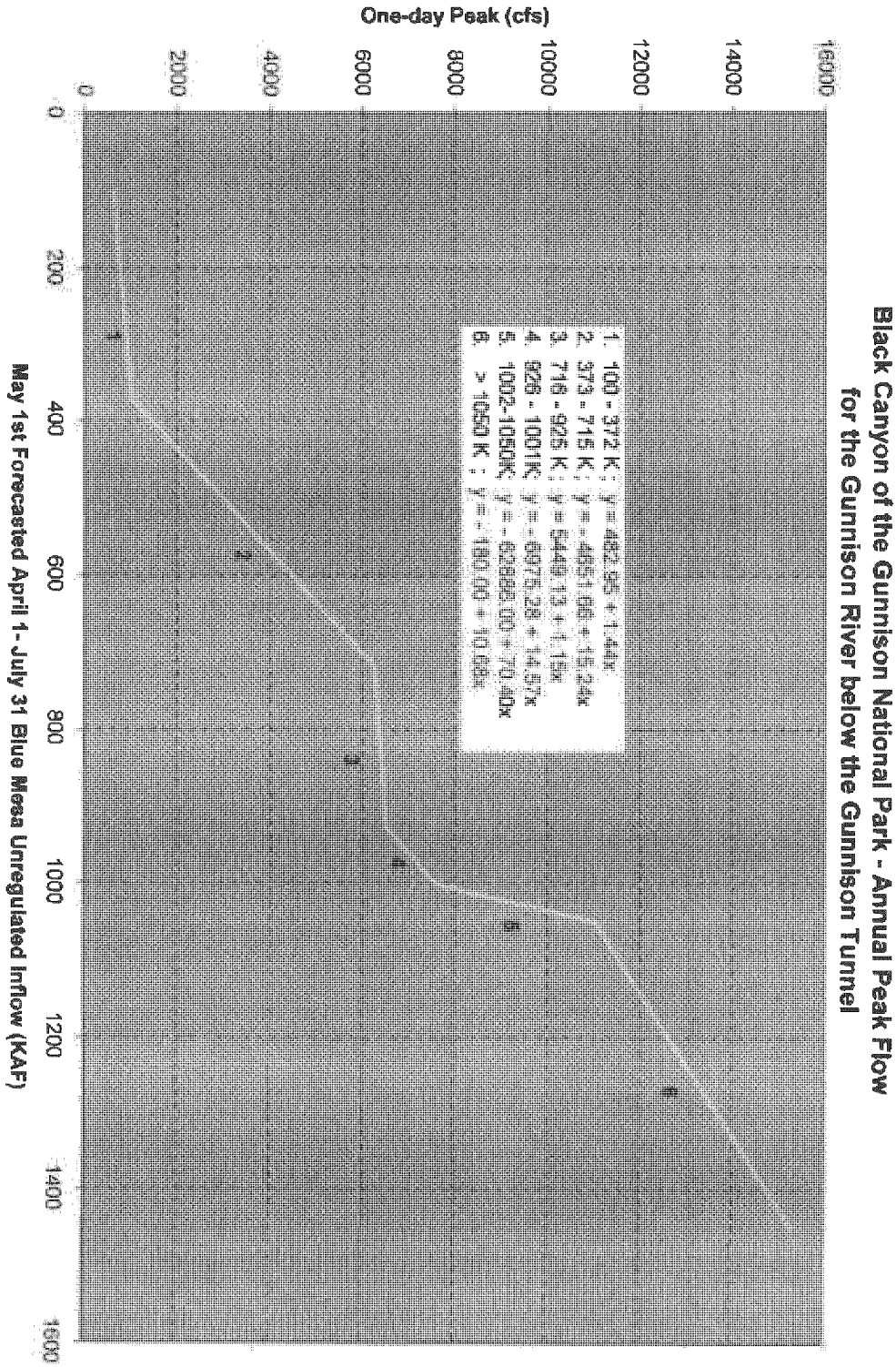
ATTACHMENT E
Decree, Case No. 01CW05

LANDS RESERVED BY PRESIDENTIAL PROCLAIMATION OF MARCH 2, 1933

T. 49 N., R. 7 W., N.M. P.M.
Lots 3, 4, 5, 6, 9, 10, 11 & 12 and S½ Sec. 3; Sec. 4; NE¼ SW¼, SE¼ and Lots 1, 2, 3, 6, 7, 8, 9, 10 & 11 Sec. 5; N½ NE¼ Sec. 8; E½, E½ NW¼ , and NW¼ NW¼ Sec. 9; E½ NE¼, NW¼ NE¼, and N½ NW¼ Sec. 10; and NW¼ Sec 11.

T. 50 N., R. 7 W., N.M. P.M.
W½ SE¼, E½ SW¼, and Lots 3 &4 Sec. 19; SW¼ SE¼ , and SW¼ Sec. 29; E½, E½ NW¼, E½ SW¼ and Lots 1, 2 & 3 Sec. 30; NE¼ and E½ NW¼ Sec. 31; Sec. 32; S½ SW¼ Sec. 33.

T. 50 N., R. 8W., N.M. P.M.
SW¼ SE¼, and SW¼ Sec. 16; SW¼ NE¼, NW¼, and S½ Sec. 17; Secs. 20 & 21, S½ NE¼, NW¼ and S½ Sec. 22; NE¼ and S½ Sec. 23; Sec. 24; E½ NE¼, NW¼ NE¼, NE¼ NW¼, and W½ NW¼ Sec. 25; and Secs. 26 through 29 inclusive.

ATTACHMENT F
Decree, Case No. 01CW05

GRAPHIC OF ANNUAL PEAK FLOW