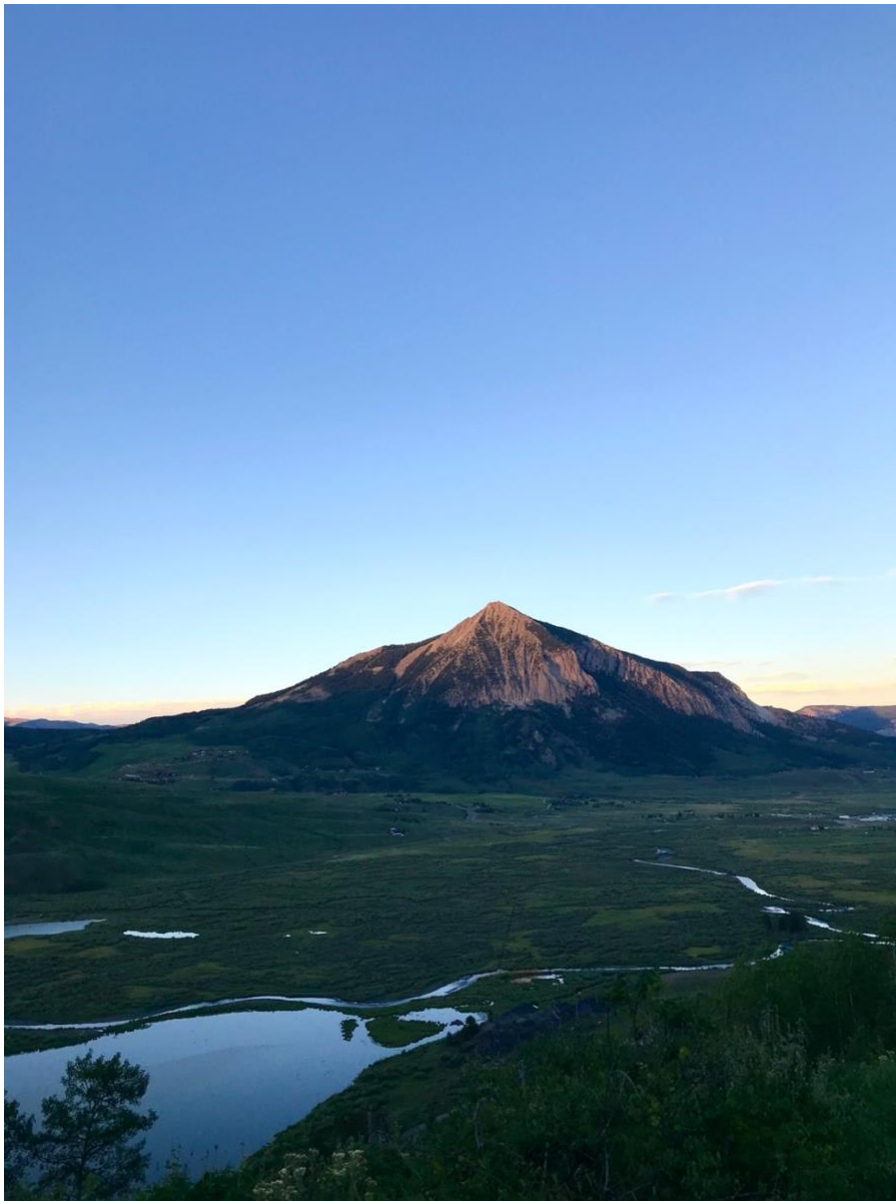


Expanding In-Stream Flow Rights as a Mechanism for Water Conservation and Aquatic Ecosystem Preservation

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Mt. Crested Butte from the Green Lake Trail, July 2020. Photo by author.

Abstract: In-stream flow rights are water appropriations that maintain water in streams and rivers with goals of support aquatic ecosystems. They have been considered throughout the American West as a way to incorporate environmental protections into the existing system of Prior Appropriation. In the state of Colorado, these flows were adopted in 1973 through the *In-stream Flows Act*. The intent of this legislation was for the Colorado Water Conservation Board to be the sole holder of these rights. Early in its enactment, however, a loophole allowed private entities to claim a few of these rights, which have been grandfathered into the system as it has developed since then. This analysis considers these “exception” rights in light of growing water challenges as an opportunity to decentralize and diversify the system of environmental flow protections.

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i. Introduction:

In-stream Flow (ISF) rights are water allocations for environmental purposes – water that must remain in the stream to maintain a functional ecosystem. Over the past 4 decades, attitudes towards these rights have evolved across the world and especially across the Western United States. Water appropriations in the arid West have always been contentious because supplies can sometimes be too limited to satisfy all users. Some users, such as farmers or industry operators, often see ISF rights as a waste of water or as prioritizing nature over human livelihoods. Managers across the region, however, are beginning to view ISF rights as a mechanism to maintain stream and river systems and the invaluable benefits they provide to people and communities. These benefits include water supply, water treatment and purification, flood mitigation, nutrient distribution, food provisioning, and recreational opportunities, among many others¹. These “ecosystem services” provided by maintaining water in river and streams systems are nearly irreplicable, as evidenced by the monumental investments required in attempts to recreate or recover them in times of extreme drought².

In the mid-1990s, ecologists proposed that protecting a minimum flow, common for environmental allocations at the time, was not sufficient to support the complex ecological communities that have evolved to rely on the highly variable conditions that streams and rivers present³. Rather than managing streams for minimum flows, accounting for the natural variation in river systems is vital for maintaining the ecosystem functions, community assemblages, and nutrient cycling processes⁴. This view is now widely accepted in the ecological community. Accounting for this variability in water allocations is becoming part of management efforts in the West, but further means for speeding up this process need to be explored. Utilizing ISFs as a mechanism to protect this variability may be an additional approach to preserving the vital natural variation within these systems.

As the twenty-first century has progressed, pressures on Colorado’s water supplies have increased due to population growth and climate shifts. Population centers, located on the Front Range of the Rocky Mountains, have been growing steadily since the 1990s, and Colorado’s population is projected to increase roughly by a third by 2050⁵. Almost 85 percent of that population is projected to live on the Front Range and in urban centers⁵. These trends will continue to push the limits of local water supplies.

The subsequent increase in demands coupled with climate-driven drought conditions have caused uncertainty regarding water supply across the region. Efforts to address this problem have included diversion projects throughout the Colorado River Basin, with the goal of moving vast quantities of water across natural divides to satisfy the water needs of large population centers. These efforts have transferred demand pressures to headwater supplies – bringing urban and rural users into conflict with each other and the environment. Rural users can view inter-basin transfers as water grabs by urban centers; urban centers and rural users see environmental protections as taking water away from humans – and yet, both user groups rely on ecosystem services that require consistent water flows and functional aquatic ecosystems. As water uncertainty increases in the coming decades, these conflicts will surely intensify.

Headwater supplies are integral for all downstream users, directly or indirectly via ecosystem services, but protections against diversion of these streams, as ISFs would provide, are currently limited in Colorado to one state agency. This rigidity has prevented collaborative efforts and local initiatives from fully participating in expanding ISF protections to a more impactful scale. Adopting a wider variety of in-stream flow rights and protections, including the ability of private entities to claim these rights, could provide the state of Colorado and regional water users increased flexibility to address water conflicts in an uncertain future.

The goal of this analysis is to consider the future role of in-stream flow rights in the water allocation system of Colorado. This analysis will first consider the trajectories for regional water supply and demand, leading to a discussion of the legal background of existing environmental allocations. These discussions together will inform my recommendations of expanding ISF claiming mechanisms.

ii. Uncertainty in Supply and Demand:

Droughts are driven by large climate factors such as sea surface temperatures and ocean circulation patterns⁶. In the twentieth and twenty-first centuries, however, these effects have been exacerbated by anthropogenic factors such as climate change, increasing human water usage, and expanding land-use changes, such as intensive agriculture⁷. The frequency, intensity, spatial distribution and extent of droughts are likely to increase, and mega-droughts – or droughts that last multiple years or decades – are emerging as these human influences intensify and drive shifts in precipitation patterns and increases in temperature⁶. With so many factors at play, water managers across the globe have been presented with a rapidly intensifying crisis of supply.

Impacts from droughts and rising temperatures are compounded as human water consumption increases globally with population growth – placing ever increasing pressure on water supplies⁸. Legal water allocations for human uses are exacerbating negative effects from climate shifts, as nearly every drop of water across the American west is spoken for – either piped to urban centers, used for industry, or spread on the landscape for agriculture. In the water system of the Western U.S., conflicts between these urban, industrial, and agricultural users are becoming more and more common as water allocations increasingly go unfulfilled due to dwindling supplies. Furthermore, inefficiencies in the urban, agricultural, and industry sectors intensify surface and groundwater withdrawals and depletion of water stocks^{9,10}. Wasteful irrigation techniques, aging infrastructure, and high evaporation from storage reservoirs all contribute to declines in stocks of allocated water^{9,11}.

a) Water-Deficit Impacts:

Consumptive water allocations are uses of water that remove a given amount from the system. While most uses of water are not fully consumptive and allow some water to return streams or recharge groundwater, many, such as agricultural irrigation, reserve significant portions of

streamflow for use outside of the stream channel. Increasing consumptive allocations or partially consumptive allocations of already stressed supplies is causing degradation of ecological systems and impacting ecosystem-based services relied upon by humans and communities. Utilization of environmental ISFs is one way to protect these systems. However, when incorporating environmental flows into water allocation considerations, water deficits – the difference between the water available in an area and the amount demanded for use – increases drastically⁹. This problem intensifies the perception that there is competition between human and environmental water needs, a framing that ignores the integral links among ecosystems, human well-being and human reliance on ecosystem services⁶. Current allocation systems pit users against each other for a finite amount of water – overlooking that a portion of this water is needed to support ecosystem services. Complete allocation of water supplies leaves little to no water to maintain critical functionality of these systems. Meaning that overuse in times of scarcity is pushing aquatic ecosystems to the brink of collapse, further threatening important ecosystem services relied upon by each of the urban, agriculture and industry sectors.

As water supplies designated for consumptive or out-of-channel purposes decline, managers may turn to environmental allocations to fill the gap. Dwindling supplies are causing the size of the “pie” to get smaller, resulting in the slice for consumptive or semi-consumptive uses, like industry and agriculture, becoming too small to meet the legal water claims of all users. When claims start to go unfulfilled, managers may consider redistributing the environmental slice of the pie to meet those needs. Redistributing environmental water allocations puts aquatic ecosystems at risk and threatens the associated human benefits. These new conditions are fundamentally challenging water managers’ ability to anticipate, plan, and adapt to water shortages – potentially driving already-stressed regions into crisis⁷. The further risk of ecosystem collapse in overdrawn aquatic systems has resource managers also struggling to balance environmental flow requirements and human livelihoods. The current rigid and legally complex water allocation system of the West lacks the flexibility and adaptability that future decision making will require to prevent these crises.

While it has been possible for humans to adapt to prolonged drought conditions thus far, the conditions to which humans are able to adapt are limited and at some point, adaptation will no longer be possible. This “adaptive capacity” relies on many of the water scarcity mitigation techniques, such as intensification of water withdrawals or water conservation measures. As droughts intensify into the twenty-first century, however, the adaptive capacity of human communities and ecosystems may be overwhelmed^{6,8}. The loss of adaptive capacity will have profound effects on the landscape and drive ecological transformations – for example, forested lands will change to grasslands, or grasslands may change to scrubland or deserts. These ecological changes will have rippling effects on many of the ecosystem services on which humans rely – further exacerbating the negative impacts of drought².

Against this backdrop of increasingly dire water stress, ISF rights stand in opposition to water-use norms that divvy up every drop of water. However, these rights have yet to garner the widespread support necessary to make impactful protections of waters and ecosystem services¹².

Despite growing support for accounting for natural flow variation when planning for environmental flows, stronger legal mechanisms need to be implemented.

b) Water Stress in Colorado:

Water allocation has been contentious in Colorado for hundreds of years. Conflicts over water claims by miners and irrigators propelled the state to adopt the Prior Appropriation system of water allocation, common in the West, in which the user with the oldest claim has the first rights, regardless of location¹³. For example, a farmer whose family has irrigated her land for generations would continue to have primary or “senior” water rights, even if the land in question is located downstream of Denver where demands for that water are high. Since Colorado’s system of water allocation was established in 1876, the growing number of water claims and users have caused much of the water in the state to be allocated. Urban demand, agriculture, and industry are further increasing these claims as regional population steadily increases^{23,24}.

The Colorado River Basin has seen significant, prolonged drought starting in 2000, which has caused declines in stream flows across the region¹⁴. Decreasing snow pack and all-time low river flows are becoming more and more common, causing increasing wildfire risk, declining agricultural yields, and depleting reservoirs¹⁵. With the Colorado River Basin already over-allocated, decreasing supply is increasing conflicts between regional users. Against this backdrop, Colorado natural resource managers and NGOs are keen to prioritize authorization of environmental stream flows in the current allocation system. While current efforts are making incremental advances¹⁶, considering a loophole in the original ISF legislation that allowed a unique set of private in-stream flow rights to be approved may provide opportunities to advance environmental flows.

In the 1970s, with the rise of the environmental movement, efforts by the Colorado State Legislature allowed ISFs to be considered within the Prior Appropriation system as a way to safeguard ecosystems against degradation from over-allocation of surface water. The process to adopt environmental flows was complicated and required many clarifications and revisions. Amidst these clarifications, there was a brief time during which the door was legally open for private entities to claim ISF rights on their properties. The original intent of the new law, however, was for one state agency, the Colorado Water Conservation Board (CWCB) to be the sole entity to hold this type of water right. Before long, the intent of the new law spurred the legislature to close the small loophole; but before they could act, a savvy lawyer and a progressive water judge in Water District 4 applied for and approved three sets of private ISF rights that have held up legally in the face of challenges for nearly 40 years.^{16,17}

These private in-stream flow rights are an exception in a system designed for consolidated state oversight. Expanding these rights, through legal and legislative action, may support efforts to strengthen ecological conservation and protection while protecting water supplies for downstream users.

ii. Colorado Water Law Background

1876	COLORADO BECOMES A STATE AND CODIFIES PRIOR APPROPRIATION	1983	US vs. CITY AND COUNTY OF DENVER CLARIFIES FEDERAL RESERVED RIGHTS
1879	ADJUDICATION ACTS REQUIRE FILING FOR WATER DECREE IN COURT TO ESTABLISH VALIDITY	1986	SENATE BILL 91 AUTHORIZES ISF TRANSFERS
1881		1987	SENATE BILL 212 AUTHORIZES WATER EXCHANGES
1928	ROCKY MOUNTAIN BIOLOGICAL LABORATORY (RMBL) FOUNDED		
	FIRST ATTEMPTS TO CLAIM IN-STREAM FLOW RIGHTS ARE DENIED IN COLORADO RIVER WATER CONSERVATION DISTRICT vs. ROCKY MOUNTAIN POWER COMPANY	1992	IN BOARD OF COUNTY COMMISSIONERS v. COLLARD COURT HOLDS THAT RMBL IN-STREAM FLOW RIGHTS ARE LEGAL IN THE FACE OF WATER APPLICATIONS FROM ARAPAHOE COUNTY
1965		1993	FIRST ITERATION OF "ISF RULES" ARE ADOPTED BY THE CWCB
1969	WATER RIGHTS DETERMINATION ACT ESTABLISHES 7 WATER DIVISIONS AND WATER COURTS FOR ADJUDICATING RIGHTS		
	KLINGSMITH APPLIES FOR IN-STREAM FLOWS ON BEHALF OF RMBL	2001	RECREATIONAL IN-CHANNEL DIVERSIONS ARE LEGALLY ESTABLISHED
1972	SENATE BILL 97, THE "IN-STREAM FLOW ACT", GIVES COLORADO WATER CONSERVATION BOARD AUTHORITY TO CLAIM IN-STREAM FLOW RIGHTS	2002	SENATE BILL 156 EXPANDS ISF DEFINITION TO INCLUDE "IMPROVE" THE ENVIRONMENT AND EXPANDS APPROVAL FOR APPLICATIONS ABOVE MINIMUM FLOWS
1973	RMBL ISF DECREES ARE ISSUED FROM WATER DIVISION 4	2003	HOUSE BILL 1320 ALLOWS TEMPORARY WATER LOANS TO THE ISF PROGRAM
	CONSTITUTIONALITY OF SB-97 IS UPHELD IN COLORADO RIVER WATER CONSERVATION DISTRICT v. COLORADO WATER CONSERVATION BOARD	2008	FUNDING IS APPROVED FOR ACQUISITION AND CONVERSION OF EXISTING RIGHTS INTO THE ISF PROGRAM
1979			
1981	SENATE BILL 414 ESTABLISHES ISF QUALIFYING CONDITIONS	2012	COLORADO WATER TRUST PILOTS "REQUEST FOR WATER" PROGRAM TO ENCOURAGE WATER LOANS TO THE ISF PROGRAM

Figure 1: Timeline of Colorado Water Law History

As early as 1500 BCE, Indigenous peoples began to cultivate corn in the plains of Southwest Colorado, which eventually led to a transition from hunter-gatherer societies to seasonal migrants to permanent settlements. With the rise of crop cultivation came the need for irrigation and water management. By the ninth century CE, these early Indigenous cultures had developed ditch and reservoir irrigation systems, presumably with some form of formal or informal allocation agreements between users, to collect water and transport it across the landscape¹⁸. In the twelfth and thirteenth centuries CE these early people abandoned their settlements, possibly due to drought, depletion of resources or conflicts with other Indigenous groups¹³. With the collapse of these early cultures, it was more than 500 years before European settlements were established and began to utilize irrigation projects¹³.

Early European settlements mainly used water for agricultural irrigation until gold was discovered around 1859. The mining boom of the 1860s, and the subsequent agriculture

irrigation boom to support the spike in population, brought conflict to water usage in the semi-arid climate. The importance of water for mining claims, and the fact that many mining sites were not on land bordering streams, created tension as more people sought to join the gold rush. Competing claims for water soon arose as new mine sites upstream of existing sites attempted to lay claims to water upon which the downstream mines already relied. Especially with seasonal and inter-annual streamflow fluctuations, there wasn't always enough water to support all the mining operations. Furthermore, dividing the water equally, as stated by the Riparian doctrine – a system of water access rights based on proximity to a stream – would leave competing miners with too little water to operate.¹³

This rampant competition for water-use motivated miners to develop a system of Prior Appropriation – those that came first, had the first claims to the water. The criteria for this system to operate required that the water be a) *diverted* and b) put to *beneficial use* for the claim to be considered valid, and the existence of the right was dependent on continued beneficial use¹³. In 1855, the first confirmation of such a system in *Irwin v. Phillips* came when a court in California reinforced the legal validity of such a system in Western states¹⁹.

By 1876, when Colorado became a state, the drafters of the constitution knew it would be vital to write the Prior Appropriation system into the new state's law. The Doctrine of Prior Appropriation codified the informal system that had been developing since the 1850s. Under this system, to claim a right, the water must be put to a beneficial use. These rights can be bought and sold, as long as the change doesn't affect other rights holders. Rights that were claimed earlier and have an older appropriation date have priority over more junior rights. In such a complicated system, it is important to keep track of when rights are claimed and how to manage them. In 1879 and 1881, the *Adjudication Acts* required rights owners to file a claim in court to establish validity. The judge would then issue a decree which included appropriation date and amount of water. This system is still in place and without a decree, rights are not considered valid and have no place on the priority list.¹³

For the rest of the 1800s and early 1900s, many of the legal developments were related to establishing priority dates and adjudicating decrees (Figure 1). However, complications began to arise in the 1950s when technology made it viable for the expansion of groundwater pumping for agricultural use¹³. To address the new conflicts that arose between surface water rights holders and depletion from groundwater withdrawals, the legislature passed two new governing documents. The 1965 *Groundwater Management Act* established a permitting system for groundwater withdrawals and defined areas of the state to maximize groundwater usage²⁰. More importantly, especially for ISFs, the 1969 *Water Rights Determination Act* created a more precise system for adjudication and administration of surface and groundwater rights.

This Act established the seven water divisions of the state that are built around the seven river basins in Colorado. In each of these divisions, the 1969 Act established a water court to adjudicate water rights cases for the division. Each water division includes a staff of water commissioners, division engineers, water clerks, water referees and a water judge. The water commissioners and water engineers work with water users in the division to collect water use

data and analyze technical aspects of water cases. Water clerks file and process water rights applications for evaluation by the water referee. The water referee issues recommendations and cases for consideration by the water judge. The water judge makes the final ruling on water cases, especially those involving issuing of decrees. Most water disputes are resolved before they reach the water referee and water judge, however. These water courts are vital to the establishment and legal upholding of various water rights – including those later designated as ISF rights.²¹

Also, in 1965, the concept of minimum stream flows began to gain traction in water management. The courts, however, did not quickly agree with the up-and-coming environmental movement. The Colorado River Water Conservation District (CRD) attempted to claim in-stream flow rights in the White River system to maintain fish populations and for recreation²². Citing previous precedent^{23,24}, however, the court denied those rights on grounds that water was not being physically diverted and therefore did not have a valid beneficial use. The court ruled that claiming rights of this nature was inconsistent with the Prior Appropriation system in Colorado; and therefore, the CRD was denied in its first attempt to apply for in-stream flow rights. It would take nearly 10 years for the legislature to look favorably upon these types of rights.

iii. Establishment of In-Stream Flow Rights in Colorado

In 1973, with the passage of the *In-Stream Flows Act* (Senate Bill 97, SB-97), the state legislature began to incorporate environmental flows into the Prior Appropriation system. The 1973 act gave the Colorado Water Conservation Board (CWCB) the authority to protect water quantity in lakes and streams to “preserve the natural environment in sufficient quantity to balance other diversions”. This authority allowed the CWCB to set aside a quantity of water that would keep streams flowing and maintain the ecological balance of aquatic ecosystems throughout the state.¹⁶

The redefining of a water right to include beneficial uses without a diversion was revolutionary for the Prior Appropriation system of Colorado. Shifting the definition of beneficial use to encompass non-diversionary uses was a significant step for water conservation and protection. “Non-consumptive” uses were now legally recognized in the established water rights system. Such a large change in regulatory intent arguably should have been done through a constitutional amendment¹⁶. Instead of going this route, however, the state legislature opted to codify procedures for appropriating and administering these rights¹⁶. This choice to not change the state constitution opened the door to later constitutionality challenges from those who were not in favor of ISF rights or did not think that SB-97 was the best approach.

The *In-Stream Flows Act* gave CWCB the ability to **appropriate** and **acquire** rights throughout the state for distinct environmental purposes. These two abilities are important to distinguish when considering ISFs in the context of the Prior Appropriation system. The CWCB is able to appropriate rights for environmental benefits with priority dates that correspond to the timing of the intent for protection (i.e., the application date). This type of in-stream flow creation protects rivers from future withdrawals – if there are unallocated flows in a river to protect. However, in

situations when a section of stream or river may already be fully allocated due to overconsumption or drought, the CWCB can acquire existing, senior rights from willing sellers and convert them into ISF rights while maintaining the original, earlier priority dates. This is a powerful provision that allows ISFs to have meaningful allocations in times of water stress – when ISFs are arguably most important.^{25,26}

After the initial passage of SB-97, the legislature attempted to clarify the definition of appropriations and beneficial uses to prevent entities other than CWCB from claiming in-stream flow rights. The requirement for a physical diversion was removed from the definition of both an appropriation and a beneficial use¹⁷. Although it was the legislative intent, at the time of passing, the bill did not explicitly define the CWCB as the sole entity capable of claiming these rights¹⁶. The aim was to make a more exclusive definition; but without explicitly defining the CWCB as the sole agency able to claim instream flows, the vague wording in the original legislation actually created an opportunity for private claiming of in-stream flow rights¹⁷.

Because these in-stream flow rights were so revolutionary, their constitutionality was widely discussed, but the Colorado Supreme Court delayed making a definitive decision. This dispute over constitutionality went on for nearly six years until a case came forth that required a court opinion. In 1979, the CWCB and CRD challenged each other in a case that would solidify the constitutionality of SB-97 and ISF rights. The CWCB applied for flow rights on three tributaries of the Crystal River, citing the beneficial uses as piscatorial (to maintain fisheries)²⁷. The CRD and the Southwestern Water Conservation District objected that there was no physical diversion in these applications, among other grounds. The CRD perceived these rights as being the same type of rights they had applied for and been denied in 1965: rights that would protect environmental flows. The difference was that with the CWCB's application, these rights were to be managed by the state²². The CRD viewed state management as susceptible to pressures from urban and agriculture demands for Western Slope water – something that the CRD opposed. After the legal hearings, the court held that SB-97 was constitutional and that the CWCB could appropriate ISFs. They did note, however, that all other appropriations still required a physical diversion to be awarded rights. This court case was important to clarify the legislative intent of SB-97. The ruling solidified the legality of the CWCB as the only entity able to appropriate water without diversions and that these rights should be administered within the established priority system¹⁷.

After the initial SB-97 was passed and a few ISF rights were established, the Colorado state legislature deemed it necessary to reinforce the authority of the CWCB with ISF rights. In 1981, Senate Bill 414 (SB-414) established conditions that these rights were required to meet: 1) water is available to preserve the natural environment; 2) the natural environment can be preserved; and 3) the water can be allocated to ISFs without “material injury to existing water rights”. With this clarification, the Colorado General Assembly reinforced its intent to have ISFs operate within the existing water rights system with as much value as all other rights.¹⁶

Further legal clarification of ISF rights came in 1986 and 1987. Senate Bill 91 (SB-91) in 1986 reinforced the ISF right acquisition ability of CWCB. The following year, Senate Bill 212 (SB-212) added exchanges to the mechanisms (previously only including applications for changes to water

rights or augmentation plans) by which CWCB could obtain and transfer existing rights into ISF rights. These two changes reinforced the importance of senior rights and gave senior rights holders additional mechanisms to protect water for environmental benefit. Additionally, in SB-212 the legislature further clarified the “exclusive” authority of the CWCB to claim ISF rights. This action was in response to a series of cases in which stakeholders attempted to claim ISF rights for a variety of reasons that were largely non-environmental. The CWCB was now explicitly the sole administrator authorized to operate within the established system for environmental preservation.¹⁶

By the early 1990s there were efforts to adopt rules and governance to oversee the ISF Program. In November 1993, the CWCB adopted the “ISF Rules” – a “Statement of Basis and Purpose and Rules and Regulations Concerning the Colorado Instream Flow and Natural Lake Level Program”. This rule-making document has subsequently been revised in 1998, 1999, 2009, and is [currently up for review](#) in 2020 and 2021. Most of these revisions are related to the administration of this program (i.e., appropriation procedures, public comment process, procedures for contested rights etc.).¹⁶

In the late 1990s and early 2000s, the conventional idea of protecting minimum in-stream flows was being challenged by the scientific community. There was a growing understanding that a minimum flow during all times of the year did not account for seasonal and inter-annual variation upon which aquatic species and habitats relied³. With this paradigm shift, the management community expected scientists to be able to provide new recommendations on implementing more comprehensive protections – a task that remains challenging due to the unique and complex dynamics of each river system²⁸. The hesitation of the scientific community to offer concrete recommendations on how to incorporate these flows into existing water allocations systems has created tensions and led to indecision on this topic²⁸.

Attempts to incorporate natural flow variations into legal water allocations took the form of allocations based on median monthly flows, or on a base-flow plus a seasonal peak. In Colorado, there were efforts by the CWCB and the U.S. Forest Service to devise natural flow protections based on levels of actual stream flows. This effort, however, met significant opposition and was not implemented. Some CWCB rights do vary seasonally, but unfortunately, these efforts have made minimal progress towards incorporating variable flows in a wide-spread, environmentally impactful manner.²⁹

Starting in 2001, Colorado allowed a narrow group of third-party entities to obtain narrow in-stream rights for recreation. These “recreational in-channel diversions” are generally awarded to city and county governments. The full discussion of these rights is outside of the scope of this paper, but it is important to note the similarities between ISFs for environmental purposes and recreational in-channel diversions. Awarding these types of rights to city and county governments may be an important step toward expanding in-stream flow rights to non-CWCB entities.³⁰

A significant drought in 2002 was the impetus for the Colorado General Assembly to refine and expand the scope of the ISF program. Language to “preserve *or improve*” (previously “maintain”) the environment was added to Senate Bill 156 (SB-156) in 2002. This bill also removed limits that allowed ISF applications only for minimum flows. In 2003, when fisheries across the state were threatened with extremely low drought flows, House Bill 1320 (HB-1320) was approved to allow temporary loans of water from other users to the ISF program during times of drought. This addition to the program’s authorization allowed the CWCB to act quickly for environmental preservation in times of drought. In 2005, 2007 and 2008, House Bills 1039, 1012, and 1280, respectively, added limitations to the number of years these water loans could be enacted and removed landowner disincentives (such as classifying rights as abandoned if not used consumptively).¹⁶

While CWCB was given the ability to acquire and convert existing rights to ISFs, it is expensive to acquire consumptive rights, and landowners generally aren’t keen to give them away for conversion to ISFs for environmental protection. This part of the ISF Program relied on donations and therefore was less impactful than the appropriation efforts. In 2008, however, the Colorado General Assembly approved \$1 million annually to be allocated for the acquisition of rights and conversion to ISFs. This appropriation has helped move the needle on acquiring water rights in areas prioritized for environmental protection or recovery.¹⁶

By the end of the 2010s, the courts again took action to reinforce that the CWCB was the sole entity and had the discretion to make policy determinations related to environmental preservation and ISFs. With continual legislative support, the CWCB began to create partnerships with other Colorado organizations to help promote the benefits of ISFs. The Request for Water program administered by the Colorado Water Trust is one of the most successful of such programs. This program, similar to the efforts in 2002 to request water loans for ISFs, created market-based incentive programs to promote water loans from private, consumptive users to CWCB for the purpose of maintaining stream and river flows. While the CWCB’s ISF program has expanded greatly over the past 40 years, private entities are still unable to claim these types of rights.

Other efforts in the 2010s focused on expanding qualifying uses and attempting to incorporate efficiency into consumptive water uses while converting the efficiency gains into ISFs. Most of these legislative efforts, however, were never passed or were vetoed by the governor²⁶. As the 2020s begin, the qualifying uses and flows for ISFs are expanding as managers and policy makers understand the importance of protecting stream and river flows in the face of climate change and increasing environmental uncertainty.

Many of the legal challenges to date revolve around the place of ISF rights within the Prior Appropriation system. It is vital that these rights have been established with the same weight as other consumptive rights otherwise they would perpetually be at the bottom of the list for receiving water. By integrating them into this system, the CWCB can prioritize acquisition of senior rights in areas that may be under particular environmental stress. Additionally, it gives landowners a mechanism with which to reallocate unused rights for environmental purposes

instead of risk them to abandonment. This threat of losing water that goes unused has perpetuated inefficiencies in consumptive uses of water (i.e., users wasting water to keep the claim valid).

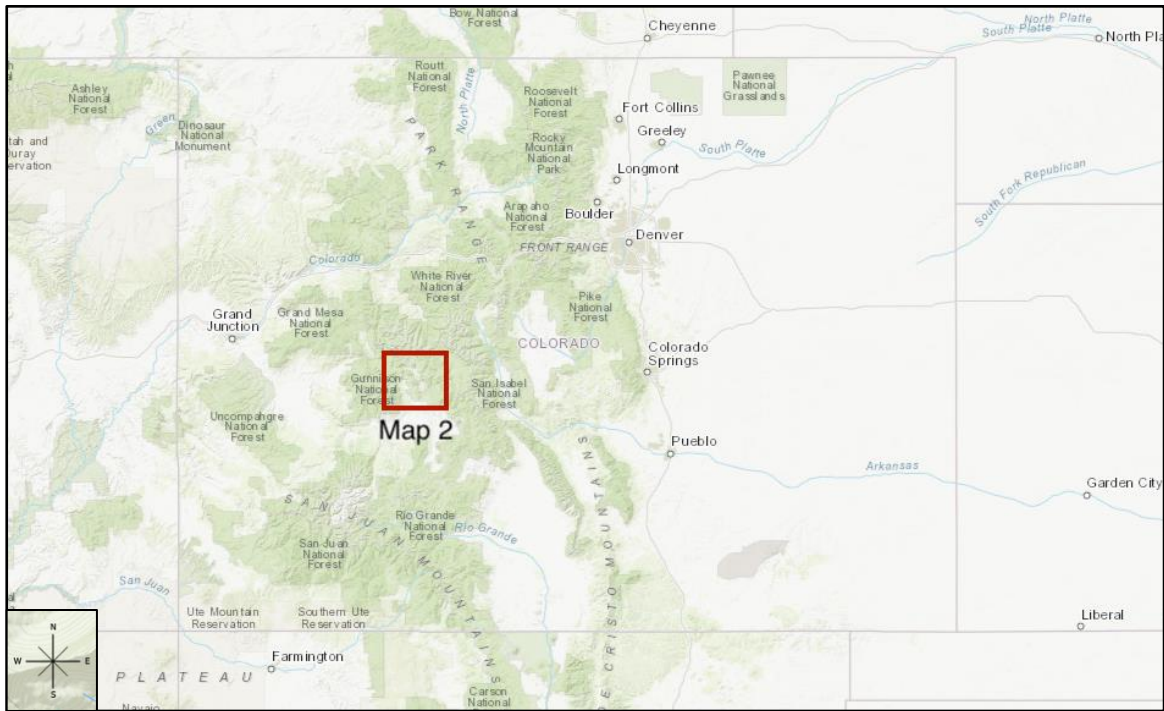
iv. Case Study: Rocky Mountain Biological Lab In-Stream Flows

Just after SB-97 passed in 1973, but before the 1979 ruling that the CWCB was the only entity that could claim rights without a diversion, there were efforts by private entities to claim instream flow rights.

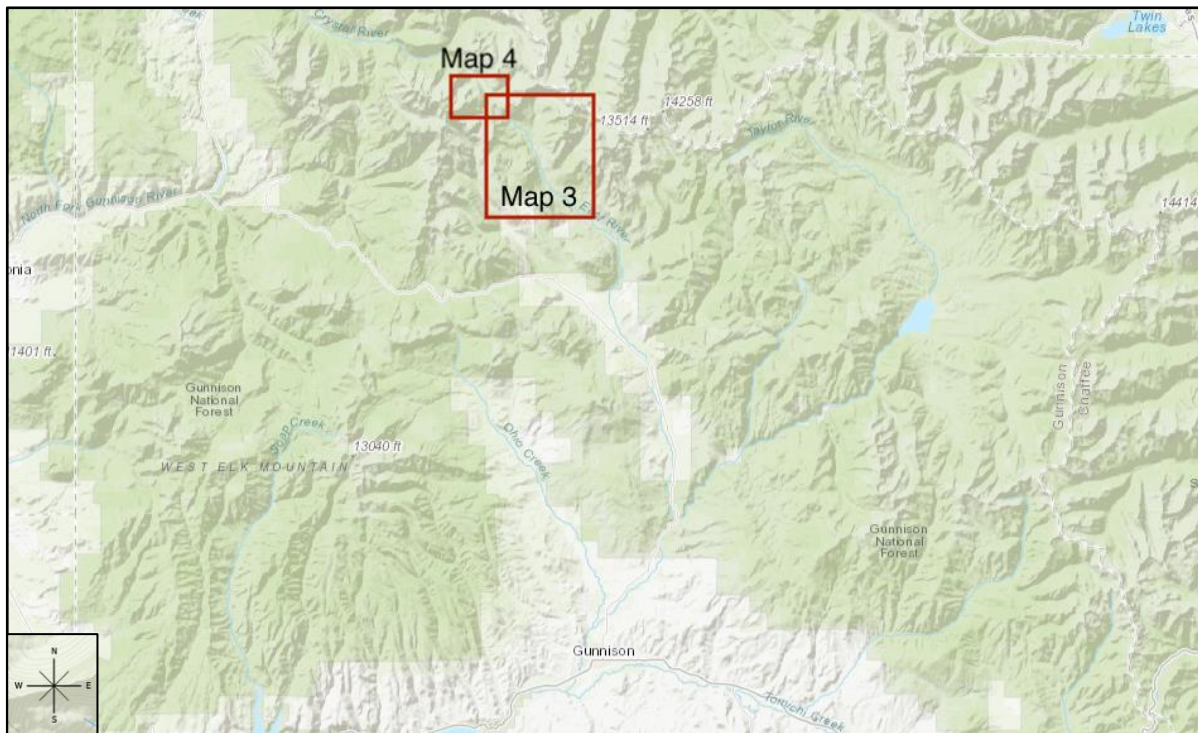
In the fall of 1972, Pete Klingsmith – a lawyer in Gunnison County – filed for several in-stream flow water rights on small streams throughout the county. Klingsmith filed on behalf of the Rocky Mountain Biological Laboratory (RMBL) and two private associations in the Taylor River and Illinois Creek basins. The beneficial uses listed on the applications were unprecedented, non-consumptive uses for water allocations – such as recreation and wildlife preservation. Because SB-97 did not yet explicitly say that these new rights were only to be decreed to CWCB, the water referee for the division did not interpret Senate Bill 97 to exclude private applications. Klingsmith’s applications were approved by the Division 4 water referee and water judge. With their approval, ISF rights were awarded to private entities – against the intent of the state and CWCB. These rights in Water Division 4 remain some of the only rights of their kind in the state.¹⁷

Nine sites were included in the ISF applications that Klingsmith submitted on behalf of RMBL. See Maps 1 and 2 for general locations and Maps 3 and 4 for stream locations and appendix for full decree documentation.

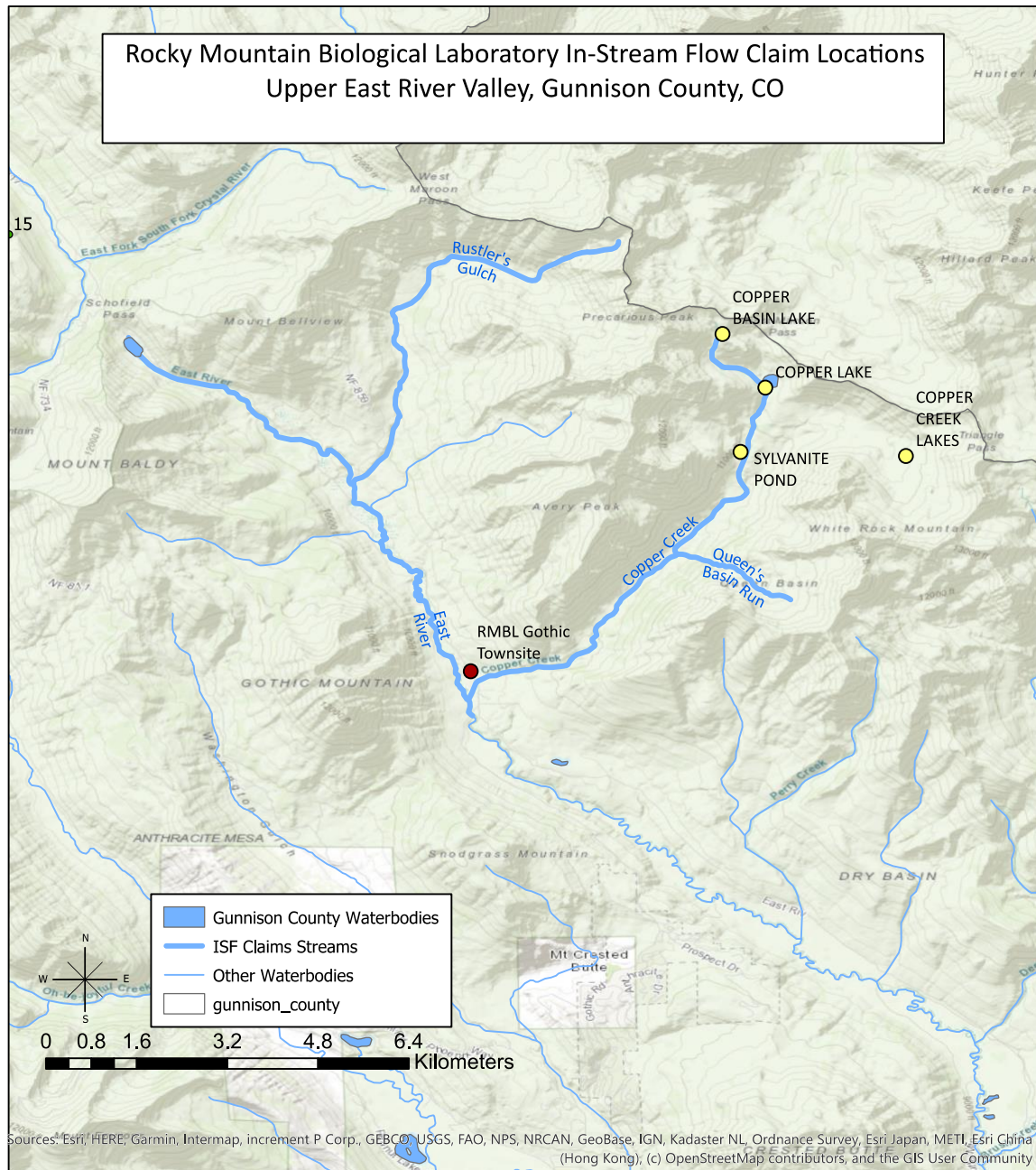
Stream Name	Decree Number	Application Date	Decree Date	Appropriation Amount	Priority Date
Copper Basin Lake	W-1442	November 29, 1972	June 14, 1973	22.96 acre feet	July 1, 1921
Copper Lake	W-1444	November 29, 1972	June 14, 1973	578.51 acre feet	July 2, 1921
Copper Creek Lakes	W-1443	November 29, 1972	June 14, 1973	1.14 acre feet	July 3, 1921
Sylvanite Pond	W-1445	November 29, 1972	June 14, 1973	2.82 acre feet	July 4, 1921
Copper Creek	W-1446	November 29, 1972	June 12, 1973	90 cfs	July 5, 1921
Queens Run	W-1141	November 29, 1972	June 14, 1973	20 cfs	July 6, 1921
East River	W-2700	October 16, 1975	May 3, 1976	46 cfs	August 1, 1927
Mexican Cut Ponds / Galena Lake	W-566-72 through W-583-72	April 28, 1972	November 6, 1972	143.623 acre feet (total)	July 1, 1932
Rustler’s Gulch	W-2692	September 30, 1975	June 10, 1976	22.5 cfs	1972



Map 1: State of Colorado with area of interest highlighted in red box. Mapping performed by author with ArcGIS Online.



Map 2: Area of interest from Map 1. Red boxes highlight areas of interest for Maps 3 and 4. Mapping performed by author with ArcGIS Online



Map 1: RMBL's ISF claims in the East River Valley. Data provided by Colorado Water Conservation Board; Mapping performed in ArcPro by author.

The longstanding presence of the Gothic townsite, originally a mining camp and subsequently the Rocky Mountain Biological Laboratory (RMBL), enabled these rights to be approved with initial appropriation dates as early as 1921¹⁷. Initial appropriation dates are related to the date of first use of water, which the RMBL administration was able to identify in the 1920s as the biological station was being established. The founder of the station, John C. Johnson, began to

bring students on biological excursions to Gothic as early as 1919 and, presumably, Klingsmith and RMBL administration were able to estimate initial and continued use starting in 1921³¹.

The land deeds from the late 1880s for the mining town in Gothic had been largely abandoned by 1928, and Johnson petitioned Gunnison County to allow the biological station to acquire the properties. With this approval, Johnson started to build and expand the ecological research station in the upper East River Valley – a station that is still active today and has become one of the premier high-elevation biological stations in the world³¹. By the 1970s, the research and educational presence in the area was well established, and the beneficial uses cited on the water claims reflect these activities.

The RMBL claims on streams are non-consumptive in nature and the decrees explicitly state that the historical flows be “free of pollutants and undiminished in quantity and quality”. Beneficial uses cited on the flow decrees for the streams near RMBL include:

- General biological studies
- Investigation and research
- Wildlife
- Piscatorial culture and procreation
- Recreation
- Natural Heritage preservation

The decrees for these streams acknowledge that they are unusual – stating at the end:

“A decree of this type is unprecedented and its legal value unknown and untested; however, it seems appropriate to create for Court and water records a decree of some nature to accomplish and protect the purposes of the Biological Laboratory.”

At the time, the water courts recognized the uniqueness of the beneficial uses cited on RMBL’s applications, but these uses remain an interesting wrinkle in the water rights system. In-stream flow beneficial uses are generally cited for fish culture or recreation. Acknowledging that the research and educational purposes of the biological laboratory depend on these rights potentially gives additional weight to the importance of these specific ISF rights. Aquatic studies spanning decades have been implemented at RMBL – generating powerful data that documents potential effects of climate change on stream ecosystems. Additionally, negative impacts of any threats to water quantity or quality would be detected through data collected by those studies. For the courts to recognize the importance of such long-term studies and to reinforce the validity of these rights provides valuable support to the denial of any future challenges to these rights.

For the most part, RMBL’s decrees were filed without opposition. However, a challenge to the Rustler’s Gulch decree was filed in November, 1975 – shortly after the decree application was submitted to the water court. These rights were controversial at the time of filing and many thought that they should not be decreed¹⁷. Formal opposition was submitted by the U.S. Attorney General citing adverse effects of ISFs on federal rights and federal water usage. The

Division 4 Water Referee, however, ruled that the water had been put to beneficial use since 1927, and the challenge was dismissed.

Further opposition to the RMBL decrees came in 1978 when federal water rights litigation brought the Gunnison National Forest (where RMBL is located) under review. Klingsmith represented RMBL as an appellee against the Federal Government in an argument over implied water rights on federal lands. At the time, disagreements focused on the implied rights – called “federal reserved water rights” – that accompanied federal reserved lands, in this case, National Forest land. After the U.S. Supreme Court ruled that these rights applied to all federally reserved lands³², many viewed them as a threat to all other uses and development because they would carry appropriation dates from the reserving of the land (some as early as the late 1800s or early 1900s). Interestingly, these federally reserved water rights were generally considered for in-stream flow, recreational or wildlife purposes, which is one reason why there may have been so much push back against their establishment.³³

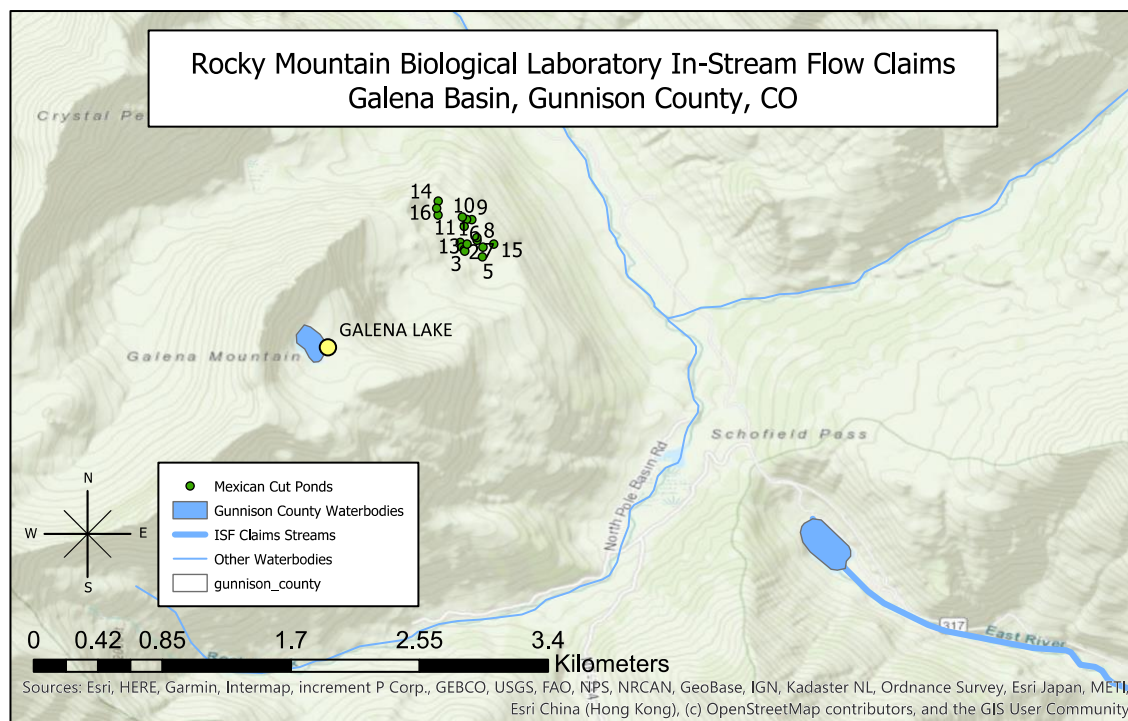
In connection with this litigation in 1967, the U. S. Forest Service was asked to quantify its claims in Colorado Water Divisions 4, 5, and 6. RMBL held a special permit to operate within the Gunnison National Forest in Water Division 4 and thus got involved in the subsequent 1978 lawsuit³⁴ to protect the water they had recently claimed for ISF purposes. The U.S. Supreme Court ruled in 1982 that the U.S. did hold limited reserved water rights to accomplish the purposes explicitly and legally outlined for the reserved land. For National Forest lands those purposes were outlined to be water flows for timber production and harvest only. The court stated that the reserved rights did not include in-stream flow, recreational, scenic or wildlife purposes. Furthermore, the courts could not award such rights after the National Forest land was reserved; and if the government had not recognized additional rights at the time the land was reserved, courts could not award them at a future date. This case prevented federal water rights from absorbing RMBL’s claims and further upheld private water allocations on Federal reserved lands.³³

After SB-97 was passed and the intent for the CWCB to be the sole entity of these rights was solidified, CWCB started adding ISF rights around the state. Interestingly, the CWCB applied for and entered into the ISF Program subsequent ISF rights on a few of the streams on which RMBL already held private rights. The appropriation amounts of these streams act as an additional layer of protection on the flows of these streams. The state claims, in addition to the RMBL rights (above), are as follows (see decree documents in Appendix):

Stream Name	Decree Number	Application Date	Decree Date	Appropriation Amount	Priority Date
Copper Creek	80CW-89	May 13, 1980	September 29, 1983	7 cfs	March 17, 1980
East River	82CW-255	September 16, 1982	May 30, 1985	15 cfs (summer) 8 cfs (winter)	June 3, 1982
Rustler’s Gulch	84CW-372	December 31, 1984		4.5 cfs	May 4, 1984

Mexican Cut Ponds / Galena Lake	80CW532 through 80CW543		April 12, 1981		March 17, 1980
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RMBL also held rights to a series of ponds and a large alpine lake located in the Crystal River basin (Map 2) – the Mexican Cut Ponds and Galena Lake (a property now owned by The Nature Conservancy and leased to RMBL for management and ecological studies). In an effort to add these rights to the ISF Program, CWCB entered into an agreement with RMBL. The rights of the Mexican Cut Ponds and Galena Lake were to be leased to the CWCB for 99 years for \$10 annually. In the agreement, CWCB was also required to over-file – similarly to the additional claims above. In these subsequent claims processes, it came to light that an assortment of these ponds (1, 2, 12, 14, 15) were partially located on private land that was owned for mineral exploration. The CWCB was unable to claim additional rights on these ponds. In 1981 and 1986 The Nature Conservancy was able to purchase two mining claims that brought these ponds under protection. The CWCB, however, never filed additional claims on these ponds.³⁵



Map 3: RMBL's ISF claims on Galena Lake and the Mexican Cut Ponds. Data provided by the Colorado Water Conservation Board; Mapping performed in ArcPro by author.

Beyond the above legal challenge in 1978, RMBL's ISF rights went largely unnoticed through the rest of the 1980s. However, with the growth of the Denver metropolitan area in the 1990s, Denver sought consideration of additional water supplies. Water managers turned to the Western Slope as a potential source of this water. Arapahoe County, in particular, saw the streams in the East River Valley as a prime source for inter-basin transfers and applied for rights on the same streams that had been secured for RMBL by Klingsmith for ISFs. In 1992, Arapahoe County challenged the legality of these in-stream rights – but despite having a new water judge,

the Division 4 water court upheld the legality of the Klingsmith decrees¹⁷. Disappointed by the local ruling, Arapahoe County appealed to the state Supreme Court. The court, however, upheld the 1974 decision to grant the applications for private in stream flows³⁶.

Most recently, discussions related to RMBL's ISF water rights have been related to water use in the townsite and expanding summer capacity³⁷. The laboratory also holds two permits for consumptive purposes.

v. Analysis

The rights that Klingsmith claimed quickly and covertly in the early 1970s have been an anomaly in Colorado's system of in-stream flow rights. There are few as three other locations in Colorado where private in-stream flow rights were approved before the legislature was able to fully designate the CWCB as the only holder of these rights.

The view of in-stream flow rights has been changing in recent years. With the implementation of in-channel recreational diversions and water leases coordinated with the Colorado Water Trust, rights and beneficial uses that accomplish the same goals as original ISFs are being considered and adopted. The growing importance of accounting for ISFs and environmental water rights in the Prior Appropriation system will soon necessitate the expansion of these programs. Recognizing RMBL's rights as a standard, legal mechanism could be a new strategy for addressing the growing urgency of water usage in the West.

a) Opportunities for the Future

Currently, the gap between the water quantity protected and the amount and timing of water necessary to conserve biodiversity and ecosystem services is growing¹². Moving away from a centralized model in which the CWCB is the sole holder of ISF rights to a more expanded model with private entities, including NGOs, working with state agencies, could address this disparity. Locations across the state have been [recommended](#) for ISF review to the CWCB but few receive the final decrees due to lack of capacity or funding.

Colorado is beginning to move toward a more decentralized system – as seen with the Colorado Water Trust (CWT) leasing programs and recreational in-channel diversions. Ease of acquiring rights and of temporary leasing has expanded with CWT brokering these transactions, which brings attention to the role that NGOs may play in the water rights arena²⁵. However, RMBL's rights can serve as a model for flows that are held by private entities – especially those that are concerned with conservation. Landowners are beginning to realize the value of maintaining natural stream flows, and opportunities to claim ISF rights on their properties, jointly with other landowners or regionally through an NGO can safeguard these ecosystem services and prevent the water from being allocated out of the basin.

Local knowledge can help prioritize streams and rivers for protection that may be under-researched or overlooked by the state. Providing a legal mechanism for this effort, such as

private in-stream flow rights, can support an intensification of environmental flow protection across the state. For example, if a single agency is the sole holder of these rights, then they hold all the power to enforce or waive the allocations, depending on user demands or climate conditions for these ISFs in favor of more junior rights²⁵. This scenario creates rigidity for environmental protections, especially as droughts become more common and severe. State agencies may begin to feel pressure from consumptive water users to stop allocating for in-stream purposes. The power of multi-stakeholder cooperation in expanding ISFs and environmental flow protection will further support effective protections, even as funding is limited for state agencies. If many entities hold ISFs, there will be additional provisions against reallocating environmental flows for consumptive purposes in times of water stress, which will maintain vital ecosystem function.

The growing body of knowledge regarding climate change and the importance of ISF rights has changed the perception of ISFs, highlighting their myriad benefits. Looking forward, the ISF Program in Colorado will need to continue to innovate and include diverse tools, such as accounting for variation and utilizing adaptive management approaches, for environmental flow protection.

b) Accounting for Variability

With ecological advancements in the understanding of the importance of streamflow variability, the scientific community has moved away from recommendations of minimum flow allocations to ones that mimic historical seasonal and inter-annual flow patterns¹². Furthermore, recent researchers are realizing that current climate conditions are changing so rapidly that even accounting for historic variation probably is not sufficient³⁸. Baselines are shifting, frequency of extreme events are increasing, spatial distribution of stressors are changing and myriad other variables are all adding to uncertainty that makes future predictions nearly impossible.

Water rights that are allocated in flow amounts or minimum flows are too rigid and static. For robust protection of ecosystem function and biodiversity conservation, however, this variability that accounts for uncertainty across space and time will need to be incorporated into environmental flow protections^{12,38}. Researchers have proposed approaches that move away from minimum flow allocations. For example, for rivers with abundant flow data, setting targets on historic variability may be possible; for less studied systems, developing regional stream “groups” with similar characteristics can help account for variation²⁸. Other management suggestions have included inverting how water is allocated: reserving a specific portion for consumptive uses and the rest are automatically allocated for environmental protection²⁹. Commentary on these approaches is out of the scope of this analysis, but implementation of new techniques like this will be vital to maintain the ecosystem functions and services.

Looking to the future of environmental flow allocations, providing for variability will be essential, especially in years of below-average flow. In-stream flow allocations could help to contribute to maintaining this variability if the protections explicitly incorporate seasonal and inter-annual variations, as well as flexibility that can respond in times of unprecedented climate conditions

(e.g., droughts or high-precipitation years). ISF rights and protections that mimic the natural flow regime could be sufficient to support the ecosystem processes that rely upon periodic disturbances. Rights that account for this variation would ensure provisioning of enough water for all ecosystem processes before allocating for new semi-consumptive or consumptive uses.

c) Managing for Resilience through Adaptive Management

Under future water uncertainty, diversification of the current water allocation system will rely on improving resilience for all sectors by using adaptive management approaches^{38,39}. Water rights allocations currently rely on historical conditions – allocations are based on the amount of water that historically flowed regularly through a system. Unpredictable climate conditions and changing water supplies has created conflicts between users. Consideration of future water supplies and demands in a way that accounts for uncertainty will help water managers develop realistic and flexible targets in the face of uncertainty and climate change¹². Management approaches that focus on building resilience into water supplies and ecological communities can help to increase adaptive capacity to buffer systems from crisis or collapse³⁸.

Adaptive management of Colorado's ISF rights needs to focus on cross-sector cooperation and acknowledgement of the complex linkages between water supplies, ecosystem health and human well-being. With such a diversity of water users and water needs across a watershed, cooperation between water users, managers and policymakers can identify needs and expectations that allow management efforts to move towards more flexible water allocation by acknowledging differing conceptions of water's value across sectors^{12,25,39}. Promoting this cooperation may help to reframe water-use away from conflict.

Adopting adaptive management and adaptive governance – techniques that allow adjustments at critical points as the system responds to human intervention – can be important for building flexibility into the management of these systems. Moving beyond jurisdictional boundaries and to a level that accounts for the interconnected, cumulative stressors on a system will further reframe management to a holistic landscape and watershed scale. Management of aquatic systems should reflect the interconnectedness of streams and watershed land uses – not simply an opportunistic approach driven by available land or funding. With landscape level consideration, environmental managers can make highly informed decisions about targeting water rights allocations or water loans to locations that are at risk due to increased drought impacts or negative impacts of consumptive allocations or water transfers^{12,40}.

d) Other Considerations

Managing these interconnected systems on this larger scale by including intervention points at multiple levels can make management more impactful – especially if decisions are adaptive and responsive to changes in the system. For example, a landscape-level governing body can provide consistent guidance and support for local actors to work on small-scale protections. Being able to communicate and change management approaches based on the feedback and experience of these local actors can help landscape-level governance be adaptive to changing conditions based

on what is working and why. Private ISF rights are an adaptive strategy to increase local involvement and create reliable environmental safeguards.

Like most environmental challenges of the twenty-first century, prioritization of funding is a necessary first step for expanding efforts. While the state of Colorado may have limited funding for the ISF Program, expanding the availability of ISF rights to private entities could remove some of the funding burden from the CWCB.

There are inevitable drawbacks of creating a completely decentralized system for private landowners to claim ISF rights on their properties. Foremost is the potential lack of oversight from state agencies and ecological experts. Currently the CWCB routinely monitors the uses of all water rights. Allowing private claiming of ISF rights, however, may remove the agency coordination and the associated financial support or ecological expertise necessary to adequately monitor and track private ISF rights. This issue has been one barrier to private ISF rights that has been tested – state agencies have asserted in legal challenges that private claims of ISFs are not subject to the high standards and oversight of the CWCB’s ISF Program¹⁶. Additionally, opening private rights runs the risk that many people could effectively claim the remaining water in streams for ISFs. While this may be environmentally beneficial on one level, it would pose administrative, and potentially legal, challenges with complete distribution to consumptive, senior uses, especially in dry years. A rapid expansion of ISF rights may also present barriers to future development which may have equity implications – or perpetuate existing challenges. For example, many Indigenous nations have been struggling with claiming their tribal water rights and in basins where much of the water is already claimed, these settlements often leave historically marginalized communities with less water than they are entitled⁴¹.

Although there are potential drawbacks, the availability of water loans through the Colorado Water Trust program is an effective initial effort to consider the value and challenges of decentralizing these rights. Bringing these challenges into the legal and legislative discussions of adopting additional ISF rights mechanisms will help to create a more robust system. Efforts to decentralize and privatize ISF rights would need to account for these challenges – especially those related to environmental justice. While any new ISF rights would still need to be approved and supported by the CWCB to ensure that monitoring remained consistent, diversifying the claiming mechanisms would introduce flexibility and adaptability in the face of future uncertainty. Approval and allocation of these ISFs would also address the needs and values of marginalized communities and their role in holding these rights. This initiative may present new opportunities for these communities to claim and secure ISF rights aligned with and support their traditional values and livelihoods.

vii. Conclusion

My analysis poses the question as to whether privately-held ISF rights should remain a grandfathered exception to a centralized system or should be considered as an option for the future. The answer will necessitate a true reckoning with the goals of the ISF Program. If the goal

is to protect intact natural systems and ecosystem services, time is running short as climate change and consequential droughts threaten to push aquatic systems past recoverable states. Responsible management of these important ecosystems needs as much flexibility as possible to ensure their resilience in the highly uncertain future.

Colorado will need to resolve the political water conflicts through communication with stakeholders and education of the general public on the importance of environmental flow protections. Societal value shifts will need to happen as water users across the state understand that the implications of over-allocation are crisis and collapse¹². Changing the views on water usage to encompass both human and ecosystem needs for water as complimentary is vital. There will always be competition between out of stream users and the water flowing, seemingly unutilized in stream channels. Reframing this value of flowing water as necessary to create the functional ecosystem that supports all other water users across the landscape will align environmental flows as supporting other users.

ISF rights can play a role in protecting these systems from further over-allocation and degradation, but their allocations need to be ramped up significantly. Expanding the ability of non-CWCB entities to claim ISF rights may help to bring intrinsic water and environmental values into management on many scales, especially those that are more local. Local ownership of these rights gives more power for enforcement in challenging times— such as drought, when uses come into conflict. Further expanding the mechanisms by which these rights are obtained will enable private landowners, local groups and regional NGOs can be powerful partners to advocate, fund and monitor a complex system of ISF rights. This decentralized approach would further benefit from a standardization by state oversight of how these rights are managed. With state agency guidance on where and how much these flows should be and the legal ability for private entities to claim ISF rights, a rapid expansion in effort to protect environmental flows across the state may help to sustain vital ecosystem function amidst an uncertain future.

viii. Literature Cited

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ix. Appendix

Contents:

- i. Application and Decree documents for the following claims
 - a) RMBL Owned:
 - i. Queen Basin Run: Case Number: W-1441
 - ii. Copper Basin Lake: Case Number: W-1442
 - iii. Copper Creek Lakes: Case Number: W-1443
 - iv. Copper Lake: Case Number: W-1444
 - v. Sylvanite Pond: Case Number: W-1445
 - vi. Copper Creek: Case Number: W-1446
 - vii. East River: Case Number: W-2700
 - viii. Rustler's Gulch: Case Number: W-2692
 - ix. Mexican Cut Ponds: Case Numbers: W-566 through W-581
 - x. Galena Lake: W-582
 - b) CWCB Application and Decree documents:
 - i. Copper Creek: Case Number: 80CW89
 - ii. East River: Case Number: 82CW255
 - iii. Rustler's Gulch: Case Number: 84CW372
- ii. Galena Lake and Mexican Cut Ponds Lease Agreements

File in quadruplicate

WATER FORM A

FILED
IN THE DISTRICT COURT
WATER DISTRICT #4

NOV 29 1972

Kay Phillips

WATER CLERK

IN THE DISTRICT COURT IN AND FOR

By

DEPUTY

WATER DIVISION NO. 4

STATE OF COLORADO

Case No. W- 1441

IN THE MATTER OF THE
APPLICATION FOR
WATER RIGHTS OF

THE CORPORATION OF THE ROCKY

MOUNTAIN BIOLOGICAL LABORATORY,

AT GOTHIC, a corporation

APPLICATION FOR WATER
RIGHT
(Surface)

IN GUNNISON COUNTY.

The Corporation of the Rocky Mountain
Biological Laboratory at Gothic,

1. Name of applicant:

C/O Klingsmith, Russell & French

Address of applicant: P.O. Box 179

Gunnison, Colorado

Zip 81230

641-1334

Telephone number of applicant:

QUEEN BASIN RUN

2. Name of ditch or other structure:

3. Legal description of each point of diversion or proposed
diversion:

The points of diversion claimed by applicant are each
point of use along the entire length of the stream,
which stream courses through the W4, Section 31, Township
12 South, Range 85 West, 6th P.M. and Sections 25 and
36, Township 12 South, Range 86 West, 6th P.M.
See map attached hereto

Amended 4/8/72

4. Description of ditch, pump, or pipeline: said run commences at the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 31, Township 12 South, Range 85 West, 6th P.M. and continues in a northwesterly direction, as shown on the attached plat, until its confluence with Copper Creek at the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 36, Township 12 South, Range 86 West, 6th P.M. and its course is through Sections 25 and 36, Township 13 South, Range 86 West, 6th P.M. and Section 31, Township 13 South, Range 85 West, 6th P.M. and Section 31, Township 13 South, Range 85 West, 6th P.M. a tributary to Queen Basin Run, a tributary to
5. Source of water (River and tributary): Copper Creek, a tributary to the East River, a tributary to the Gunnison River
6. A. Date of initiation of the appropriation: July 6, 1921
B. Date water first applied to beneficial use: July 6, 1921
C. How appropriation was initiated: By the application of the water in said run to the beneficial purposes described herein
7. Amount of water claimed by diversion in cubic feet per second of time (Indicate whether conditional or absolute):
A. Portion absolute: 20 cfs B. Portion conditional: _____ cfs
8. Use or proposed use of the water: See attached sheet
9. In case of an irrigation priority, the number of acres being irrigated: _____; the number of acres historically irrigated: _____; and the number of acres proposed to be irrigated _____ by the decree sought.
10. Remarks: _____

KLINGSMITH, RUSSELL & FRENCH

RL Kling
Signature of applicant or attorney for applicant

P.O. Box 179

Gunnison, Colorado 81230

Telephone: 641-1334

Name, address and telephone number of attorney for applicant.

paragraph 8.

The applicant has for the past fifty-one years, and does now, use the water in Queen Basin Run for non-consumptive purposes in connection with its scientific purposes and in the conduct of its laboratory. Such purposes and uses are as follows: general biological studies, investigation and research, which involve the use of said water by staff members of the applicant and students and research associates for study and scientific investigation purposes and for arriving at hypothesis and conclusions based upon such studies; for wildlife and piscatorial culture and procreation, and for recreation. All of such activities require the water entering and filling said run to be and remain free of pollutants and undiminished in quantity and quality from its historic flow. Such activities are non-consumptive, and applicant will not restrict the general public in their use of said waters for non-consumptive purposes so long as such purposes do not pollute said waters or diminish them in quality or quantity.

STATE OF COLORADO

COUNTY OF GUNNISON

)
) ss..
)

Robert B. Willey, being first duly sworn, upon oath, deposes and says that (s)he has read the foregoing application, knows the contents thereof and that the same is true.

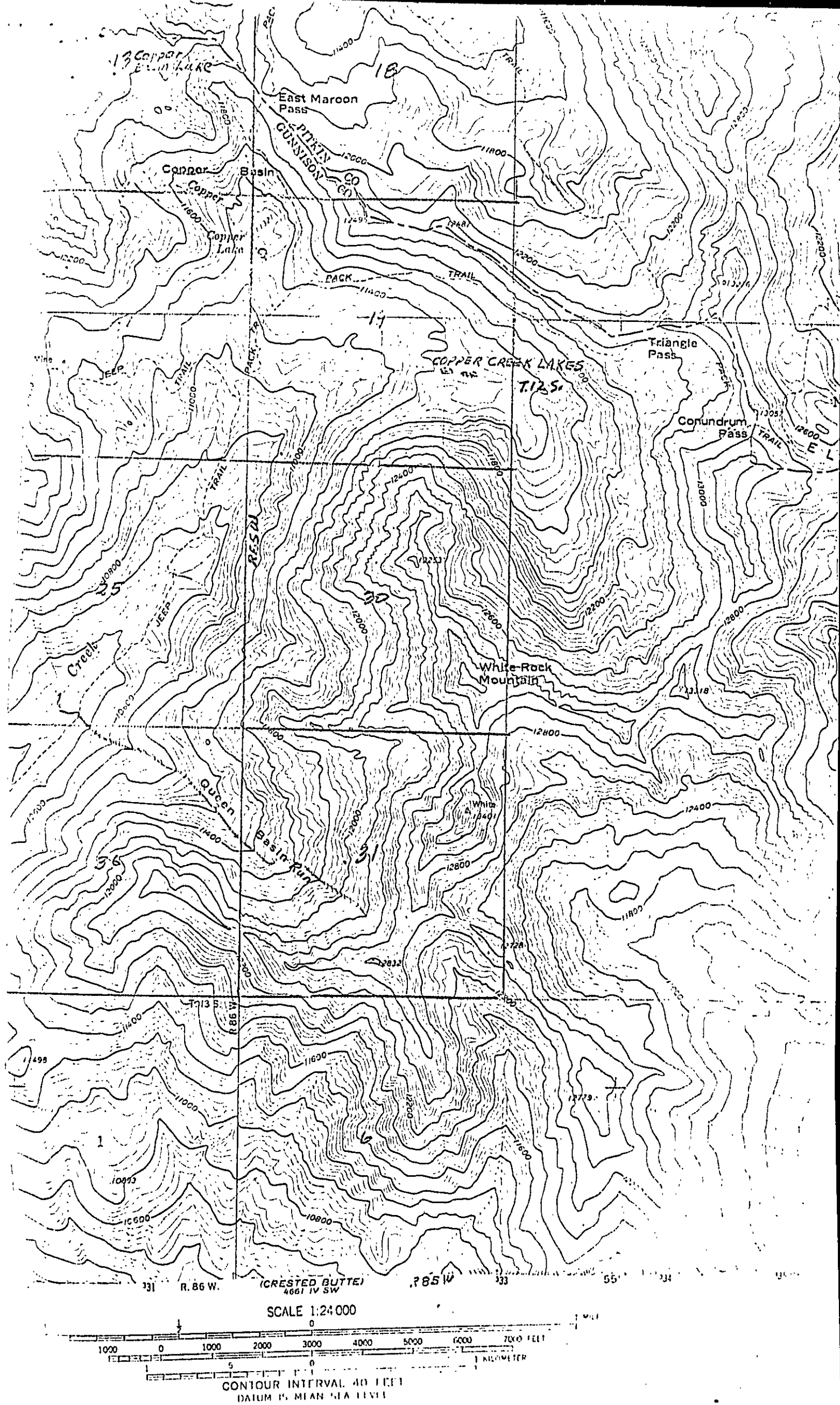
Robert B. Willey

Subscribed and sworn to before me this 15th day of
October 72, 19 72.

April 23, 1975

My commission expires: _____

Harvey Sweet
Notary Public



in quadruplicate

ORIGINAL

WATER FORM A

FILED
IN THE DISTRICT COURT
WATER DISTRICT #4

IN THE DISTRICT COURT IN AND FOR

NOV 29 1972

WATER DIVISION NO. _____

STATE OF COLORADO

Case No. W- 1441

Kay Phillips
WATER CLERK
DEPUTY

IN THE MATTER OF THE
APPLICATION FOR
WATER RIGHTS OF

THE CORPORATION OF THE ROCKY
MOUNTAIN BIOLOGICAL LABORATORY,
AT GOTHIC, a corporation

APPLICATION FOR WATER
RIGHT
(Surface)

IN GUNNISON COUNTY.

The Corporation of the Rocky Mountain
Biological Laboratory at Gothic,

1. Name of applicant: _____

C/o Klingsmith, Russell & French
Address of applicant: P.O. Box 179

Gunnison, Colorado Zip 81230

Telephone number of applicant: 641-1334

2. Name of ditch or other structure: QUEEN BASIN RUN

3. Legal description of each point of diversion or proposed
diversion:

The points of diversion claimed by applicant are each
point of use along the entire length of the stream,
which stream courses through the W $\frac{1}{2}$ Section 31, Township
12 South, Range 85 West, 6th P.M. and Sections 25 and
36, Township 12 South, Range 86 West, 6th P.M.
See map attached hereto

Amended 4/8/72

36, Township 12 South, Range 86 West, 6th P.M. and its course is through Sections 25 and 36, Township 13 South, Range 86 West, 6th P.M. and Section 31, Township 13 South, Range 85 West, 6th P.M.

5. Source of water (River and tributary): Copper Creek, a tributary to
tributary to the East River, a tributary to the Gunnison River

6. A. Date of initiation of the appropriation: July 6, 1921.

B. Date water first applied to beneficial use: July 6, 1921

C. How appropriation was initiated: By the application of the water in said run to the beneficial purposes described herein

7. Amount of water claimed by diversion in cubic feet per second of time (Indicate whether conditional or absolute):

A. Portion absolute: 20 cfs B. Portion conditional:

8. cfs
Use or proposed use of the water: See attached
sheet

9. In case of an irrigation priority, the number of acres being irrigated: _____; the number of acres historically irrigated: _____; and the number of acres proposed to be irrigated _____ by the decree sought.

10. Remarks: _____

KLINGSMITH, RUSSELL & FRENCH

Signature of applicant or
attorney for applicant

P.O. Box 179

Gunnison, Colorado 81230

Telephone: 641-1334

Name, address and telephone
number of attorney for applicant.

paragraph 8.

The applicant has for the past fifty-one years, and does now, use the water in Queen Basin Run for non-consumptive purposes in connection with its scientific purposes and in the conduct of its laboratory. Such purposes and uses are as follows: general biological studies, investigation and research, which involve the use of said water by staff members of the applicant and students and research associates for study and scientific investigation purposes and for arriving at hypothesis and conclusions based upon such studies; for wildlife and piscatorial culture and procreation, and for recreation. All of such activities require the water entering and filling said run to be and remain free of pollutants and undiminished in quantity and quality from its historic flow. Such activities are non-consumptive, and applicant will not restrict the general public in their use of said waters for non-consumptive purposes so long as such purposes do not pollute said waters or diminish them in quality or quantity.

STATE OF COLORADO

COUNTY OF

GUNNISON

)
)
)
ss..

Robert B. Willey, being first duly
sworn, upon oath, deposes and says that (s)he has read the
foregoing application, knows the contents thereof and that
the same is true.

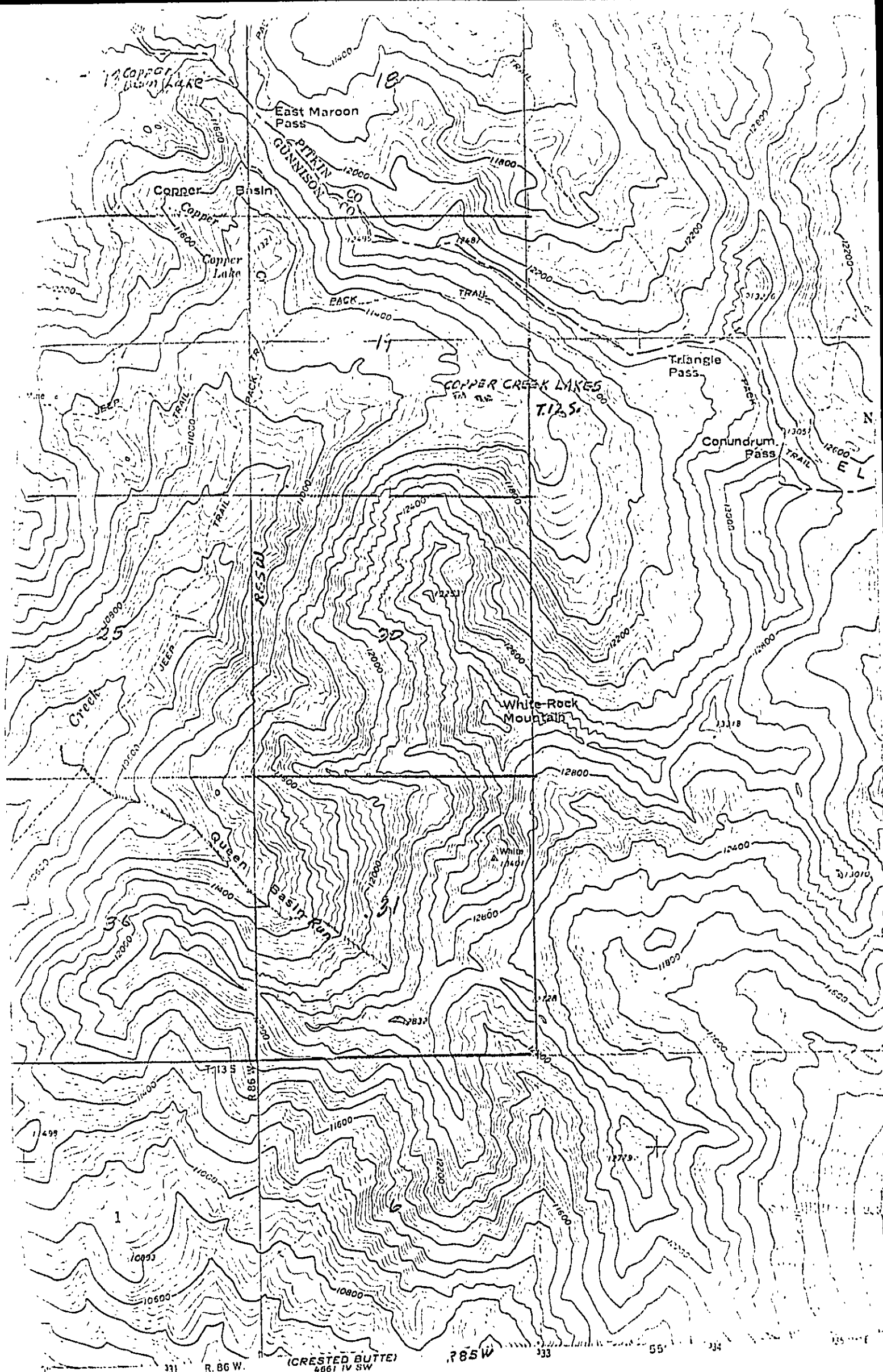
Robert B. Willey

Subscribed and sworn to before me this 15th day of
October, 19 72.

April 23, 1975

My commission expires: _____

Jo May Greenhart
Notary Public



IN THE DISTRICT COURT IN AND FOR

JUN 14 1973

WATER DIVISION NO. 4

Kay Phillips
WATER CLERK

STATE OF COLORADO

By _____ DEPUTY

Case No. W-1441

IN THE MATTER OF THE APPLICATION FOR)
WATER RIGHTS OF THE CORPORATION OF THE)
ROCKY MOUNTAIN BIOLOGICAL LABORATORY) RULING OF WATER REFEREE
AT GOTHIC IN THE GUNNISON RIVER OR ITS)
TRIBUTARIES; TRIBUTARY INVOLVED: EAST)
RIVER IN THE COUNTY OF GUNNISON)

The applicant, The Corporation of the Rocky Mountain Biological Laboratory at Gothic, c/o Attorney, P. C. Klingsmith, 110 East Virginia Avenue, Gunnison, Colorado 81230, requests the right to use surface water for various non-consumptive purposes hereinafter described. Filed November 29, 1972.

General Information relative to cases W-1441, 1442, 1443, 1444, 1445 and 1446:

The applicant has for the past fifty-one years, and does now, use the water in Queen Basin Run, Copper Basin Lake, Copper Creek Lakes, Copper Lake, Sylvanite Pond and Copper Creek for non-consumptive purposes in connection with its scientific purposes and in the conduct of its laboratory. Such purposes and uses are as follows: general biological studies, investigation and research, which involve the use of said water by staff members of the applicant and students and research associates for study and scientific investigation purposes and for arriving at hypothesis and conclusions based upon such studies; for wildlife and piscatorial culture and procreation and for recreation. All of such activities require the water entering and filling said run to be and remain free of pollutants and undiminished in quantity and quality from its historic flow. Such activities are non-consumptive, and applicant will not restrict the general public in their use of said waters for non-consumptive purposes so long as such purposes do not pollute said waters or diminish them in quality or quantity.

The applicant has for many years held a special use permit from the Gunnison National Forest, which covers 2,324 acres of land, the United States Forest Service lands through which Copper Creek courses, as well as Queen Basin Run, and on which Copper Basin Lake, Copper Lake, Copper Creek Lakes and the Sylvanite Pond are situated. Said permit is to enable the applicant to study the flora, fauna and geology in the Gothic area in connection with the curriculum conducted at its laboratory at Gothic.

The intent of the Filing herein is protective rather than restrictive or consumptive for in place, no diversion study.

A decree of this type is unprecedented and its legal value unknown and untested; however, it seems appropriate to create for Court and water records a decree of some nature to accomplish and protect the purposes of the Biological Laboratory.

FINDING OF FACT

The Queen Basin Run has as a source of water supply Queen Basin Creek, a tributary to Copper Creek, a tributary to East River, which is a tributary to the Gunnison River in Gunnison County and Water District No. 59.

The diversion point is described as being at the point of confluence of Queen Basin Run and Copper Creek, which is the lower end of Queen Basin Run in the North Half Northwest Quarter Northwest Quarter Southeast Quarter of Section 36, Township 12 South, Range 86 West, of the 6th P.M. However, said run commences at the Northeast Quarter Southwest Quarter of Section 31, Township 12 South, Range 85 West and continues in a Northwesterly direction through Sections 25 and 36, Township 13 South, Range 86 West, 6th P.M.

The purpose is as described above and 20 cfs of water is claimed in this area as having been used for the stated purposes since July 6, 1921.

No opposition has been filed.

R U L I N G

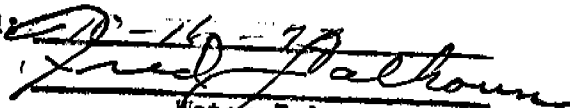
IT IS THE RULING OF THE REFEREE that the statements made in the application are true, that water has been appropriated and is being used beneficially, and that the Queen Basin Run is APPROVED AND GRANTED an ABSOLUTE DECREE not to exceed 20 c.f.s. of water for the non-consumptive, in place, purposes as above described, with an appropriation date of July 6, 1921.

DATED June 14, 1973

E. L. WILSON


Water Referee
Division No. 4

No protest was filed in this matter.
The foregoing ruling is confirmed
and approved, and is made the
Judgment and Decree of this court.

Dated: June 14, 1973

Water Judge

FILED
IN THE DISTRICT COURT
WATER DISTRICT #4

IN THE DISTRICT COURT IN AND FOR

JUN 14 1973

WATER DIVISION NO. 4

Kay Phillips
WATER CLERK

STATE OF COLORADO

By: _____
DEPUTY

Case No. W-1441

IN THE MATTER OF THE APPLICATION FOR)
WATER RIGHTS OF THE CORPORATION OF THE)
ROCKY MOUNTAIN BIOLOGICAL LABORATORY) RULING OF WATER REFEREE
AT GOTHIC IN THE GUNNISON RIVER OR ITS)
TRIBUTARIES; TRIBUTARY INVOLVED: EAST)
RIVER IN THE COUNTY OF GUNNISON)

The applicant, The Corporation of the Rocky Mountain Biological Laboratory at Gothic, c/o Attorney, P. C. Klingsmith, 110 East Virginia Avenue, Gunnison, Colorado 81230, requests the right to use surface water for various non-consumptive purposes hereinafter described. Filed November 29, 1972.

General Information relative to cases W-1441, 1442, 1443, 1444, 1445 and 1446:

The applicant has for the past fifty-one years, and does now, use the water in Queen Basin Run, Copper Basin Lake, Copper Creek Lakes, Copper Lake, Sylvanite Pond and Copper Creek for non-consumptive purposes in connection with its scientific purposes and in the conduct of its laboratory. Such purposes and uses are as follows: general biological studies, investigation and research, which involve the use of said water by staff members of the applicant and students and research associates for study and scientific investigation purposes and for arriving at hypothesis and conclusions based upon such studies; for wildlife and piscatorial culture and procreation and for recreation. All of such activities require the water entering and filling said run to be and remain free of pollutants and undiminished in quantity and quality from its historic flow. Such activities are non-consumptive, and applicant will not restrict the general public in their use of said waters for non-consumptive purposes so long as such purposes do not pollute said waters or diminish them in quality or quantity.

The applicant has for many years held a special use permit from the Gunnison National Forest, which covers 2,324 acres of land, the United States Forest Service lands through which Copper Creek courses, as well as Queen Basin Run, and on which Copper Basin Lake, Copper Lake, Copper Creek Lakes and the Sylvanite Pond are situate. Said permit is to enable the applicant to study the flora, fauna and geology in the Gothic area in connection with the curriculum conducted at its laboratory at Gothic.

The intent of the Filing herein is protective rather than restrictive or consumptive for in place, no diversion study.

A decree of this type is unprecedented and its legal value unknown and untested; however, it seems appropriate to create for Court and water records a decree of some nature to accomplish and protect the purposes of the Biological Laboratory.

FINDING OF FACT

The Queen Basin Run has as a source of water supply Queen Basin Creek, a tributary to Copper Creek, a tributary to East River, which is a tributary to the Gunnison River in Gunnison County and Water District No. 59.

The diversion point is described as being at the point of confluence of Queen Basin Run and Copper Creek, which is the lower end of Queen Basin Run in the North Half Northwest Quarter Northwest Quarter Southeast Quarter of Section 36, Township 12 South, Range 86 West, of the 6th P.M. However, said run commences at the Northeast Quarter Southwest Quarter of Section 31, Township 12 South, Range 85 West and continues in a Northwesterly direction through Sections 25 and 36, Township 13 South, Range 86 West, 6th P.M.

The purpose is as described above and 20 cfs of water is claimed in this area as having been used for the stated purposes since July 6, 1921.

No opposition has been filed.

R U L I N G

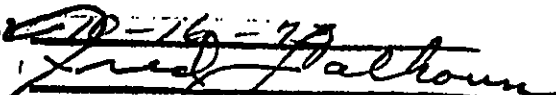
IT IS THE RULING OF THE REFEREE that the statements made in the application are true, that water has been appropriated and is being used beneficially, and that the Queen Basin Run is APPROVED AND GRANTED an ABSOLUTE DECREE not to exceed 20 c.f.s. of water for the non-consumptive, in place, purposes as above described, with an appropriation date of July 6, 1921.

DATED June 14, 1923

E. L. WILSON


Water Referee
Division No. 4

No protest was filed in this matter.
The foregoing ruling is confirmed
and approved, and is made the
Judgment and Decree of this court.

Dated: June 16, 1923

Water Judge

File in quadruplicate

FILED
IN THE DISTRICT COURT
WATER DISTRICT #4

NOV 29 1972

WATER FORM C

Kay Phillips
WATER CLERK

IN THE DISTRICT COURT IN AND FOR

By _____ DEPUTY

WATER DIVISION NO. 4

STATE OF COLORADO

Case No. W-1442

IN THE MATTER OF THE
APPLICATION FOR
WATER RIGHTS OF

THE CORPORATION OF THE ROCKY
MOUNTAIN BIOLOGICAL LABORATORY
AT GOTHIC, a corporation,

IN GUNNISON COUNTY.

APPLICATION FOR
WATER STORAGE RIGHT

1. Name of applicant: The Corporation of the Rocky Mountain
Biological Laboratory at Gothic
C/o Klingenstein, Russell & French
P.O. Box 179

Address of applicant: Gunnison, Colorado Zip 81230

Telephone number of applicant: 641-1334 Date: _____

2. Name of reservoir: COPPER BASIN LAKE

3. Legal description of location of ~~lake~~ lake: (Also attach map)

NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 13, Township 12 South, Range 86 West,
6th P.M.

Amended 4/8/72

4. Source of water by river and tributary: Copper Creek, a
tributary to the East River, a tributary to the Gunnison River

5. A. Date of initiation of the appropriation: July 1, 1921

B. Date water first applied to beneficial use: July 1, 1921

C. How appropriation was initiated: By the utilization of the
water in said lake for the beneficial purposes described herein.

6. Amount of water claimed in acre feet: 22.96

A. Portion absolute: 22.96 acre feet; B. Portion condi-
tional: _____ acre feet

7. Maximum height of dam in feet: Copper Basin Lake is a natural lake,
and has no dam as such

8. Length of dam or proposed dam in feet: see answer to 7 above

9. Total capacity of reservoir in acre feet: 23
22.96

10. Active capacity in acre feet: _____

11. Dead storage in acre feet: 22.96

12. Name and capacity of ditch or ditches leading to reservoir,
if applicable: N/a

13. Remarks: See attached

KLINGSMITH, RUSSELL & FRENCH

R. Kling
Signature of applicant or attorney
for applicant

P.O. Box 179

Gunnison, Colorado 81230

Telephone: 641-1334

Name, address, and telephone number
of attorney for applicant

Paragraph 13.

The applicant has for the past fifty-one years, and does now, use the water in Copper Basin Lake for non-consumptive purposes in connection with its scientific purposes and in the conduct of its laboratory. Such purposes and uses are as follows: general biological studies, investigation and research, which involve the use of said water by staff members of the applicant, and students and research associates for study and scientific investigation purposes and for arriving at hypothesis and conclusions based upon such studies; for wildlife and piscatorial culture and procreation; and for recreation. All of such activities require the water entering and filling said lake to be and remain free of pollutants and undiminished in quantity and quality from its historic flow. Such activities are non-consumptive, and applicant will not restrict the general public in their use of such waters for non-consumptive purposes so long as such purposes do not pollute said waters or diminish them in quality or quantity.

STATE OF COLORADO

COUNTY OF GUNNISON

ss.

Robert B. Willey

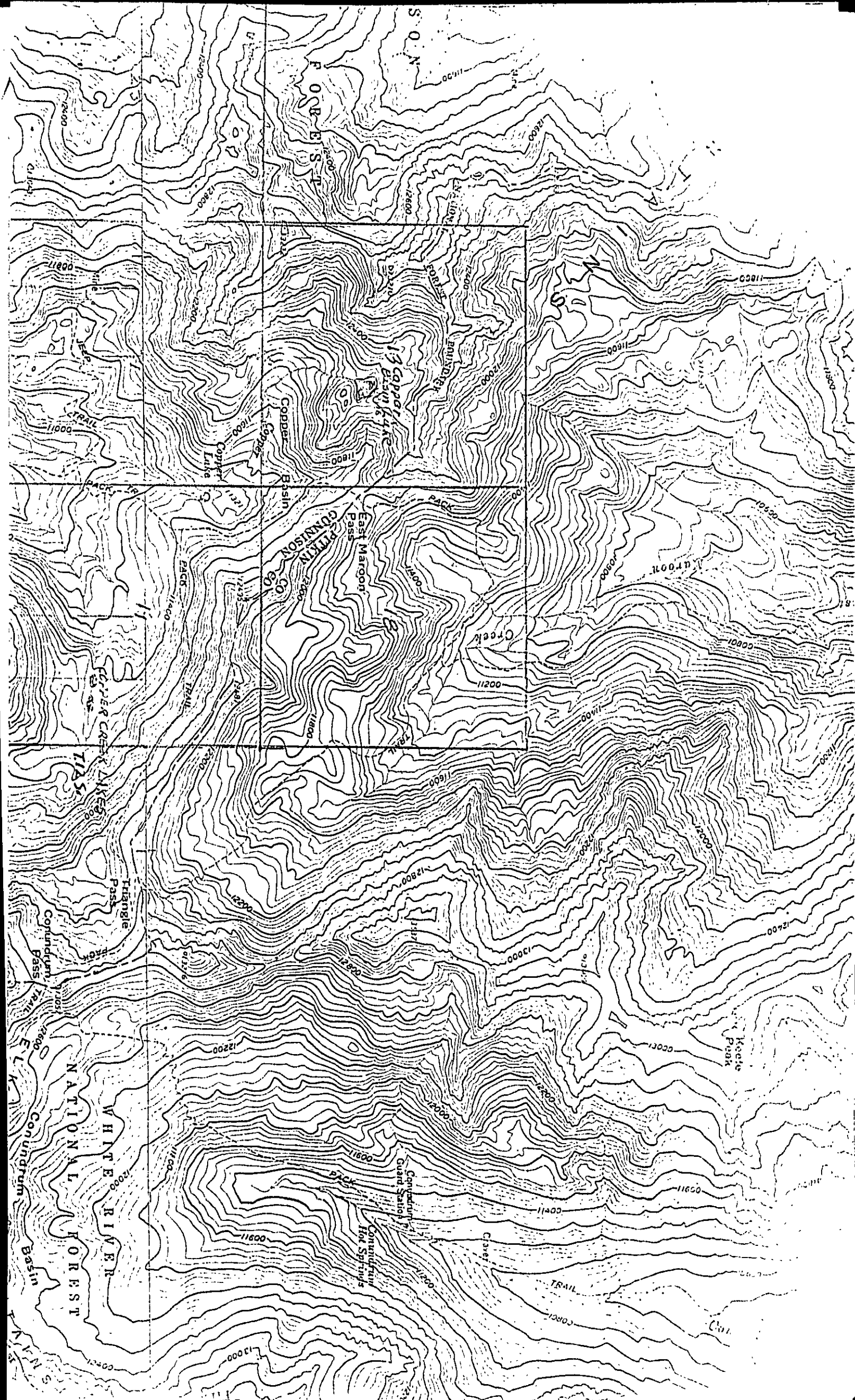
_____, being first
duly sworn, upon oath, deposes and says that (s)he has read the
foregoing application, knows the contents thereof, and that the
same are true.

Robert B. Willey

Subscribed and sworn to before me this 15th day of
October 72, 19 ____.

My commission expires: April 23, 1975

LaMay Geshard
Notary Public



ORIGINAL

FILED
IN THE DISTRICT COURT
WATER DISTRICT #4

WATER FORM C

NOV 29 1972

IN THE DISTRICT COURT IN AND FOR

Kay Phillips

WATER CLERK

WATER DIVISION NO. 4

By

DEPUTY

STATE OF COLORADO

Case No. W-

1442

IN THE MATTER OF THE
APPLICATION FOR
WATER RIGHTS OF

THE CORPORATION OF THE ROCKY
MOUNTAIN BIOLOGICAL LABORATORY

AT GOTHIC, a corporation,

IN GUNNISON COUNTY.

APPLICATION FOR

WATER STORAGE RIGHT

1. Name of applicant: The Corporation of the Rocky Mountain Biological Laboratory at Gothic
C/o Klingsmith, Russell & French
Address of applicant: P.O. Box 179

Gunnison, Colorado Zip 81230

Telephone number of applicant: 641-1334 Date: 10/2/72

2. Name of reservoir: COPPER BASIN LAKE

3. Legal description of location of ^{lake:} ~~dam:~~ (Also attach map)

NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 13, Township 12 South, Range 86 West,
6th P.M.

4. Source of water by river and tributary: Copper Creek, a
tributary to the East River, a tributary to the Gunnison River
5. A. Date of initiation of the appropriation: July 1, 1921
B. Date water first applied to beneficial use: July 1, 1921
C. How appropriation was initiated: By the utilization of the
water in said lake for the beneficial purposes described herein.
6. Amount of water claimed in acre feet: 22.96
A. Portion absolute: 22.96 acre feet; B. Portion condi-
tional: _____ acre feet
7. Maximum height of dam in feet: Copper Basin Lake is a natural lake,
and has no dam as such
8. Length of dam or proposed dam in feet: see answer to 7 above
9. Total capacity of reservoir in acre feet: 23
22.96
10. Active capacity in acre feet: _____
11. Dead storage in acre feet: 22.96
12. Name and capacity of ditch or ditches leading to reservoir,
if applicable: N/a
13. Remarks: See attached

KLINGSMITH, RUSSELL & FRENCH

P.C. Kling-smith
Signature of applicant or attorney
for applicant

P.O. Box 179

Gunnison, Colorado 81230

Telephone: 641-1334

Name, address, and telephone number
of attorney for applicant

Paragraph 13.

The applicant has for the past fifty-one years, and does now, use the water in Copper Basin Lake for non-consumptive purposes in connection with its scientific purposes and in the conduct of its laboratory. Such purposes and uses are as follows: general biological studies, investigation and research, which involve the use of said water by staff members of the applicant, and students and research associates for study and scientific investigation purposes and for arriving at hypothesis and conclusions based upon such studies; for wildlife and piscatorial culture and procreation; and for recreation. All of such activities require the water entering and filling said lake to be and remain free of pollutants and undiminished in quantity and quality from its historic flow. Such activities are non-consumptive, and applicant will not restrict the general public in their use of such waters for non-consumptive purposes so long as such purposes do not pollute said waters or diminish them in quality or quantity.

STATE OF COLORADO

COUNTY OF GUNNISON

ss.

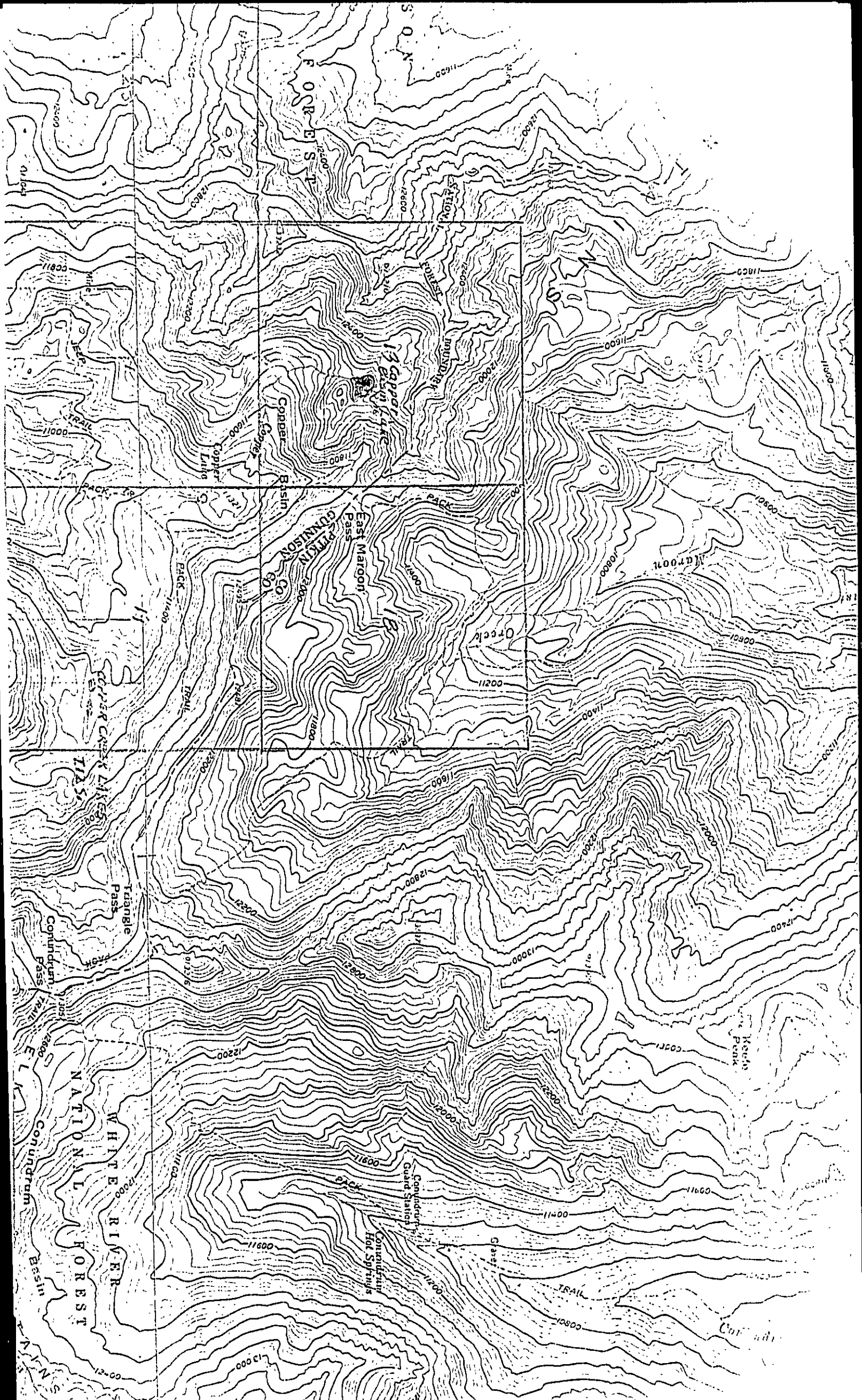
Robert B. Willey, being first
duly sworn, upon oath, deposes and says that (s)he has read the
foregoing application, knows the contents thereof, and that the
same are true.

Robert B. Willey

Subscribed and sworn to before me this 15th day of
October, 19 72.

My commission expires: April 23, 1975

Ma May Gehart
Notary Public



FILED
IN THE DISTRICT COURT
WATER DISTRICT #4

IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 4

STATE OF COLORADO

CASE No. W-1442

JUN 14 1973

Kay Phillips
WATER CLERK

By _____ DEPUTY

IN THE MATTER OF THE APPLICATION FOR)
WATER RIGHTS OF THE CORPORATION OF THE)
ROCKY MOUNTAIN BIOLOGICAL LABORATORY AT)
GOTHIC IN THE GUNNISON RIVER OR ITS) RULING OF WATER REFEREE
TRIBUTARIES; TRIBUTARY INVOLVED: EAST)
RIVER IN THE COUNTY OF GUNNISON)

The applicant, The Corporation of the Rocky Mountain Biological Laboratory at Gothic, c/o Attorney P. C. Klingsmith, 110 East Virginia Avenue, Gunnison, Colorado 81230, requests the right to use surface water for various non-consumptive purposes hereinafter described. Filed November 29, 1972.

General Information relative to cases W-1441, 1442, 1443, 1444, 1445, and 1446:

The applicant has for the past fifty-one years, and does now, use the water in Queen Basin Run, Copper Basin Lake, Copper Creek Lakes, Copper Lake, Sylvanite Pond and Copper Creek for non-consumptive purposes in connection with its scientific purposes and in the conduct of its laboratory. Such purposes and uses are as follows: general biological studies, investigation and research, which involve the use of said water by staff members of the applicant and students and research associates for study and scientific investigation purposes and for arriving at hypothesis and conclusions based upon such studies; for wildlife and piscatorial culture and procreation and for recreation. All of such activities require the water entering and filling said run to be and remain free of pollutants and undiminished in quantity and quality from its historic flow. Such activities are non-consumptive, and applicant will not restrict the general public in their use of said waters for non-consumptive purposes so long as such purposes do not pollute said waters or diminish them in quality or quantity.

The applicant has for many years held a special use permit from the Gunnison National Forest, which covers 2,324 acres of land, the United States Forest Service lands through which Copper Creek courses, as well as Queen Basin Run, and on which Copper Basin Lake, Copper Lake, Copper Creek Lakes and the Sylvanite Pond are situate. Said permit is to enable the applicant to study the flora, fauna and geology in the Gothic area in connection with the curriculum conducted at its laboratory at Gothic.

The intent of the Filing herein is protective rather than restrictive or consumptive for in place, no diversion study.

A decree of this type is unprecedented and its legal value unknown and untested; however, it seems appropriate to create for Court and water records a decree of some nature to accomplish and protect the purposes of the Biological Laboratory.

FINDING OF FACT

The Copper Basin Lake has as a source of water supply Copper Creek, a tributary to the East River, a tributary to the Gunnison River in Gunnison County and Water District No. 59.

The diversion or lake is described as being located in the Northwest Quarter Southeast Quarter of Section 13, Township 12 South, Range 86 West, 6th P.M.

Said lake is a natural lake and has no dam or outlet other than overflow and has a capacity of 22.96 acre feet of storage.

22.96 acre feet of storage is claimed herein for the purposes as described above (non-consumptive) as having been used for those purposes since July 1, 1921.

No opposition has been filed.

R U L I N G

IT IS THE RULING OF THE REFEREE that the statements made in the application are true, that water has been appropriated and applied beneficially, and that the Copper Basin Lake is APPROVED AND GRANTED an ABSOLUTE STORAGE DECREE not to exceed 22.96 acre feet of water for the purposes as above described, with an appropriation date of July 1, 1921.

DATED June 14, 1973

E. L. WILSON

E. L. Wilson
Water Referee
Division No. 4

No protest was filed in this matter.
The foregoing ruling is confirmed
and approved, and is made the
Judgment and Decree of this court.

Dated: June 14, 1973
Fred Palhouse
Water Judge

FILED
IN THE DISTRICT COURT
WATER DISTRICT #4

IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 4

STATE OF COLORADO

CASE No. W-1442

JUN 14 1973

Kay Phillips
WATER CLERK
By _____ DEPUTY

IN THE MATTER OF THE APPLICATION FOR)
WATER RIGHTS OF THE CORPORATION OF THE)
ROCKY MOUNTAIN BIOLOGICAL LABORATORY AT)
GOTHIC IN THE GUNNISON RIVER OR ITS) RULING OF WATER REFEREE
TRIBUTARIES; TRIBUTARY INVOLVED: EAST)
RIVER IN THE COUNTY OF GUNNISON)

The applicant, The Corporation of the Rocky Mountain Biological Laboratory at Gothic, c/o Attorney P. C. Klingsmith, 110 East Virginia Avenue, Gunnison, Colorado 81230, requests the right to use surface water for various non-consumptive purposes hereinafter described. Filed November 29, 1972.

General Information relative to cases W-1441, 1442, 1443, 1444, 1445, and 1446:

The applicant has for the past fifty-one years, and does now, use the water in Queen Basin Run, Copper Basin Lake, Copper Creek Lakes, Copper Lake, Sylvanite Pond and Copper Creek for non-consumptive purposes in connection with its scientific purposes and in the conduct of its laboratory. Such purposes and uses are as follows: general biological studies, investigation and research, which involve the use of said water by staff members of the applicant and students and research associates for study and scientific investigation purposes and for arriving at hypothesis and conclusions based upon such studies; for wildlife and piscatorial culture and procreation and for recreation. All of such activities require the water entering and filling said run to be and remain free of pollutants and undiminished in quantity and quality from its historic flow. Such activities are non-consumptive, and applicant will not restrict the general public in their use of said waters for non-consumptive purposes so long as such purposes do not pollute said waters or diminish them in quality or quantity.

The applicant has for many years held a special use permit from the Gunnison National Forest, which covers 2,324 acres of land, the United States Forest Service lands through which Copper Creek courses, as well as Queen Basin Run, and on which Copper Basin Lake, Copper Lake, Copper Creek Lakes and the Sylvanite Pond are situate. Said permit is to enable the applicant to study the flora, fauna and geology in the Gothic area in connection with the curriculum conducted at its laboratory at Gothic.

The intent of the Filing herein is protective rather than restrictive or consumptive for in place, no diversion study.

A decree of this type is unprecedented and its legal value unknown and untested; however, it seems appropriate to create for Court and water records a decree of some nature to accomplish and protect the purposes of the Biological Laboratory.

FINDING OF FACT

The Copper Basin Lake has as a source of water supply Copper Creek, a tributary to the East River, a tributary to the Gunnison River in Gunnison County and Water District No. 59.

The diversion or lake is described as being located in the Northwest Quarter Southeast Quarter of Section 13, Township 12 South, Range 86 West, 6th P.M.

Said lake is a natural lake and has no dam or outlet other than overflow and has a capacity of 22.96 acre feet of storage.

22.96 acre feet of storage is claimed herein for the purposes as described above (non-consumptive) as having been used for those purposes since July 1, 1921.

No opposition has been filed.

R U L I N G

IT IS THE RULING OF THE REFEREE that the statements made in the application are true, that water has been appropriated and applied beneficially, and that the Copper Basin Lake is APPROVED AND GRANTED an ABSOLUTE STORAGE DECREE not to exceed 22.96 acre feet of water for the purposes as above described, with an appropriation date of July 1, 1921.

DATED June 14, 1973

E. L. WILSON

E. L. Wilson

Water Referee
Division No. 4

No protest was filed in this matter.
The foregoing ruling is confirmed
and approved, and is made the
Judgment and Decree of this court.

Dated: APR - 16 - 73
Fred Palhouse
Water Judge

File in quadruplicate

FILED
IN THE DISTRICT COURT
WATER DISTRICT #4

NOV 29 1972

Kay Phillips
WATER CLERK

By _____ DEPUTY

WATER FORM C

IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 4

STATE OF COLORADO

Case No. W-1443

IN THE MATTER OF THE)
APPLICATION FOR)
WATER RIGHTS OF)
THE CORPORATION OF THE ROCKY)
MOUNTAIN BIOLOGICAL LABORATORY)
AT GOTHIC, a corporation)
IN GUNNISON COUNTY.)

APPLICATION FOR
WATER STORAGE RIGHT

The Corporation of the Rocky Mountain
Biological Laboratory at Gothic,

1. Name of applicant: C/O Klingsmith, Russell & French
P.O. Box 179

Address of applicant: Gunnison, Colorado Zip 81230
641-1334

Telephone number of applicant: _____ Date: 10/2/72

2. Name of reservoir: COPPER CREEK LAKES

3. Legal description of location of ^{lake} ~~dam~~: (Also attach map)

NE $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19, Township 12 South,
Range 85 West, 6th P.M.

Amended 4/8/72

4. Source of water by river and tributary: Copper Creek, a
tributary to the East River, a tributary to the Gunnison River
5. A. Date of initiation of the appropriation: July 3, 1921
B. Date water first applied to beneficial use: July 3, 1921
C. How appropriation was initiated: By the utilization of the
water in said lakes for the beneficial purposes described herein.
6. Amount of water claimed in acre feet: 1.41
A. Portion absolute: 1.41 acre feet; B. Portion condi-
tional: _____ acre feet
7. Maximum height of dams in feet: 6
8. Length of dam or proposed dam in feet: 100
9. Total capacity of reservoirs in acre feet: 1.41
10. Active capacity in acre feet: 1.41
11. Dead storage in acre feet: 1.41
12. Name and capacity of ditch or ditches leading to reservoir,
if applicable: N/A
13. Remarks: Copper Creek Lakes are two natural lakes within the
Copper Creek streambed, formed by impounded water of
Copper Creek. Said lakes are approximately 100 feet apart
and one lies up stream from the other. (cont.)

KLINGSMITH, RUSSELL & FRENCH

PC Kling
Signature of applicant or attorney
for applicant

P.O. Box 179

Gunnison, Colorado 81230

Telephone: 641-1334

Name, address, and telephone number
of attorney for applicant

Paragraph 13.

The applicant has for the past fifty-one years, and does now, use the water in Copper Creek Lakes for non-consumptive purposes in connection with its scientific purposes and in the conduct of its laboratory. Such purposes and uses are as follows: general biological studies, investigation and research, which involve the use of said water by staff members of the applicant and students and research associates for study and scientific investigation purposes and for arriving at hypothesis and conclusions based upon such studies; for wildlife and piscatorial culture and procreation; and for recreation. All of such activities require the water entering and filling said lake to be and remain free of pollutants and undiminished in quantity and quality from its historic flow. Such activities are non-consumptive, and applicant will not restrict the general public in their use of said waters for non-consumptive purposes so long as such purposes do not pollute said waters or diminish them in quality or quantity.

STATE OF COLORADO

COUNTY GORNISON

ss..

Robert B. Willey, being first duly sworn, upon oath, deposes and says that (s)he has read the foregoing application, knows the contents thereof and that the same is true.

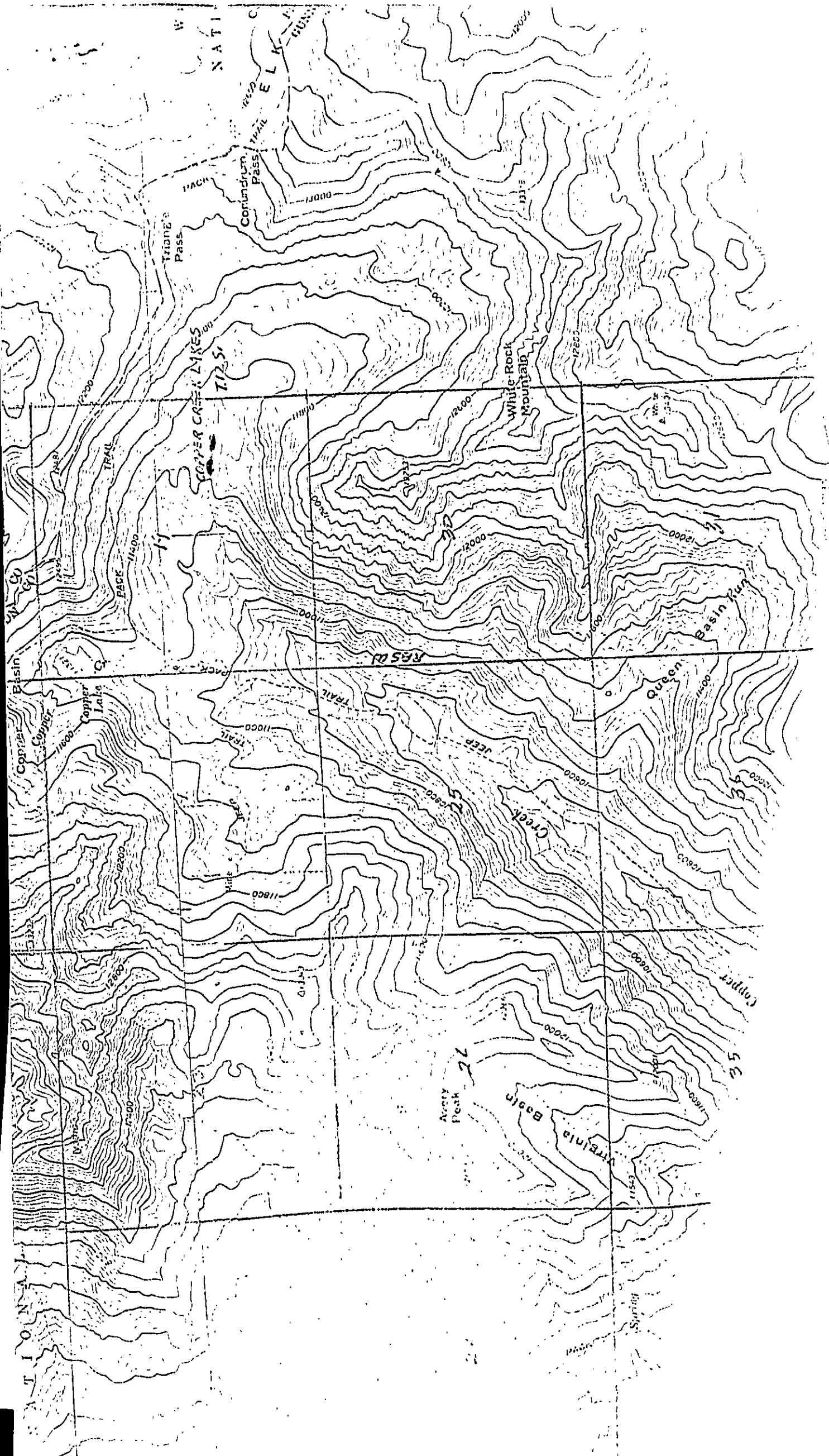
Robert B. Willey

Subscribed and sworn to before me this 15th day of

October, 19 72

My commission expires: April 23, 1975

Ida May Gerhart
Notary Public



File in quadruplicate.

ORIGINAL

FILED
IN THE DISTRICT COURT
WATER DISTRICT #4

WATER FORM C

NOV 29 1972

IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 4

Kay Phillips
WATER CLERK
By _____ DEPUTY

STATE OF COLORADO

Case No. W-1443

IN THE MATTER OF THE
APPLICATION FOR
WATER RIGHTS OF

THE CORPORATION OF THE ROCKY
MOUNTAIN BIOLOGICAL LABORATORY
AT GOTHIC, a corporation

IN GUNNISON COUNTY.

APPLICATION FOR
WATER STORAGE RIGHT

1. Name of applicant: The Corporation of the Rocky Mountain Biological Laboratory at Gothic,

C/o Klingsmith, Russell & French
Address of applicant: P.O. Box 179

Gunnison, Colorado Zip 81230

Telephone number of applicant: 641-1334 Date: 10/2/72

2. Name of reservoir: COPPER CREEK LAKES

3. Legal description of location of ^{lake} ~~dam~~: (Also attach map)

NE $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19, Township 12 South,
Range 85 West, 6th P.M.

Amended 4/8/72

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tributary to the East River, a tributary to the Gunnison River
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and one lies up stream from the other. (Cont.)

KLINGSMITH, RUSSELL & FRENCH

PC Kling
Signature of applicant or attorney
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STATE OF COLORADO

COUNTY OF GUNNISON

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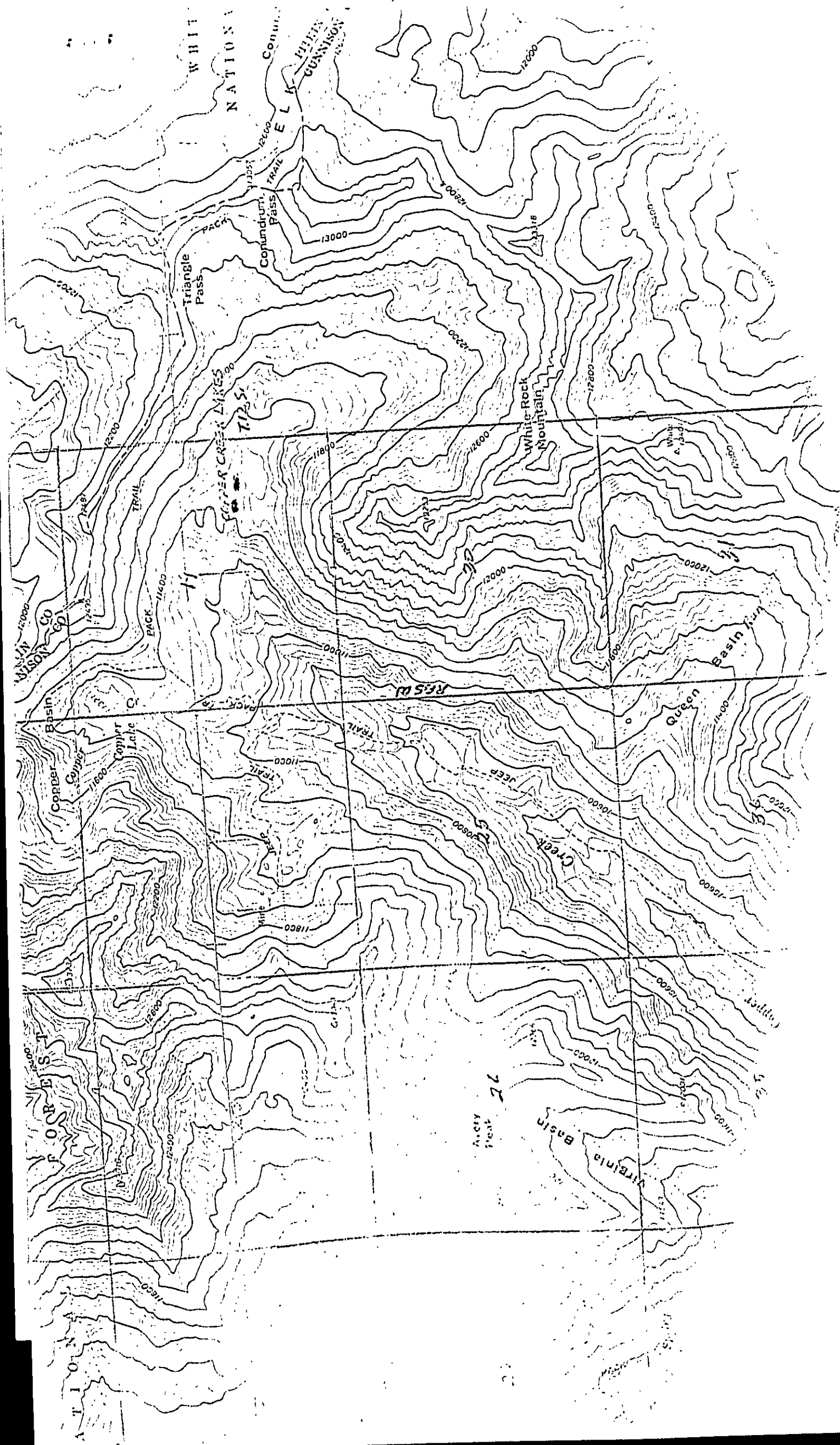
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Robert B. Willey

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My commission expires: April 23, 1975

Ida May Gehart
Notary Public



IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 4

STATE OF COLORADO

Case No. W-1443

FILED
IN THE DISTRICT COURT
WATER DISTRICT #4

JUN 14 1973

Kay Phillips
WATER CLERK
By..... DEPUTY

IN THE MATTER OF THE APPLICATION FOR)
WATER RIGHTS OF THE CORPORATION OF THE)
ROCKY MOUNTAIN BIOLOGICAL LABORATORY AT) RULING OF WATER REFEREE
GOTHIC IN THE GUNNISON RIVER OR ITS)
TRIBUTARIES; TRIBUTARY INVOLVED: EAST)
RIVER, IN THE COUNTY OF GUNNISON)

The applicant, The Corporation of the Rocky Mountain Biological Laboratory at Gothic, c/o Attorney P. C. Klingsmith, 110 East Virginia Avenue, Gunnison, Colorado 81230, requests the right to use surface water for various non-consumptive purposes hereinafter described. Filed November 29, 1972.

General Information relative to cases W-1441, 1442, 1443, 1444, 1445 and 1446:

The applicant has for the past fifty-one years, and does now, use the water in Queen Basin Run, Copper Basin Lake, Copper Creek Lakes, Copper Lake, Sylvanite Pond and Copper Creek for non-consumptive purposes in connection with its scientific purposes and in the conduct of its laboratory. Such purposes and uses are as follows: general biological studies, investigation and research, which involve the use of said water by staff members of the applicant and students and research associates for study and scientific investigation purposes and for arriving at hypothesis and conclusions based upon such studies; for wildlife and piscatorial culture and procreation and for recreation. All of such activities require the water entering and filling said run to be and remain free of pollutants and undiminished in quantity and quality from its historic flow. Such activities are non-consumptive in their use of said waters, and applicant will not restrict the general public in their use of said waters for non-consumptive purposes so long as such purposes do not pollute said waters or diminish them in quality or quantity.

The applicant has for many years held a special use permit from the Gunnison National Forest, which covers 2,324 acres of land, the United States Forest Service lands through which Copper Creek courses, as well as Queen Basin Run, and on which Copper Basin Lake, Copper Lake, Copper Creek Lakes and the Sylvanite Pond are situated. Said permit is to enable the applicant to study the flora, fauna and geology in the Gothic area in connection with the curriculum conducted at its laboratory at Gothic.

The intent of the Filing herein is protective rather than restrictive or consumptive for in place, no diversion study.

A decree of this type is unprecedented and its legal value unknown and untested; however, it seems appropriate to create for Court and water records a decree of some nature to accomplish and protect the purposes of the Biological Laboratory.

FINDING OF FACT

The Copper Creek Lakes are two small natural lakes less than 100 feet apart in the stream bed of Copper Creek, a tributary to the East River, a tributary to the Gunnison River in Gunnison County and Water District No. 59.

Said lakes are described as being located in the Northeast Quarter Southeast Quarter and in the Northwest Quarter Southeast Quarter of Section 19, Township 12 South, Range 35 West, 6th P.M.

A combined storage of 1.41 acre feet is claimed herein for the non-consumptive purposes as described above as having been used for those purposes since July 3, 1921.

No opposition has been filed.

R U L I N G

IT IS THE RULING OF THE REFEREE that the statements made in the application are true, that water has been appropriated and applied beneficially, and that the Copper Creek Lakes are APPROVED AND GRANTED an ABSOLUTE NON-CONSUMPTIVE DECREE not to exceed 1.41 acre feet of storage for the purposes as above described, with an appropriation date of July 3, 1921.

DATED June 14, 1973

E. L. WILSON

E. L. Wilson
Water Referee
Division No. 4

No protest was filed in this matter.
The foregoing ruling is confirmed
and approved, and is made the
Judgment and Decree of this court.

Dated: June 14, 1973
Fred Palhorn
Water Judge

IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 4

STATE OF COLORADO

Case No. W-1443

FILED
IN THE DISTRICT COURT
WATER DISTRICT #4

JUN 14 1973

Kay Phillips
WATER CLERK

By _____
DEPUTY

IN THE MATTER OF THE APPLICATION FOR)
WATER RIGHTS OF THE CORPORATION OF THE)
ROCKY MOUNTAIN BIOLOGICAL LABORATORY AT) RULING OF WATER REFEREE
GOTHIC IN THE GUNNISON RIVER OR ITS)
TRIBUTARIES; TRIBUTARY INVOLVED: EAST)
RIVER, IN THE COUNTY OF GUNNISON)

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A combined storage of 1.41 acre feet is claimed herein for the non-consumptive purposes as described above as having been used for those purposes since July 3, 1921.

No opposition has been filed.

R U L I N G

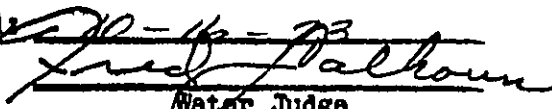
IT IS THE RULING OF THE REFEREE that the statements made in the application are true, that water has been appropriated and applied beneficially, and that the Copper Creek Lakes are APPROVED AND GRANTED an ABSOLUTE NON-CONSUMPTIVE DECREE not to exceed 1.41 acre feet of storage for the purposes as above described, with an appropriation date of July 3, 1921.

DATED June 14, 1973

E. L. WILSON


Water Referee
Division No. 4

No protest was filed in this matter.
The foregoing ruling is confirmed
and approved, and is made the
Judgment and Decree of this court.

Dated: June 14, 1973

Water Judge

File in quadruplicate

WATER FORM C

IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 4

STATE OF COLORADO

Case No. W-1444

FILED
IN THE DISTRICT COURT
WATER DISTRICT #4

NOV 29 1972

Kay Phillips
WATER CLERK
By _____ DEPUTY

IN THE MATTER OF THE
APPLICATION FOR
WATER RIGHTS OF
THE CORPORATION OF THE ROCKY
MOUNTAIN BIOLOGICAL LABORATORY
AT GOTHIC, a corporation
IN GUNNISON COUNTY.

APPLICATION FOR
WATER STORAGE RIGHT

1. Name of applicant: The Corporation of the Rocky Mountain Biological Laboratory at Gothic,
C/o Klingsmith, Russell & French
Address of applicant: P.O. Box 179
Gunnison, Colorado Zip 81230
Telephone number of applicant: 641-1334 Date: 10/2/72
2. Name of reservoir: COPPER LAKE
3. Legal description of location of dam: (Also attach map)

NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 19, Township 12 South, Range 85 West,
and NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24, Township 12 South, Range 86
West, 6th P.M.

Amended 4/8/72

4. Source of water by river and tributary: Copper Creek, a
tributary to the East River, a tributary to the Gunnison River

5. A. Date of initiation of the appropriation: July 2, 1921

B. Date water first applied to beneficial use: July 2, 1921

C. How appropriation was initiated: By the utilization of the
water in said lake for the beneficial purposes described herein

6. Amount of water claimed in acre feet: 578.51

A. Portion absolute: 578.51 acre feet; B. Portion condi-
tional: _____ acre feet Copper Lake is a natural lake, and
has no dam as such

7. Maximum height of dam in feet: _____

8. Length of dam or proposed dam in feet: see answer to 7. above

9. Total capacity of reservoir in acre feet: 579

10. Active capacity in acre feet: 578.51

11. Dead storage in acre feet: 578.51

12. Name and capacity of ditch or ditches leading to reservoir,
if applicable: N/a

13. Remarks: See attached

KLINGSMITH, RUSSELL & FRENCH

R. C. French
Signature of applicant or attorney
for applicant

P.O. Box 179

Gunnison, Colorado 81230

Telephone: 641-1334

Name, address, and telephone number
of attorney for applicant

paragrph 13.

The applicant has for the past fifty-one years, and does now, use the water in Copper Lake for non-consumptive purposes in connection with its scientific purposes and in the conduct of its laboratory. Such purposes and uses are as follows: general biological studies, investigation and research, which involve the use of said water by staff members of the applicant, and students and research associates for study and scientific investigation purposes and for arriving at hypothesis and conclusions based upon such studies; for wildlife and piscatorial culture and procreation; and for recreation. All of such activities .require the water entering and filling said lake to be and remain free of pollutants and undiminished in quantity and quality from its historic flow. Such activities are non-consumptive, and applicant will not restrict the general public in their use of such waters for non-consumptive purposes so long as such purposes do not pollute said waters or diminish them in quality or quantity.

STATE OF COLORADO

COUNTY OF GUNNISON

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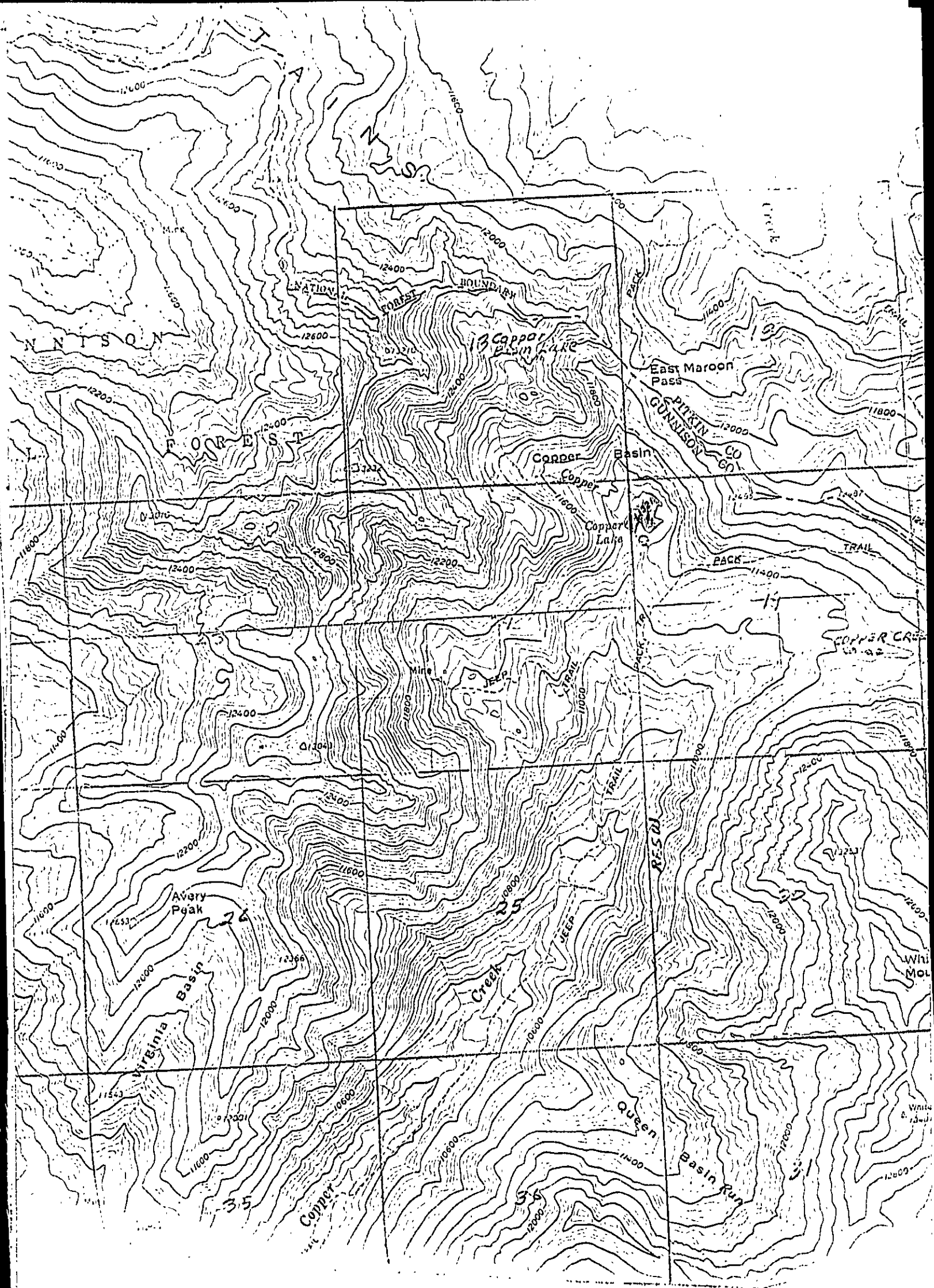
Robert B. Willey, being first duly
sworn, upon oath, deposes and says that (s)he has read the
foregoing application, knows the contents thereof and that
the same is true.

Robert B. Willey

Subscribed and sworn to before me this 15th day of
October 72, 19 .

My commission expires: April 23, 1975

Debra May Gerhart
Notary Public



ORIGINAL

FILED
IN THE DISTRICT COURT
WATER DISTRICT #4

NOV 29 1972

WATER FORM C

IN THE DISTRICT COURT IN AND FOR

Kay Phillips
By....., WATER CLERK
DEPUTY

WATER DIVISION NO. 4

STATE OF COLORADO

Case No. W- 1444

IN THE MATTER OF THE
APPLICATION FOR
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P.O. Box 179

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Telephone number of applicant: 641-1334 Date: 10/2/72

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KLINGSMITH, RUSSELL & FRENCH

PKKeg-6
Signature of applicant or attorney
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P.O. Box 179

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Telephone: 641-1334

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STATE OF COLORADO

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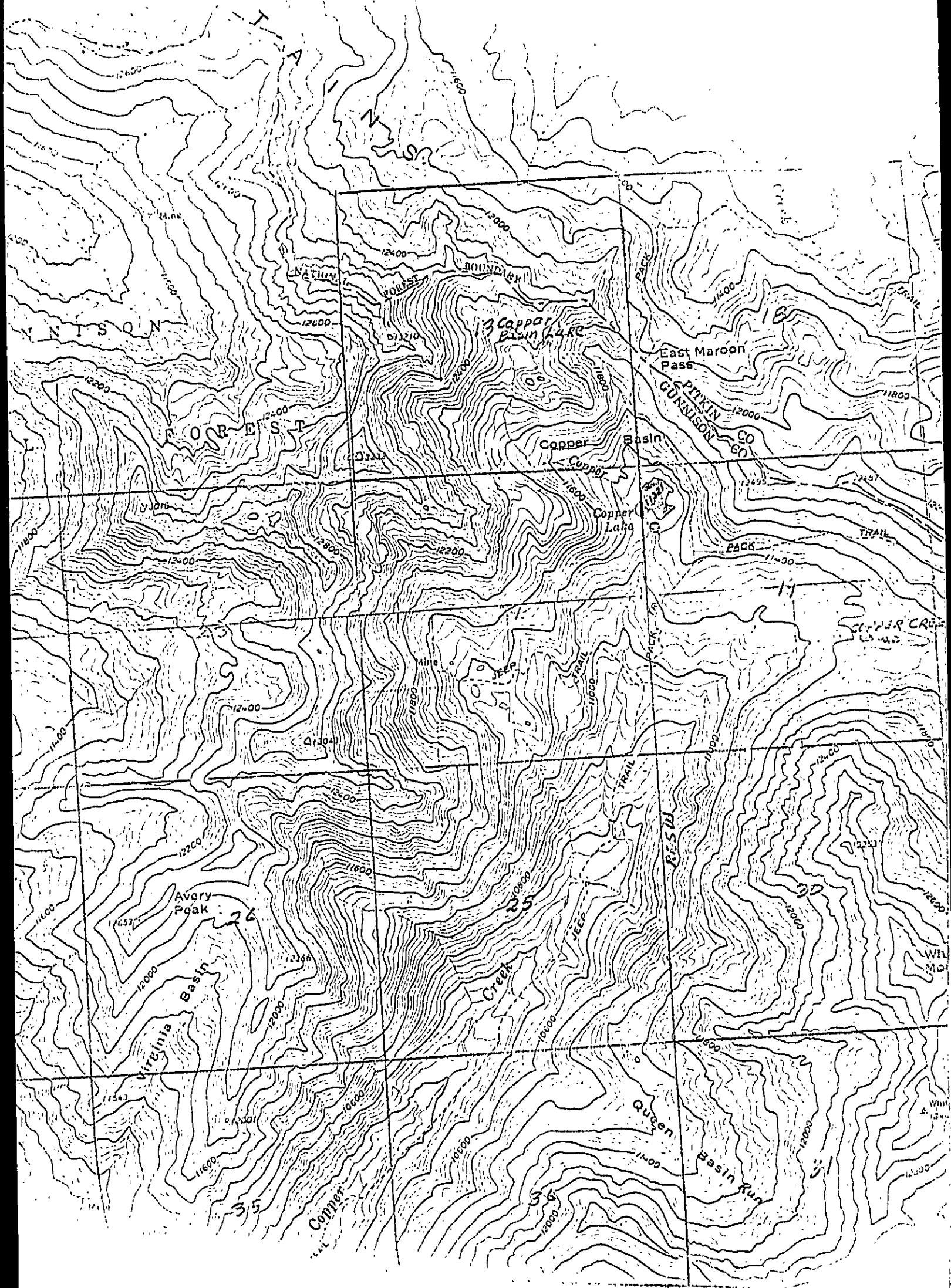
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Subscribed and sworn to before me this 15th day of
October, 19⁷².

My commission expires: April 23, 1975

Ita May Gerhart
Notary Public



FILED
IN THE DISTRICT COURT
WATER DISTRICT #4

IN THE DISTRICT COURT IN AND FOR

JUN 14 1973

WATER DIVISION NO. 4

Kay Phillips
WATER CLERK

STATE OF COLORADO

By _____ DEPUTY

Case No. W-1444

IN THE MATTER OF THE APPLICATION FOR)
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FINDING OF FACT

The Copper Lake has as a source of water supply Copper Creek, a tributary to the East River, a tributary to the Gunnison River in Gunnison County and Water District No. 59.

Said lake, which is a natural lake, is described as being located in the Northwest Quarter Northwest Quarter of Section 19, Township 12 South, Range 85 West and in the Northeast Quarter Northeast Quarter of Section 24, Township 12 South, Range 86 West of the 6th P.M.

The storage capacity of the lake is 578.51 acre feet, which is claimed herein as having been used for the above described purposes since July 2, 1921.

No opposition has been filed.

R U L I N G

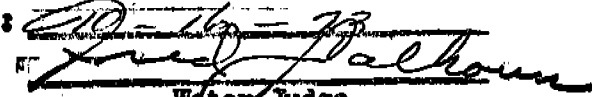
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DATED June 14, 1973

E. L. WILSON


WATER REFEREE
Division No. 4

No protest was filed in this matter.
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and approved, and is made the
judgment and Decree of this court.

Dated: June 14, 1973

Water Judge

FILED
IN THE DISTRICT COURT
WATER DISTRICT #1

IN THE DISTRICT COURT IN AND FOR

JUN 14 1973

WATER DIVISION NO. 4

Kay Phillips
WATER CLERK

STATE OF COLORADO

By..... DEPUTY

Case No. W-1444

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No opposition has been filed.

R U L I N G

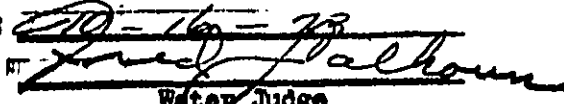
IT IS THE RULING OF THE REFEREE that the statements made in the application are true, that water has been appropriated and applied beneficially, and that the Copper Lake is APPROVED AND GRANTED an ABSOLUTE NON-CONSUMPTIVE STORAGE DECREE not to exceed 578.51 acre feet of water for the purposes as above described, with an appropriation date of July 2, 1921.

DATED June 14, 1923

E. L. WILSON


WATER REFEREE
Division No. 4

No protest was filed in this matter.
The foregoing ruling is confirmed
and approved, and is made the
Judgment and Decree of this court.

Dated: June 14, 1923

Water Judge

File in quadruplicate

FILED
IN THE DISTRICT COURT
WATER DISTRICT #4

NOV 29 1972

Kay Phillips
WATER CLERK
By _____ DEPUTY

WATER FORM C

IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 4

STATE OF COLORADO

Case No. W 445

IN THE MATTER OF THE
APPLICATION FOR
WATER RIGHTS OF

THE CORPORATION OF THE ROCKY
MOUNTAIN BIOLOGICAL LABORATORY
AT GOTHIC, a corporation

IN GUNNISON COUNTY.

APPLICATION FOR
WATER STORAGE RIGHT

1. Name of applicant: The Corporation of the Rocky Mountain
Biological Laboratory at Gothic

Address of applicant: C/O Klingsmith, Russell & French
P.O. Box 179

Gunnison, Colorado Zip 81230

Telephone number of applicant: 641-1334 Date: 10/2/72

2. Name of reservoir: SYLVANITE POND

3. Legal description of location of ~~dam~~ ^{pond}: (Also attach map)

NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24, Township 12 South, Range
86 West, 6th P.M.

Amended 4/8/72

4. Source of water by river and tributary: Copper Creek, a tributary to the East River, a tributary to the Gunnison River
5. A. Date of initiation of the appropriation: July 4, 1921
B. Date water first applied to beneficial use: July 4, 1921
C. How appropriation was initiated: By the utilization of the water in said pond for the beneficial purposes described herein
6. Amount of water claimed in acre feet: 2.82
A. Portion absolute: 2.82 acre feet; B. Portion conditional: _____ acre feet
7. Maximum height of dam in feet: Sylvanite Pond is a natural pond, and has no dam as such
8. Length of dam or proposed dam in feet: See answer to 7 above
9. Total capacity of reservoir in acre feet: 2.82
10. Active capacity in acre feet: 2.82
11. Dead storage in acre feet: 2.82
12. Name and capacity of ditch or ditches leading to reservoir, if applicable: N/a
13. Remarks: See attached

KLINGSMITH, RUSSELL & FRENCH

PKK
Signature of applicant or attorney
for applicant

P.O. Box 179

Gunnison, Colorado 81230

Telephone: 641-1334

Name, address, and telephone number
of attorney for applicant

paragraph 13.

The applicant has for the past fifty-one years, and does now, use the water in Sylvanite Pond for non-consumptive purposes in connection with its scientific purposes and in the conduct of its laboratory. Such purposes and uses are as follows: general biological studies, investigation and research, which involve the use of said water by staff members of the applicant and students and research associates for study and scientific investigation purposes and for arriving at hypothesis and conclusions based upon such studies; for wildlife and piscatorial culture and procreation, and for recreation. All of such activities require the water entering and filling said pond to be and remain free of pollutants and undiminished in quantity and quality from its historic flow. Such activities are non-consumptive, and applicant will not restrict the general public in their use of said waters for non-consumptive purposes so long as such purposes do not pollute said waters or diminish them in quality or quantity.

STATE OF COLORADO

COUNTY OF GUNNISON

ss..

Robert B. Willey, being first duly sworn, upon oath, deposes and says that (s)he has read the foregoing application, knows the contents thereof and that the same is true.

Robert B. Willey

Subscribed and sworn to before me this 15th day of

October, 19 72.

My commission expires: April 23, 1975

Idamay Giesbert
Notary Public

GUNNISON

NATIONAL FOREST

Copper Basin

Sylvanite Pond

Avery Peak

Virginia Basin

Spring

Miner

Copper Trail

Queen

Gothic

Judd Falls

CRESTED BUTTE 0.5 MI.
GUNNISON 2.0 MI.

11 580 000 FEET

30 57'30"

R. 86 W.

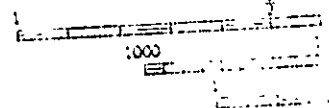
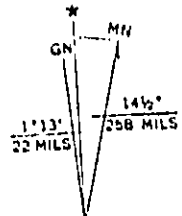
7°00'

Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

Topography by photogrammetric methods from aerial
photographs taken 1958. Field checked 1961

Polyconic projection 1927 North American datum
10,000-foot grid based on Colorado coordinate system, central zone
1000-meter Universal Transverse Mercator grid ticks,



File in quadruplicate

ORIGINAL

WATER FORM C

IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 4

STATE OF COLORADO

Case No. W- 1445

FILED
IN THE DISTRICT COURT
WATER DISTRICT #4

NOV 29 1972

Kay Phillips
By _____, WATER CLERK
DEPUTY

IN THE MATTER OF THE
APPLICATION FOR
WATER RIGHTS OF

THE CORPORATION OF THE ROCKY
MOUNTAIN BIOLOGICAL LABORATORY
AT GOTHIC, a corporation

IN GUNNISON COUNTY.

APPLICATION FOR
WATER STORAGE RIGHT

1. Name of applicant: The Corporation of the Rocky Mountain Biological Laboratory at Gothic
C/o Klingsmith, Russell & French
Address of applicant: P.O. Box 179
Gunnison, Colorado Zip 81230
Telephone number of applicant: 641-1334 Date: 10/2/72

2. Name of reservoir: SYLVANITE POND

3. Legal description of location of ~~land~~^{pond}: (Also attach map)

NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24, Township 12 South, Range
86 West, 6th P.M.

Amended 4/8/72

4. Source of water by river and tributary: Copper Creek, a
tributary to the East River, a tributary to the Gunnison River
5. A. Date of initiation of the appropriation: July 4, 1921
B. Date water first applied to beneficial use: July 4, 1921
C. How appropriation was initiated: By the utilization of the
water in said pond for the beneficial purposes described herein
6. Amount of water claimed in acre feet: 2.82
A. Portion absolute: 2.82 acre feet; B. Portion condi-
tional: _____ acre feet
7. Maximum height of dam in feet: Sylvanite Pond is a natural pond, and
has no dam as such
8. Length of dam or proposed dam in feet: See answer to 7 above
9. Total capacity of reservoir in acre feet: 2.82
10. Active capacity in acre feet: 2.82
11. Dead storage in acre feet: 2.82
12. Name and capacity of ditch or ditches leading to reservoir,
if applicable: N/a
13. Remarks: See attached

KLINGSMITH, RUSSELL & FRENCH

PC Kling
Signature of applicant or attorney
for applicant

P.O. Box 179

Gunnison, Colorado 81230

Telephone: 641-1334

Name, address, and telephone number
of attorney for applicant

paragraph 13.

The applicant has for the past fifty-one years, and does now, use the water in Sylvanite Pond for non-consumptive purposes in connection with its scientific purposes and in the conduct of its laboratory. Such purposes and uses are as follows: general biological studies, investigation and research, which involve the use of said water by staff members of the applicant and students and research associates for study and scientific investigation purposes and for arriving at hypothesis and conclusions based upon such studies; for wildlife and piscatorial culture and procreation, and for recreation. All of such activities require the water entering and filling said pond to be and remain free of pollutants and undiminished in quantity and quality from its historic flow. Such activities are non-consumptive, and applicant will not restrict the general public in their use of said waters for non-consumptive purposes so long as such purposes do not pollute said waters or diminish them in quality or quantity.

STATE OF COLORADO

COUNTY OF GUNNISON

ss..

Robert B. Willey

, being first duly sworn, upon oath, deposes and says that (s)he has read the foregoing application, knows the contents thereof and that the same is true.

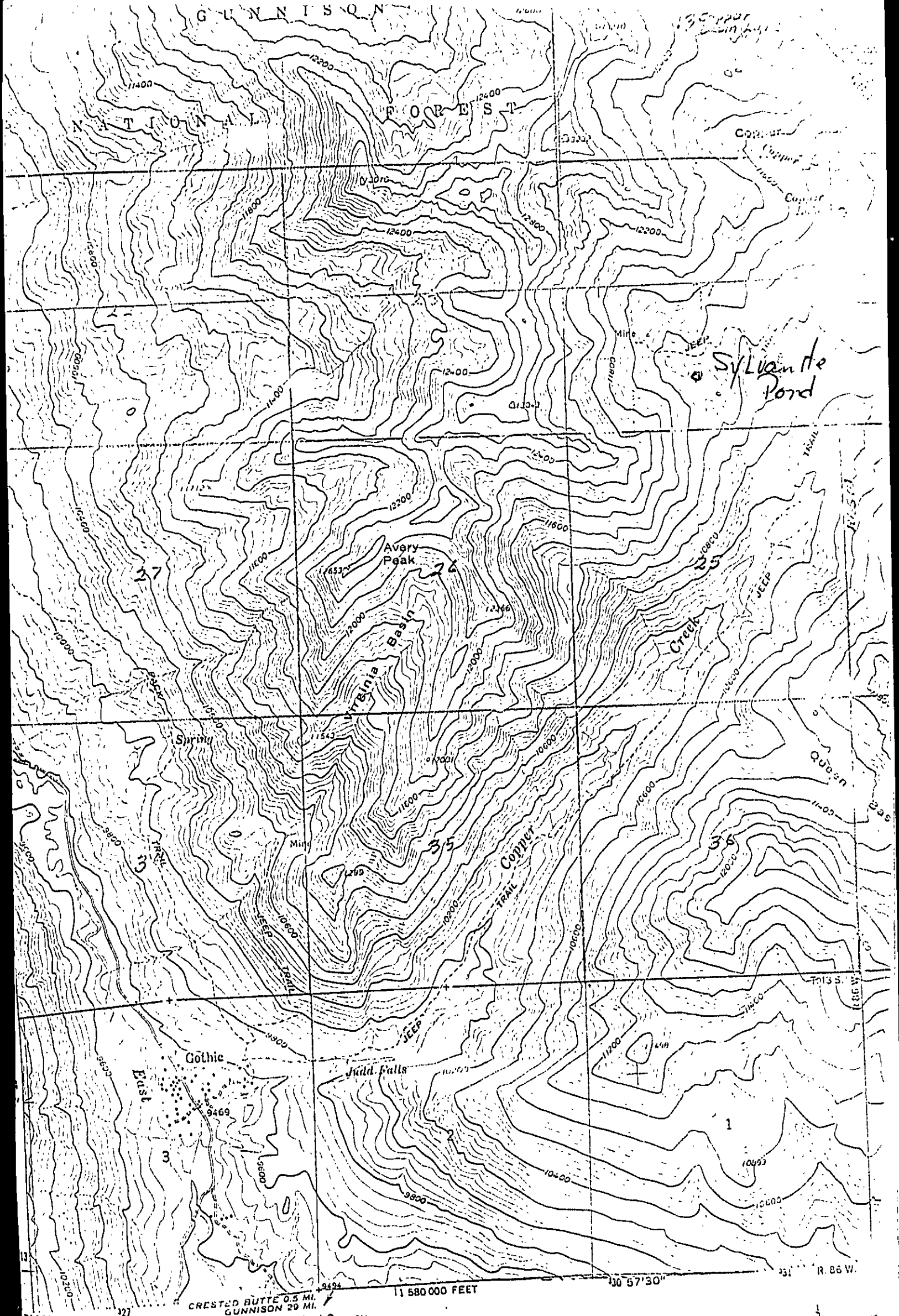
Robert B. Willey

Subscribed and sworn to before me this 15th day of

October, 19 72.

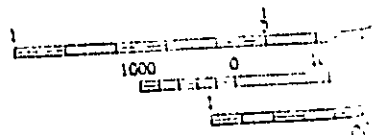
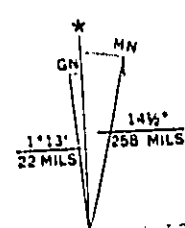
My commission expires: April 23, 1975

Harvey Gestart
Notary Public



Maped, edited, and published by the Geological Survey
Control by USCS and USC&CS

Topography by photogrammetric methods from aerial
Photographs taken 1958. Field checked 1961
Polyconic projection. 1927 North American datum
10,000-foot grid based on Colorado coordinate system, central zone
1000-meter Universal Transverse Mercator grid ticks,



FILED
IN THE DISTRICT COURT
WATER DISTRICT 59

JUN 14 1973

Key Phillips
WATER CLERK

IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 4

STATE OF COLORADO

Case No. W-1445

By: _____ DEPUTY

IN THE MATTER OF THE APPLICATION FOR)
WATER RIGHTS OF THE CORPORATION OF THE)
ROCKY MOUNTAIN BIOLOGICAL LABORATORY AT) RULING OF WATER REFEREE
GOTHIC IN THE GUNNISON RIVER OR ITS)
TRIBUTARIES; TRIBUTARY INVOLVED: EAST)
RIVER, IN THE COUNTY OF GUNNISON)

The applicant, The Corporation of the Rocky Mountain Biological Laboratory at Gothic, c/o Attorney P. C. Klingsmith, 110 East Virginia Avenue, Gunnison, Colorado 81230, requests the right to use surface water for various non-consumptive purposes hereinafter described. Filed November 29, 1972.

General Information relative to Cases W-1441, 1442, 1443, 1444, 1445 and 1446:

The applicant has for the past fifty-one years, and does now, use the water in Queen Basin Run, Copper Basin Lake, Copper Creek Lakes, Copper Lake, Sylvanite Pond and Copper Creek for non-consumptive purposes in connection with its scientific purposes and in the conduct of its laboratory. Such purposes and uses are as follows: general biological studies, investigation and research, which involved the use of said water by staff members of the applicant and students and research associates for study and scientific investigation purposes and for arriving at hypothesis and conclusions based upon such studies; for wildlife and piscatorial culture and procreation and for recreation. All of such activities require the water entering and filling said run to be and remain free of pollutants and undiminished in quantity and quality from its historic flow. Such activities are non-consumptive, and applicant will not restrict the general public in their use of said waters for non-consumptive purposes so long as such purposes do not pollute said waters or diminish them in quality or quantity.

The applicant has for many years held a special use permit from the Gunnison National Forest, which covers 2,324 acres of land, the United States Forest Lands, through which Copper Creek courses, as well as Queen Basin Run, and on which Copper Basin Lake, Copper Lake, Copper Creek Lakes and the Sylvanite Pond are situated. Said permit is to enable the applicant to study the flora, fauna and geology in the Gothic area in connection with the curriculum conducted at its laboratory at Gothic.

The intent of the Filing herein is protective rather than restrictive or consumptive for in place, no diversion study.

A decree of this type is unprecedented and its legal value unknown and untested; however, it seems appropriate to create for Court and water records a decree of some nature to accomplish and protect the purposes of the Biological Laboratory.

FINDING OF FACT

The Sylvanite Pond has as a source of water supply Copper Creek, a tributary to the East River, a tributary to the Gunnison River in Gunnison County and Water District No. 59.

Said pond is described as being located in the Northeast Quarter Southeast Quarter Southwest Quarter of Section 24, Township 12 South, Range 86 West of the 6th P.M.

The storage capacity of the natural pond is 2.82 acre feet which is claimed herein as having been used for the above described non-consumptive purposes since July 4, 1921.

No opposition has been filed.

R U L I N G

IT IS THE RULING OF THE REFEREE that the statements made in the application are true, that water has been appropriated and applied beneficially, and that the Sylvanite Pond is APPROVED AND GRANTED an ABSOLUTE NON-CONSUMPTIVE DECREE not to exceed 2.82 acre feet of storage for the above described purposes with an appropriation date of July 4, 1921.

DATED June 14, 1973

E. L. WILSON

E. L. Wilson
Water Referee
Division No. 4

No protest was filed in this matter.
The foregoing ruling is confirmed
and approved, and is made the
Judgment and Decree of this court.

Dated: June 14, 1973
Frederick B. Patkoun
Water Judge

FILED
IN THE DISTRICT COURT
WATER DISTRICT #

JUN 14 1973

Kay Phillips
WATER CLERK

IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 4

STATE OF COLORADO

Case No. W-1445

By..... DEPUTY

IN THE MATTER OF THE APPLICATION FOR)
WATER RIGHTS OF THE CORPORATION OF THE)
ROCKY MOUNTAIN BIOLOGICAL LABORATORY AT) RULING OF WATER REFEREE
GOTHIC IN THE GUNNISON RIVER OR ITS)
TRIBUTARIES; TRIBUTARY INVOLVED: EAST)
RIVER, IN THE COUNTY OF GUNNISON)

The applicant, The Corporation of the Rocky Mountain Biological Laboratory at Gothic, c/o Attorney P. C. Klingsmith, 110 East Virginia Avenue, Gunnison, Colorado 81230, requests the right to use surface water for various non-consumptive purposes hereinafter described. Filed November 29, 1972.

General Information relative to Cases W-1441, 1442, 1443, 1444, 1445 and 1446:

The applicant has for the past fifty-one years, and does now, use the water in Queen Basin Run, Copper Basin Lake, Copper Creek Lakes, Copper Lake, Sylvanite Pond and Copper Creek for non-consumptive purposes in connection with its scientific purposes and in the conduct of its laboratory. Such purposes and uses are as follows: general biological studies, investigation and research, which involved the use of said water by staff members of the applicant and students and research associates for study and scientific investigation purposes and for arriving at hypothesis and conclusions based upon such studies; for wildlife and piscatorial culture and procreation and for recreation. All of such activities require the water entering and filling said run to be and remain free of pollutants and undiminished in quantity and quality from its historic flow. Such activities are non-consumptive, and applicant will not restrict the general public in their use of said waters for non-consumptive purposes so long as such purposes do not pollute said waters or diminish them in quality or quantity.

The applicant has for many years held a special use permit from the Gunnison National Forest, which covers 2,324 acres of land, the United States Forest Lands, through which Copper Creek courses, as well as Queen Basin Run, and on which Copper Basin Lake, Copper Lake, Copper Creek Lakes and the Sylvanite Pond are situate. Said permit is to enable the applicant to study the flora, fauna and geology in the Gothic area in connection with the curriculum conducted at its laboratory at Gothic.

The intent of the Filing herein is protective rather than restrictive or consumptive for in place, no diversion study.

A decree of this type is unprecedented and its legal value unknown and untested; however, it seems appropriate to create for Court and water records a decree of some nature to accomplish and protect the purposes of the Biological Laboratory.

FINDING OF FACT

The Sylvanite Pond has as a source of water supply Copper Creek, a tributary to the East River, a tributary to the Gunnison River in Gunnison County and Water District No. 59.

Said pond is described as being located in the Northeast Quarter Southeast Quarter Southwest Quarter of Section 24, Township 12 South, Range 86 West of the 6th P.M.

The storage capacity of the natural pond is 2.82 acre feet which is claimed herein as having been used for the above described non-consumptive purposes since July 4, 1921.

No opposition has been filed.

R U L I N G

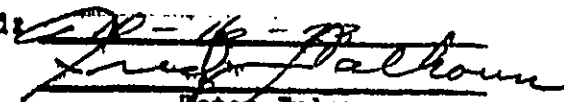
IT IS THE RULING OF THE REFEREE that the statements made in the application are true, that water has been appropriated and applied beneficially, and that the Sylvanite Pond is APPROVED AND GRANTED an ABSOLUTE NON-CONSUMPTIVE DECREE not to exceed 2.82 acre feet of storage for the above described purposes with an appropriation date of July 4, 1921.

DATED June 14, 1973

E. L. WILSON


Water Referee
Division No. 4

No protest was filed in this matter.
The foregoing ruling is confirmed
and approved, and is made the
Judgment and Decree of this court.

Dated: June 14, 1973

Water Judge

File in quadruplicate

WATER FORM A

FILED
IN THE DISTRICT COURT
WATER DISTRICT #4

NOV 29 1972

IN THE DISTRICT COURT IN AND FOR

Kay Phillips
WATER CLERK

WATER DIVISION NO. 4

By _____
DEPUTY

STATE OF COLORADO

Case No. W- 1446

IN THE MATTER OF THE
APPLICATION FOR
WATER RIGHTS OF

THE CORPORATION OF THE ROCKY

MOUNTAIN BIOLOGICAL LABORATORY

AT GOTHIC, a corporation

APPLICATION FOR WATER
RIGHT
(Surface)

IN GUNNISON COUNTY.

The Corporation of the Rocky Mountain
Biological Laboratory at Gothic,

1. Name of applicant: _____

Address of applicant: C/o Klingsmith, Russell & French
P.O. Box 179

Gunnison, Colorado Zip 81230

Telephone number of applicant: 641-1334

2. Name of ditch or other structure: COPPER CREEK

3. Legal description of each point of diversion or proposed
diversion:

Copper Creek commences at Copper Basin Lake and flows in a southerly and southwesterly direction through Section 19, Township 12 South, Range 85 West, and Sections 13, 24, 25, 36 and 35, Township 12 South, Range 86 West, and Sections 3 and 2, Township 13 South, Range 86 West, 6th P.M., to its confluence in the SE $\frac{1}{4}$, Section 3, Township 13 South, Range 86 West, 6th P.M., with the East River. The legal point of diversion of said stream is along all points in the course thereof.

Amended 4/8/72

Parágraph 8.

The applicant has for the past fifty-one years, and does now, use the water in Copper Creek for non-consumptive purposes in connection with its scientific purposes and in the conduct of its laboratory. Such purposes and uses are as follows: general biological studies, investigations and research, which involve the use of said water by staff members of the applicant, and students and research associates for study and scientific investigation purposes and for arriving at hypothesis and conclusions based upon such studies; for wildlife and piscatorial culture and procreation; and for recreation. All of such activities require the water entering and filling said lake to be and remain free of pollutants and undiminished in quantity and quality from its historic flow. Such activities are non-consumptive, and applicant will not restrict the general public in their use of such waters for non-consumptive purposes so long as such purposes do not pollute said waters or diminish them in quality or quantity.

Parágraph 10:

The applicant has for many years held a special use permit from the Gunnison National Forest, which covers 2,324 acres of land, the United States Forest Service lands through which Copper Creek courses, as well as Queen Basin Run, and on which Copper Basin Lake, Copper Lake, Copper Creek Lakes and the Sylvanite Pond are situated. Said permit is to enable the applicant to study the flora, fauna and geology in the Gothic area in connection with the curriculum conducted at its laboratory at Gothic. A copy of said permit, together with the map of the area covered thereby is attached hereto.

STATE OF COLORADO

COUNTY OF GUNNISON

)
)
)
ss.,

Robert B. Willey, being first duly sworn, upon oath, deposes and says that (s)he has read the foregoing application, knows the contents thereof and that the same is true.

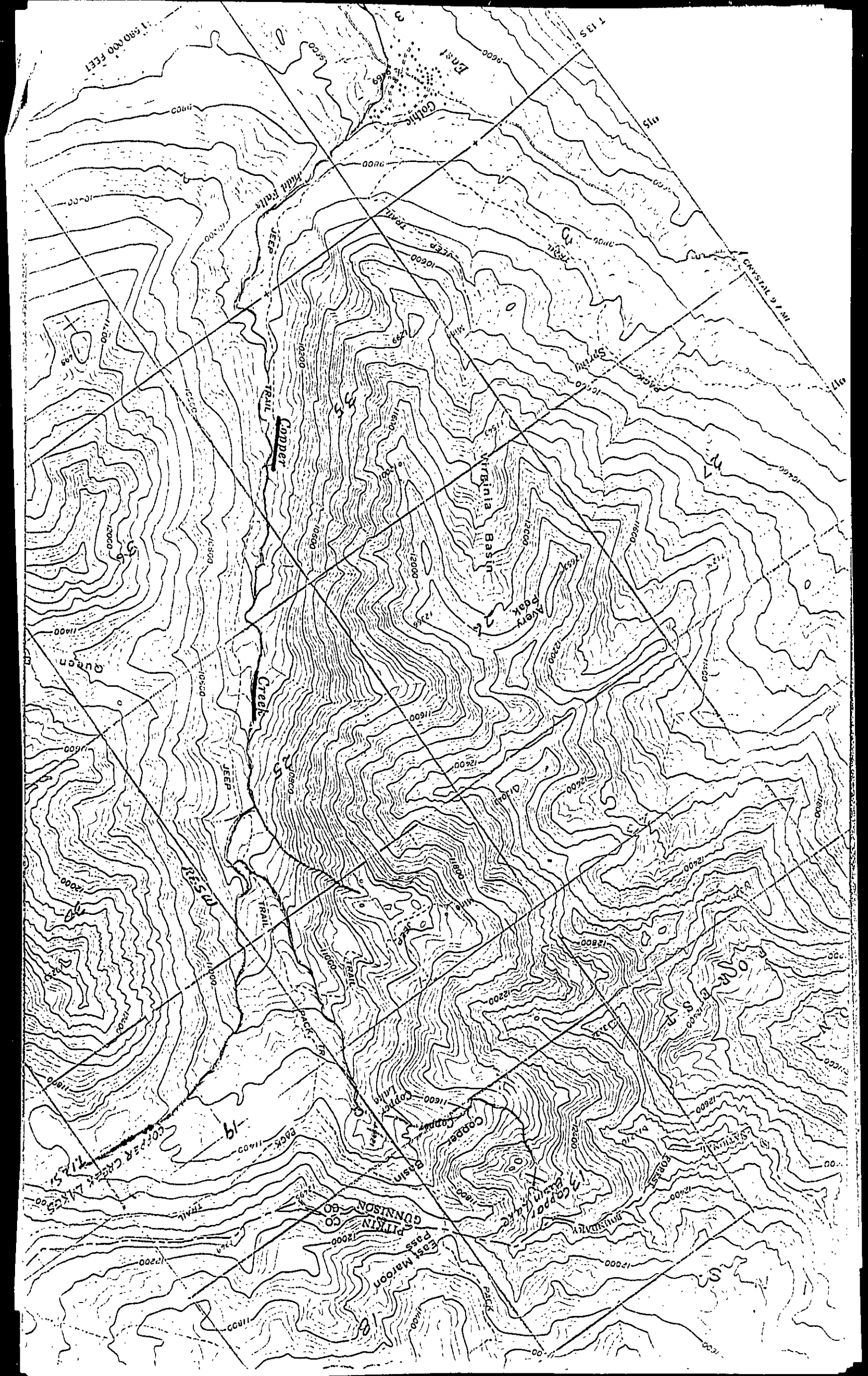
Robert B. Willey

Subscribed and sworn to before me this 15th day of
October 72, 19 72.

April 23, 1975

My commission expires: _____

Joan May Guebert
Notary Public



SPECIAL USE PERMITS - Gunnison
Rocky Mountain Biological Laboratory
Experimental (Research) Areas
8/4/59



SPECIAL USE PERMIT

Permit is hereby granted to Gunnison National Forest
of Colorado

hereinafter called the permittee, to use, subject to the conditions set out below, the following described lands or improvements: certain portions of Sections 25, 26, 27 and 33, T. 13 N., R. 55 W., and Sections 19, 20, 29, 30 and 31, T. 13 N., R. 55 W., all 6th P.M. in Basin Basin, Green Basin, Copper Creek Basin and Virginia Basin as more particularly shown on two attached plates dated August 4, 1959 by F.J.W. AND Z.H.

This permit covers 2521 acres and/or _____ miles for the purpose of:
studying plants, fauna, and geology of the Gothic area in connection with taxidermy and insect collecting conducted at the Rocky Mountain Biological Laboratory in Gothic

The exercise of any of the privileges granted in this permit constitutes acceptance of all the conditions of this permit.
Issued for use under the provisions of Regulation H-11
In consideration for this use, the permittee shall deposit with the Regional Forest Agent, Forest Service, _____, a check, draft, or money order payable to the Treasurer of the United States in the sum of _____ dollars (\$ _____) for the period from _____, 19____, to _____, 19____, and the sum of _____ dollars (\$ _____).

The charges for this use may be refunded at any time to the permittee or his assistant with the change to other permits for like use.

2. Construction or occupancy and use under this permit shall begin within _____ months, and construction, if any, shall be completed within _____ months, from the date of the _____ use shall be actually controlled at least _____ 60 _____ days each year, unless otherwise ordered in writing.

3. Development plans; lay-out plans; construction, reconstruction, or alteration of improvements; or revision of lay-out or construction plans for this area must be approved in advance and in writing by the forest supervisor. Trees or shrubbery on the permitted area may be removed or destroyed only if the forest officer in charge has approved, and has marked or otherwise designated that which is to be removed or destroyed. Marketable timber cut must be paid for by the permittee. Grass, shrubs, and other plants may be planted in such manner and in such places about the premises as may be approved by the forest officer in charge.

4. The permittee shall maintain the improvements and premises to standards of repair, orderliness, neatness, cleanliness, and safety acceptable to the forest officer in charge.

5. The permittee shall comply with all laws, regulations, and orders of the United States Forest Service, and shall be subject to the jurisdiction of the United States Forest Service in all matters relating to the use of the land covered by this permit.

6. The permittee, in exercising the privileges granted by this permit, shall comply with the regulations of the Department of Agriculture and all Federal, State, county, and local laws, regulations, and orders.

7. The permittee shall take all reasonable precautions to prevent fire, and shall be liable for any damage to the United States covered by and used in connection with this permit, and shall pay the United States for any damage resulting from negligence or from the violation of the terms of this permit or of any law or regulation applicable to the national forests by the permittee, or by any agents or employees of the permittee acting within the scope of their agency or employment.

8. The permittee shall fully repair all damage, other than ordinary wear and tear, to national forest roads and other facilities by the permittee in the exercise of the privilege granted by this permit.

9. No member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this agreement or to any benefit that may arise herefrom unless it is made with a corporation for its general benefit.

10. Upon termination, expiration, revocation, or cancellation of this permit, the permittee shall remove within a reasonable time all structures and improvements except those owned by the United States, and shall restore the site, unless otherwise agreed upon in writing or in this permit. If the permittee fails to remove all such structures or improvements within a reasonable period, the same shall be the property of the United States, but that will not relieve the permittee of liability for and cost of their removal and restoration of the site.

11. This permit is not transferable. If the permittee through voluntary sale or transfer, or through enforcement of contract, foreclosure, tax sale, or other valid legal proceeding shall come to be the owner of the physical improvements situated on the land described in this permit and is unable to furnish adequate proof of ability to redeem or otherwise establish title to said improvements, this permit shall be subject to cancellation. But if the person to whom title to said improvements shall have been transferred in a bona fide sale, the permit shall remain in effect.

12. In the event of a change of owners, the permittee shall immediately notify the forest supervisor. If the permittee through voluntary sale or transfer, or through enforcement of contract, foreclosure, tax sale, or other valid legal proceeding shall come to be the owner of the physical improvements situated on the land described in this permit and is unable to furnish adequate proof of ability to redeem or otherwise establish title to said improvements, this permit shall be subject to cancellation. But if the person to whom title to said improvements shall have been transferred in a bona fide sale, the permit shall remain in effect.

13. In case of change of owners, the permittee shall immediately notify the forest supervisor.

14. The temporary use and occupancy of the premises and improvements hereon shall be subject to the permittee to third parties without the prior written approval of the forest supervisor or the permittee shall continue to be responsible for compliance with all conditions of this permit by persons to whom such premises may be sublet.

15. This permit may be terminated upon breach of any of the conditions herein or at the discretion of the regional director or the Chief, Forest Service.

16. In the event of any conflict between any of the preceding printed clauses or any provision thereof and any of the following clauses or any provision thereof, the preceding printed clauses will control.

17. This permit is subject to the conditions set forth above and to conditions _____ 18 _____ to _____ 24 _____ attached hereto and made a part of this permit.

Date _____
_____ Forest Supervisor

18. No signs or advertising devices shall be placed on the premises or on adjacent national-forest lands, except those posted by or at the direction of the forest supervisor.

19. In connection with the performance of work under this permit, the permittee agrees not to discriminate against any employee or applicant for employment because of race, religion, color, or national origin. The above prohibition shall include but not be limited to the following: employment, promotion, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The permittee agrees to post notices in conspicuous places, available for employees and applicants for employment, notice to be provided by the Forest Service setting forth the provisions of the non-discrimination clause.

The permittee further agrees to insert the foregoing provisions in all subcontracts hereunder, except subcontracts for standard commercial supplies or raw materials.

20. The permittee shall save the United States harmless from and indemnified against claims for injury to persons or damages to property, due to negligence, want, operation, or use under this permit.

21. No fences shall be erected upon the premises, except by written permission of the forest supervisor.

22. The permittee shall permit free and unrestricted access by the public to and upon the premises at all times for all lawful and proper purposes not inconsistent with the objects of the permit or with the reasonable exercise and enjoyment by the permittee of the rights thereof.

23. This permit is accepted with the understanding that the extent of the need for the lands involved for public use is not yet established. It is understood and agreed that if and when, in the opinion of the regional forester, the lands herein described are needed for a higher form of use, the permit shall terminate and that in the event of such termination no damages will be claimed or allowed by reason thereof.

24. None of the conditions of the permit as set forth herein can be varied or modified, except with the written consent of the forest supervisor.

No. 2 of 2 sheets
DEPARTMENT OF AGRICULTURE

2710

Rocky Mountain Biological Laboratory

FOREST SERVICE
FIELD MAP SHEET

Scale 8 inches = 1

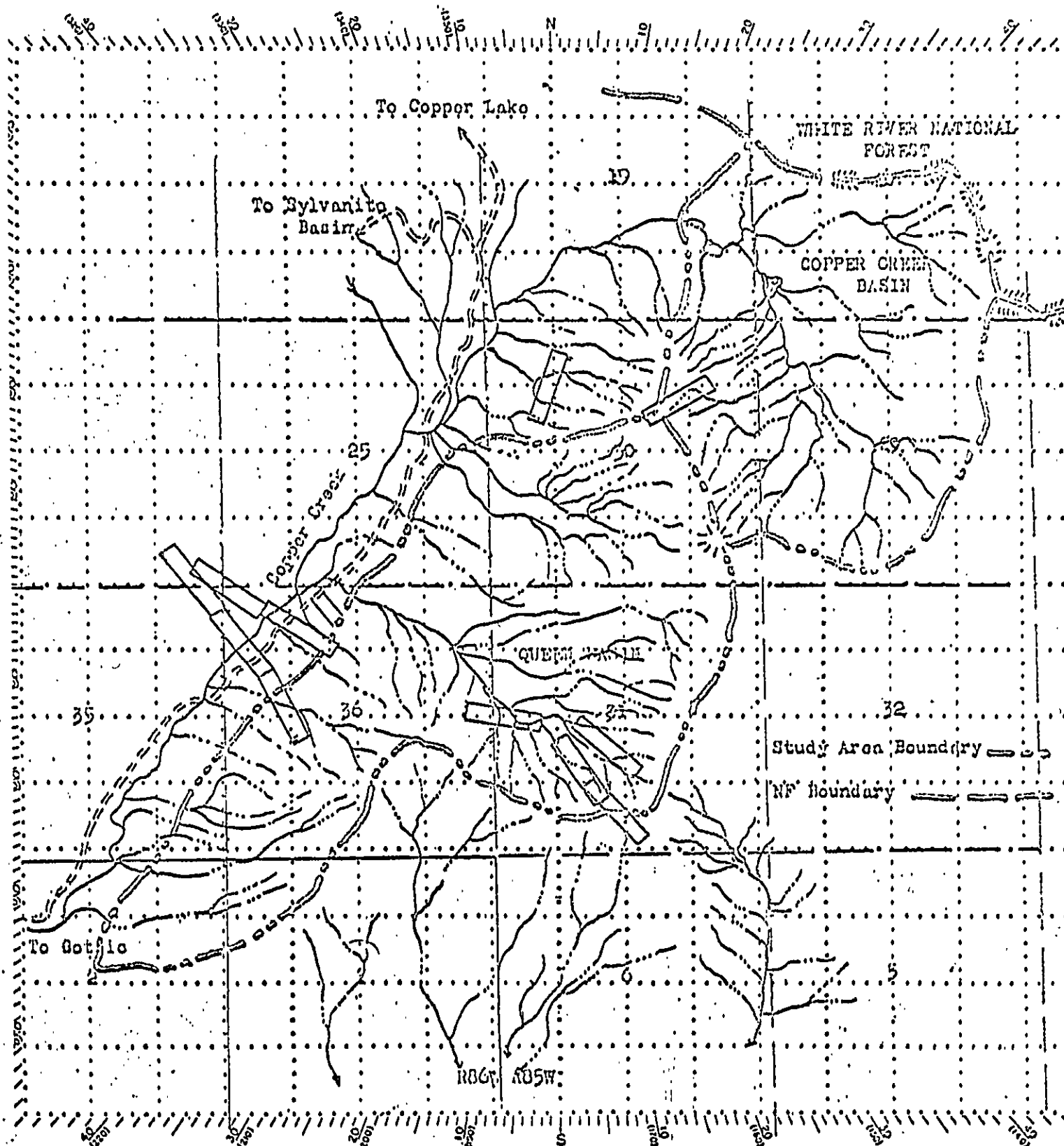
T. 123 N. Sec.

Study Areas, 8/1/59

Unit Gunnison (Taylor River)

Mag. Dec. 11° 30' Acres

(Case designation)



Field work by F.J.W. from aerial photos. Date August 14, 1959. Plotted by F.J.W. & F.H.

Remarks

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FIELD MAP SHEET

Scale inches = 1

T. 12S. R. 12E. Sec.

Mag. Dec. 11.30.1. Acres

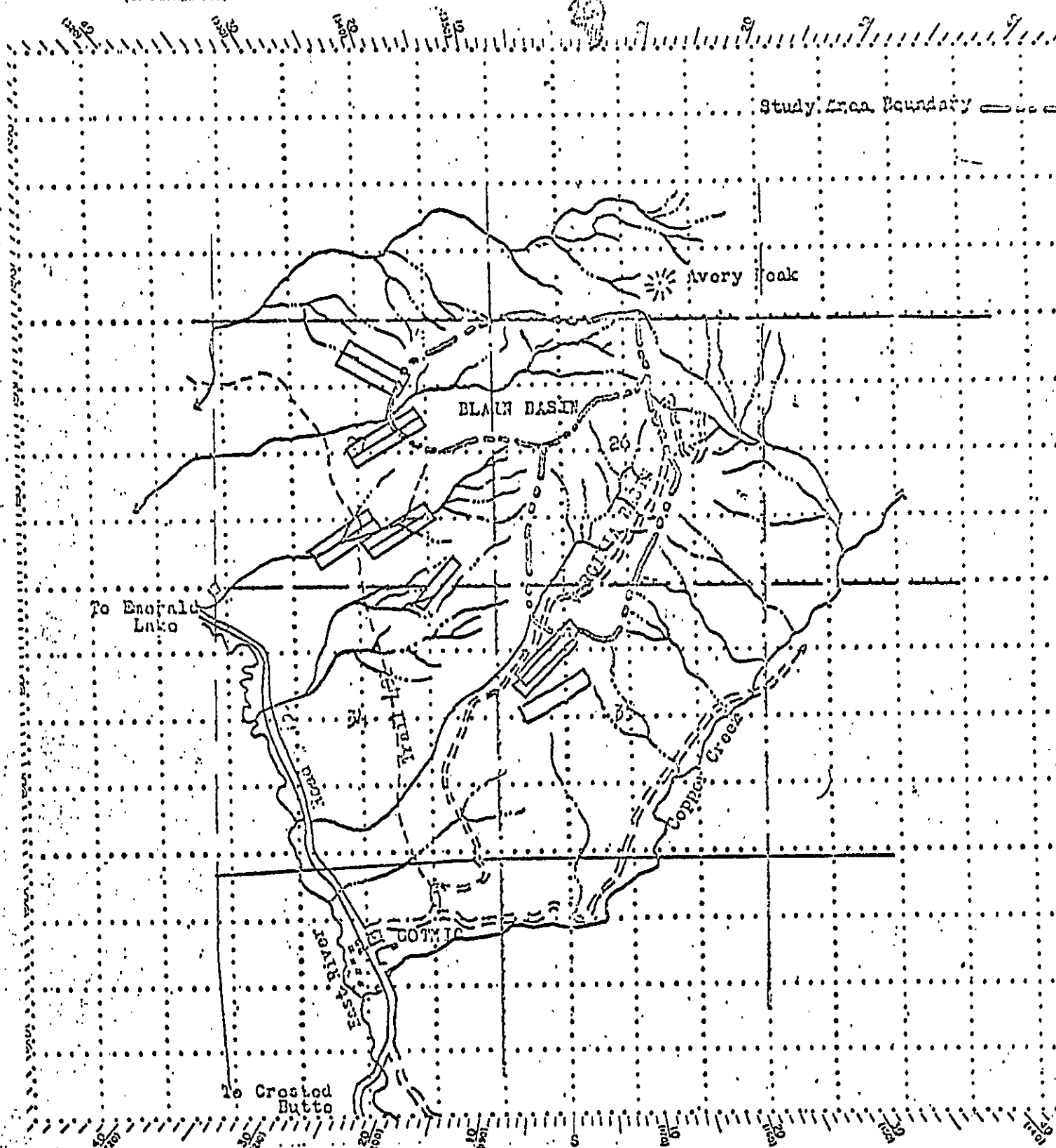
2710

Rocky Mountain Biological Laboratory

Study Area, B/1/59

(Case designation)

Unit Gunnison (Taylor River)



Field work by FJW from aerial photos

Date August 1, 1952

Plotted by FJW & FH

Remarks

FILED
IN THE DISTRICT COURT
WATER DISTRICT #4

JUL 1 1973

Kay Phillips
WATER CLERK
By _____
DEPUTY

IN THE DISTRICT COURT IN AND FOR
WATER DIVISION NO. 4
STATE OF COLORADO

IN THE MATTER OF THE APPLICATIONS FOR
WATER RIGHTS OF ALL APPLICATIONS FILED
IN NOVEMBER AND DECEMBER, 1972.

ORDER FOR EXTENSION
OF TIME

IT APPEARING TO THE COURT, on the applications filed in November and December, 1972, that it is impossible to approve or disapprove, or in some cases, get copies forwarded to all applicants before the two months deadline, due to the unusual amount of filings in previous months,

IT IS THEREFORE ORDERED BY THE COURT, that the applications filed in these months, which may not meet the deadline, remain under the jurisdiction of the Water Referee until it is possible to complete all.

DATED 6-1-73

Fred Johnson
Water Judge
Division No. 4

Covers Cases No. W-1417 through W-1685

R-
1446
CERTIFIED RETURN RECEIPT IN CASE NO. W- 1441

File in quadruplicate

ORIGINAL

WATER FORM A

FILED
IN THE DISTRICT COURT IN AND FOR IN THE DISTRICT COURT
WATER DISTRICT #4

WATER DIVISION NO. 4

NOV 29 1972

STATE OF COLORADO

Case No. W- 1446

Kay Phillips
By _____ WATER CLERK
DEPUTY

IN THE MATTER OF THE
APPLICATION FOR
WATER RIGHTS OF

THE CORPORATION OF THE ROCKY
MOUNTAIN BIOLOGICAL LABORATORY
AT GOTHIC, a corporation

APPLICATION FOR WATER
RIGHT
(Surface)

IN GUNNISON COUNTY.

1. Name of applicant: The Corporation of the Rocky Mountain
Biological Laboratory at Gothic,

Address of applicant: C/o Klingsmith, Russell & French
P. O. Box 179

Gunnison, Colorado Zip 81230

Telephone number of applicant: 641-1334

2. Name of ditch or other structure: COPPER CREEK

3. Legal description of each point of diversion or proposed
diversion:

Copper Creek commences at Copper Basin Lake and flows in a southerly and southwesterly direction through Section 19, Township 12 South, Range 85 West, and Sections 13, 24, 25, 36 and 35, Township 12 South, Range 86 West, and Sections 3 and 2, Township 13 South, Range 86 West, 6th P.M., to its confluence in the SE $\frac{1}{4}$, Section 3, Township 13 South, Range 86 West, 6th P.M., with the East River. The legal point of diversion of said stream is along all points in the course thereof.

Amended 4/8/72

4. Description of ditch, pump, or pipeline: See 3. above
5. Source of water (River and tributary): Copper Creek, a tributary to the East River, a tributary to the Gunnison River
6. A. Date of initiation of the appropriation: July 5, 1921
B. Date water first applied to beneficial use: July 5, 1921
C. How appropriation was initiated: By the utilization of the water in said creek to the beneficial purposes described herein
7. Amount of water claimed by diversion in cubic feet per second of time (Indicate whether conditional or absolute):
A. Portion absolute: 90 cfs B. Portion conditional: cfs
8. Use or proposed use of the water: See attached
9. In case of an irrigation priority, the number of acres being irrigated: NA; the number of acres historically irrigated: ; and the number of acres proposed to be irrigated by the decree sought.
10. Remarks: See attached

KLINGSMITH, RUSSELL & FRENCH

P. C. Kling
Signature of applicant or
attorney for applicant

P.O. Box 179

Gunnison, Colorado 81230

Telephone: 641-1331

Name, address and telephone
number of attorney for applicant.

Paragraph 8.

The applicant has for the past fifty-one years, and does now, use the water in Copper Creek for non-consumptive purposes in connection with its scientific purposes and in the conduct of its laboratory. Such purposes and uses are as follows: general biological studies, investigations and research, which involve the use of said water by staff members of the applicant, and students and research associates for study and scientific investigation purposes and for arriving at hypothesis and conclusions based upon such studies; for wildlife and piscatorial culture and procreation; and for recreation. All of such activities require the water entering and filling said lake to be and remain free of pollutants and undiminished in quantity and quality from its historic flow. Such activities are non-consumptive, and applicant will not restrict the general public in their use of such waters for non-consumptive purposes so long as such purposes do not pollute said waters or diminish them in quality or quantity.

Paragraph 10:

The applicant has for many years held a special use permit from the Gunnison National Forest, which covers 2,324 acres of land, the United States Forest Service lands through which Copper Creek courses, as well as Queen Basin Run, and on which Copper Basin Lake, Copper Lake, Copper Creek Lakes and the Sylvanite Pond are situated. Said permit is to enable the applicant to study the flora, fauna and geology in the Gothic area in connection with the curriculum conducted at its laboratory at Gothic. A copy of said permit, together with the map of the area covered thereby is attached hereto.

STATE OF COLORADO

COUNTY OF GUNNISON

ss..

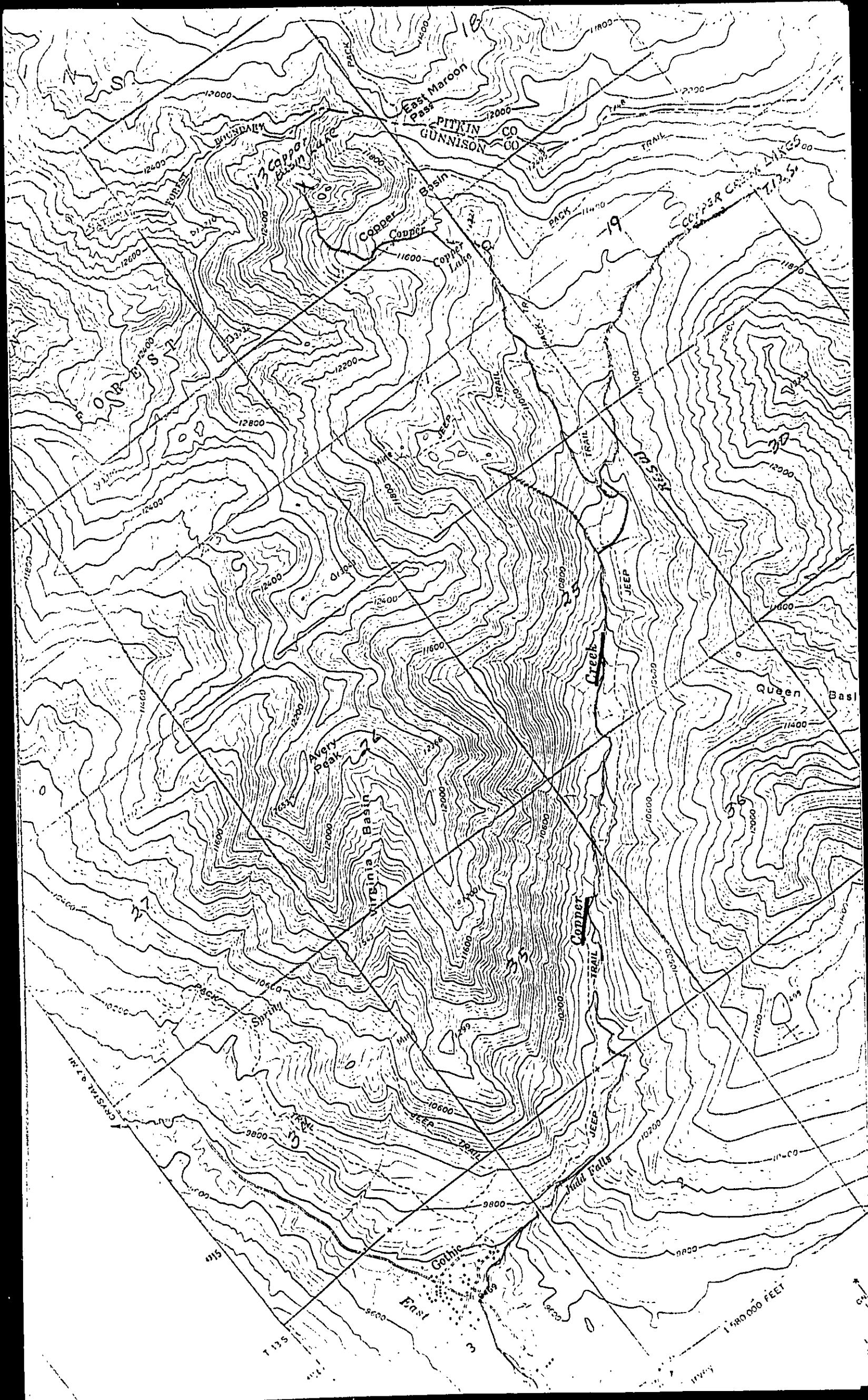
Robert B. Willey, being first duly sworn, upon oath, deposes and says that (s)he has read the foregoing application, knows the contents thereof and that the same is true.

Robert B. Willey

Subscribed and sworn to before me this 15th day of October, 19 72.

My commission expires: April 23, 1975

Her May Gresham
Notary Public





Grand and National Society

of General Printing, Colorado

This contract covers 2521 acres and/or miles for the purpose of:

studying history, fauna, and geology of the Gothic area in connection with the studies and investigations conducted at the Rocky Mountain Biological Laboratory in Gothic

The exercise of any of the privileges granted in this permit constitutes acceptance of all the conditions of this permit.

Issued 10-1-68 changed under the provisions of Regulation H-11
For this use, the Committee shall deposit with the Regional Director, Bureau

Service, _____, a check, draft, or money order. \$0.00

to the Treasury of the United States in the sum of _____

(3) _____, for the period from _____, 19____, to _____, 19____.

10-_____ C-1 _____

Citation () . The charges for this case may be found at [] .

to time to

18. No signs or advertising devices shall be placed on the premises or on adjacent national-forest lands, except those posted by or at the direction of the forest supervisor.
19. In connection with the performance of work under this permit, the permittee agrees not to discriminate against any employee or applicant for employment because of race, religion, color, or national origin. The above provisions shall include but not be limited to the following: employment, promotion, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; wage or pay or other forms of compensation; and selection for training, including apprenticeship. The permittee agrees to post notices in conspicuous places, available for employees and applicants for employment, to be provided by the Forest Service setting forth the provisions of anti-discrimination clause.
The permittee further agrees to insert the foregoing provisions in all subcontracts hereunder, except subcontracts for standard commercial supplies or materials.
20. The permittee shall save the United States harmless from and indemnified against claims for injury to persons or damages to property, due to negligence, want, operation, or use under this permit.
21. No fence shall be erected upon the premises, except by written permission of the forest supervisor.
22. The permittee shall permit free and unrestricted access by the public to and upon the premises at all times for all lawful and proper purposes not inconsistent with the objects of the permit or with the reasonable exercise and enjoyment by the permittee of the rights thereof.
23. This permit is accepted with the understanding that the extent of the need for the lands involved for public use is not yet established. It is understood and agreed that if and when, in the opinion of the regional forester, the lands herein described are needed for a higher form of use, the permittee shall terminate and that in the event of such termination no damages will be claimed or allowed by reason thereof.
24. None of the conditions of the permit as set forth herein can be varied or modified, except with the written consent of the forest supervisor.

No. 2 of 2 sheets
DEPARTMENT OF AGRICULTURE

FOREST SERVICE
FIELD MAP SHEET

Scale 1 inch = 1 mile

T. 122 R. 26E Sec. 1

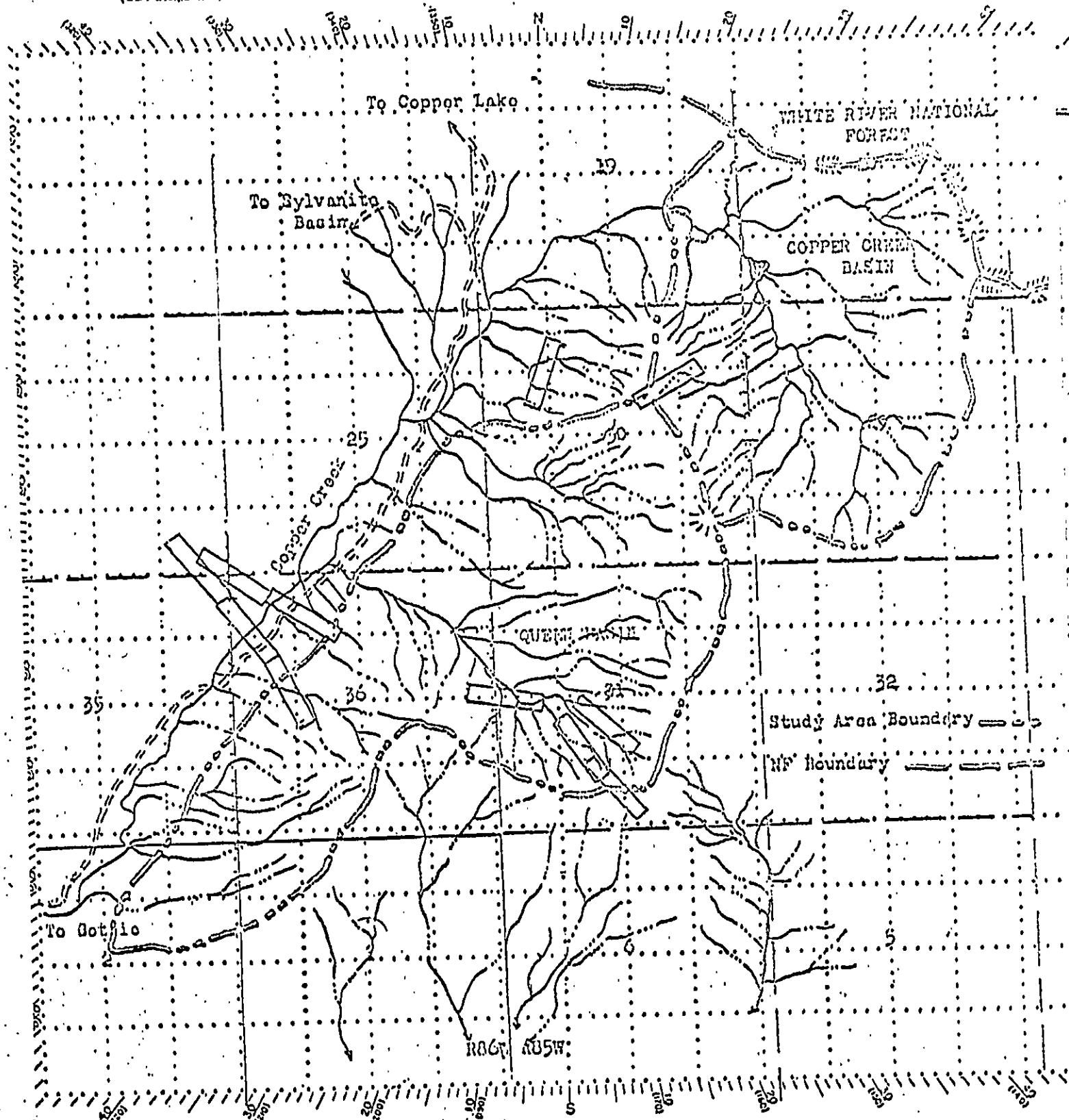
Rocky Mountain Biological Laboratory

Study Areas, 8/1/59

Unit Gunnison (Taylor River)

Mag. Dec. 11/20 Acres

(Case designation)



Field work by F.J.V. from aerial photos Date August 4, 1959 Plotted by F.J.V. & F.H.

Remarks

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FIELD MAP SHEET

Scale 2 inches = 1

T. 125 N. R. 10 E. Sec.

Mag. Dec. 11° 30' 1" Acres

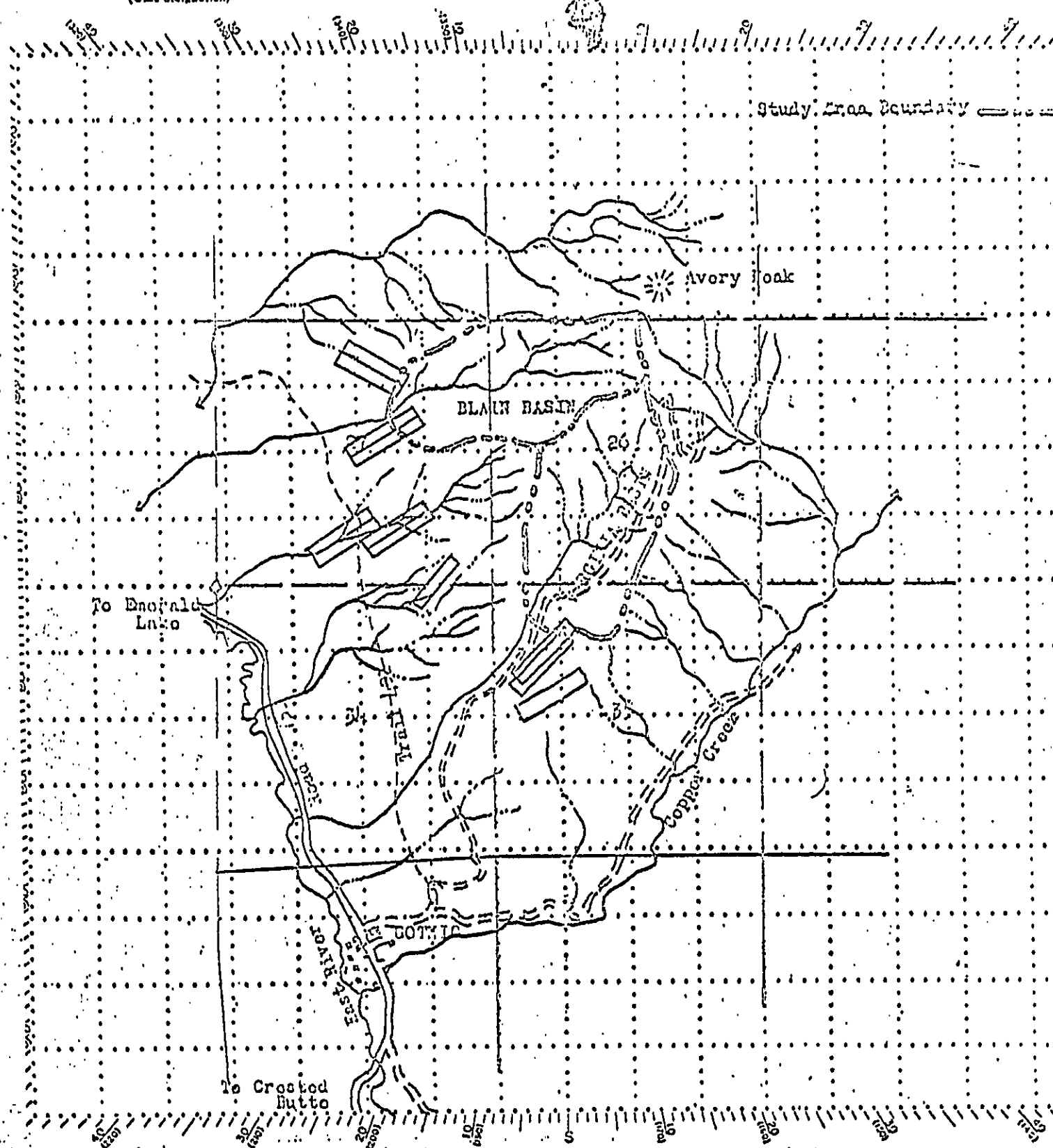
2710

Rocky Mountain Biological Laboratory

Study Area, 8/1/59

(Case designation)

Unit Gunnison (Taylor River)



Field work by FJH from aerial photos Date August 1, 1959 Plotted by FJH & FH

Remarks

IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 4

STATE OF COLORADO

Case No. W-1446

JUN 14 1973

Kay Phillips
WATER AREA

By: _____ DEPUTY

IN THE MATTER OF THE APPLICATION FOR)
WATER RIGHTS OF THE CORPORATION OF THE)
ROCKY MOUNTAIN BIOLOGICAL LABORATORY AT) RULING OF WATER REFEREE
GOTHIC IN THE GUNNISON RIVER OR ITS)
TRIBUTARIES; TRIBUTARY INVOLVED: EAST)
RIVER, IN THE COUNTY OF GUNNISON)

The applicant, The Corporation of the Rocky Mountain Biological Laboratory at Gothic, c/o Attorney P. C. Klingsmith, 110 East Virginia Avenue, Gunnison, Colorado 81230, requests the right to use surface water for various non-consumptive purposes hereinafter described. Filed November 29, 1972.

General Information relative to Cases W-1441, 1442, 1443, 1444, 1445 and 1446:

The applicant has for the past fifty-one years, and does now, use the water in Queen Basin Run, Copper Basin Lake, Copper Creek Lakes, Copper Lake, Sylvanite Pond and Copper Creek for non-consumptive purposes in connection with its scientific purposes and in the conduct of its laboratory. Such purposes and uses are as follows: general biological studies, investigation and research, which involve the use of said water by staff members of the applicant and students and research associates for study and scientific investigation purposes and for arriving at hypothesis and conclusions based upon such studies; for wildlife and piscatorial culture and procreation and for recreation. All of such activities require the water entering and filling said run to be and remain free of pollutants and undiminished in quantity and quality from its historic flow. Such activities are non-consumptive, and applicant will not restrict the general public in their use of said waters for non-consumptive purposes so long as such purposes do not pollute said waters or diminish them in quality or quantity.

The applicant has for many years held a special use permit from the Gunnison National Forest, which covers 2,324 acres of land, the United States Forest Service lands, through which Copper Creek courses, as well as Queen Basin Run, and on which Copper Basin Lake, Copper Lake, Copper Creek Lakes and the Sylvanite Pond are situate. Said permit is to enable the applicant to study the flora, fauna and geology in the Gothic area in connection with the curriculum conducted at its laboratory at Gothic.

The intent of the Filing herein is protective rather than restrictive or consumptive for in place, no diversion study.

A decree of this type is unprecedented and its legal value unknown and untested; however, it seems appropriate to create for Court and water records a decree of some nature to accomplish and protect the purposes of the Biological Laboratory.

FINDING OF FACT

Copper Creek Laboratory has as a source of water supply Copper Creek, a tributary to the East River, a tributary to the Gunnison River in Gunnison County and in Water District No. 59.

The diversion point is described as being the point of confluence of Copper Creek and the East River which is the lower end of the station in the South Half Northwest Quarter Northwest Quarter Southeast Quarter of Section 3, Township 13 South, Range 86 West of the 6th P.M.; included, -however, is the entire run of Copper Creek, which heads at Copper Basin Lake and flows in a southwesterly direction through Section 19, Township 12 South, Range 85 West, and Sections 13, 24, 25, 36 and 35, Township 12 South, Range 86 West, 6th P.M., and Sections 3 and 2, Township 13 South, Range 86 West, 6th P.M. to its confluence with East River.

90 c.f.s. of water has at times been recorded and the intent is to retain the total condition in its natural state; therefore, 90 c.f.s. is claimed as having been used for the above described non-consumptive purposes since July 5, 1921.

No opposition has been filed.

R U L I N G

IT IS THE RULING OF THE REFEREE that the statements made in the application are true, that water has been appropriated and applied beneficially, and that the Copper Creek Laboratory is APPROVED AND GRANTED an ABSOLUTE NON-CONSUMPTIVE IN PLACE DECREE not to exceed 90 c.f.s. of water for the above described purposes, with an appropriation date of July 5, 1921.

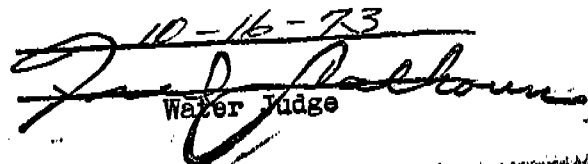
DATED June 12, 1923

E. L. WILSON

No protest was filed in this matter.
The foregoing ruling is confirmed
and approved, and is made the
Judgment and Decree of this court.


Water Referee
Division No. 4

Dated:

10-16-23

Water Judge

FILED
IN THE DISTRICT COURT
WATER DISTRICT #1

IN THE DISTRICT COURT IN AND FOR
WATER DIVISION NO. 4
STATE OF COLORADO
Case No. W-1446

JUN 14 1973

Kay Phillips
WATER CLERK
By..... DEPUTY

IN THE MATTER OF THE APPLICATION FOR)
WATER RIGHTS OF THE CORPORATION OF THE)
ROCKY MOUNTAIN BIOLOGICAL LABORATORY AT) RULING OF WATER REFEREE
GOTHIC IN THE GUNNISON RIVER OR ITS)
TRIBUTARIES; TRIBUTARY INVOLVED: EAST)
RIVER, IN THE COUNTY OF GUNNISON)

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General Information relative to Cases W-1441, 1442, 1443, 1444, 1445 and 1446:

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The intent of the Filing herein is protective rather than restrictive or consumptive for in place, no diversion study.

A decree of this type is unprecedented and its legal value unknown and untested; however, it seems appropriate to create for Court and water records a decree of some nature to accomplish and protect the purposes of the Biological Laboratory.

FINDING OF FACT

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No opposition has been filed.

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DATED

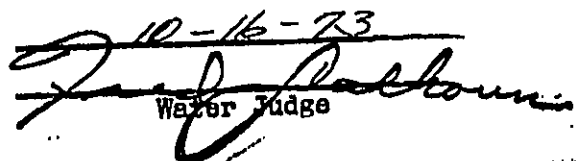
June 12, 1973

E. L. WILSON

No protest was filed in this matter.
The foregoing ruling is confirmed
and approved, and is made the
Judgment and Decree of this court.


Water Referee
Division No. 4

Dated:

10-16-73

Water Judge

FILED
IN THE DISTRICT COURT
WATER DISTRICT

1975

IN THE DISTRICT COURT IN AND FOR

Kay Phillips
Clerk

WATER DIVISION NO. 4

STATE OF COLORADO

Case No. W-

2700

IN THE MATTER OF THE APPLICATION)
FOR WATER RIGHTS OF THE CORPORATION)
OF THE ROCKY MOUNTAIN BIOLOGICAL)
LABORATORY AT GOTHIC, a Colorado) APPLICATION FOR WATER
non-profit corporation, IN EAST) RIGHT
RIVER LABORATORY AND ITS TRIBU-) (Surface)
TARIES; TRIBUTARY INVOLVED:)
UNNAMED SMALL TRIBUTARIES OF EAST)
RIVER,)
IN GUNNISON COUNTY.)

1. Name of applicant: The Corporation of the Rocky
Mountain Biological Laboratory
at Gothic, a Colorado non-
profit corporation

Address of applicant: c/o Klingsmith, Russell, Angelo
& Wright, a professional corpo-
ration
P. O. Box 179
Gunnison, CO 81230

Telephone number of
applicant: 303-641-1334

2. Name of ditch or other structure: EAST RIVER LABORATORY

3. Legal description of each point of diversion or proposed
diversion: East River Laboratory commences at the outlet
of Emerald Lake in the Southeast quarter of the Southwest
quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$), Section Eighteen (18), Township Twelve
(12) South, Range Eighty-six (86) West, Sixth Principal
Meridian, and flows thence in a southeasterly direction
through Sections 19, 20, 28, 29, and 33, said Township
and Range, and through Section 3, Township 13 South, Range
86 West, Sixth Principal Meridian. Its principal tribu-
taries have their confluence with East River Laboratory
in said Sections 20, 28 and 33, as shown on Exhibits "A"
and "B" attached hereto.

4. Description of ditch: East River Laboratory is a natural high mountain stream throughout its course.
5. Source of water (River and tributary): East River and unnamed small tributaries thereto from its source at Emerald Lake to its confluence with Copper Creek.
6.
 - A. Date of initiation of the appropriation: August 1, 1927.
 - B. Date water first applied to beneficial use: Aug. 1, 1927.
 - C. How appropriation was initiated: By the utilization of the water in said river to the beneficial purposes described herein.
7. Amount of water claimed by diversion in cubic feet per second of time (Indicate whether conditional or absolute):
 - A. Portion absolute: 46 c.f.s.
 - B. Portion conditional: N/A
8. Use or proposed use of water: The applicant has for the past forty-eight years, and does now, use the water in East River Laboratory, and the small tributaries thereto, for non-consumptive purposes in connection with its scientific purposes and in the conduct of its laboratory. Such purposes and uses are as follows: General biological studies, investigations and research, which involve the use of said water by staff members, students and research associates of the applicant for study and scientific investigation purposes and for arriving at hypotheses and conclusions based upon such studies; for wildlife and piscatorial culture and procreation; and for recreation. All of such activities require the water entering and filling said stream to be and remain free of pollutants and undiminished in quantity and quality from its historic flow. Such activities are non-consumptive, and applicant will not restrict the general public in the use of said waters for non-consumptive purposes so long as such use does not pollute said waters or diminish them in quality or quantity.

9. In case of an irrigation priority, the number of acres being irrigated: N/A; the number of acres historically irrigated: N/A; and the number of acres proposed to be irrigated by the decree sought: N/A.
10. Remarks: The applicant has for many years held a special use permit from the Gunnison National Forest which covers 2,324 acres of land owned by the United States Forest Service situated in the neighborhood of East River Laboratory and its tributaries. Such permit is to enable the applicant to study the flora, fauna and geology in the upper East River drainage basin in connection with the curriculum conducted at its laboratory at Gothic, Colorado.

KLINGSMITH, RUSSELL, ANGELO &
WRIGHT
A Professional Corporation

by P. C. K. C. g. t.
Attorneys for Applicant
110 East Virginia Avenue
P. O. Box 179
Gunnison, CO 81230
Telephone: 303-641-1334

STATE OF COLORADO)
) SS.
County of Gunnison)

Richard E. Richards, being first duly sworn, upon oath deposes and says: That he has read the foregoing application, knows the contents thereof, and that the same are true.

Richard E. Richards
Richard E. Richards

Subscribed and sworn to before me this 10th day of October, 1975.

Witness my hand and official seal.

My commission expires My Commission expires May 31, 1977

Worshipful Lee Coleman
Notary Public

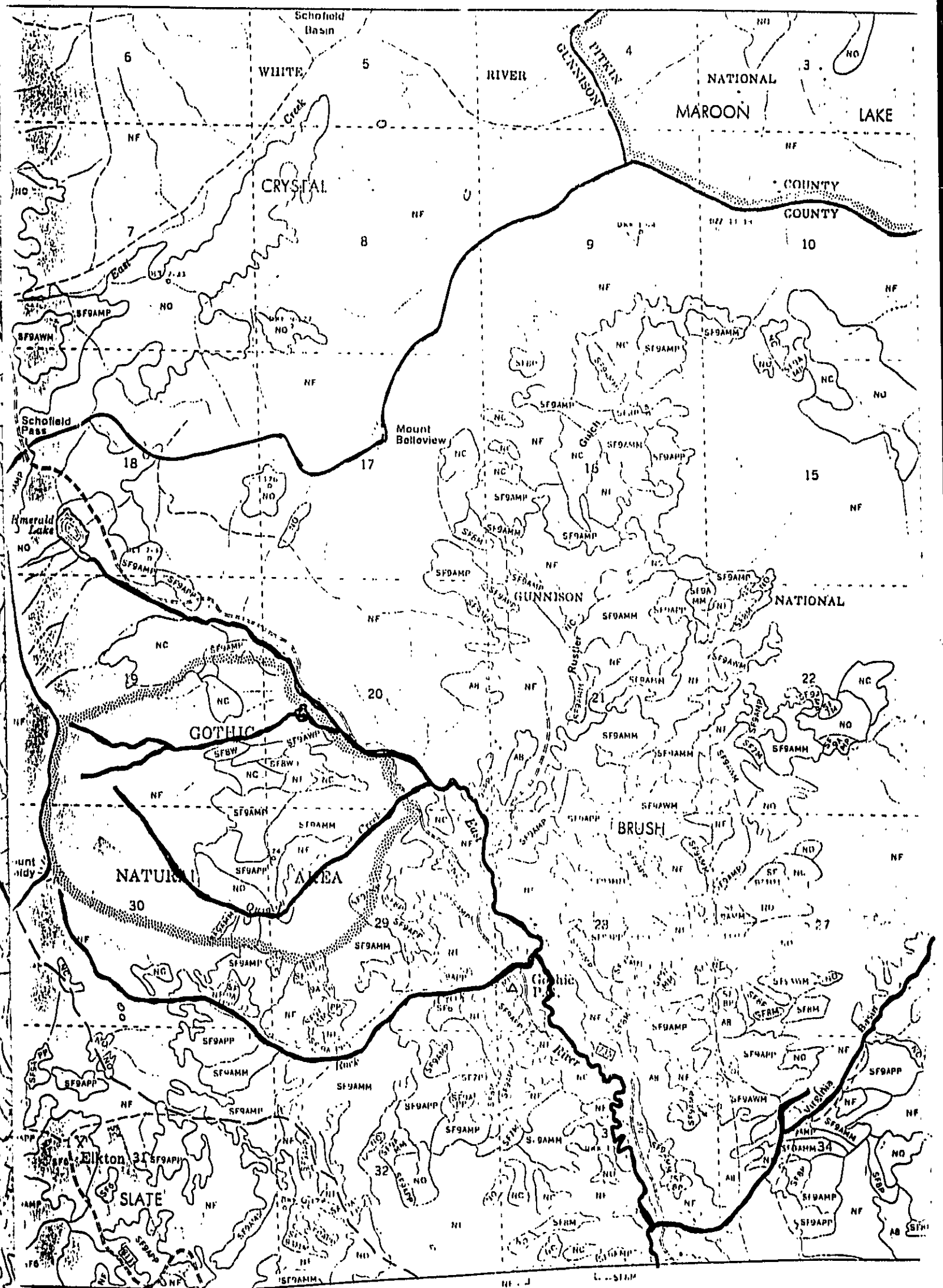
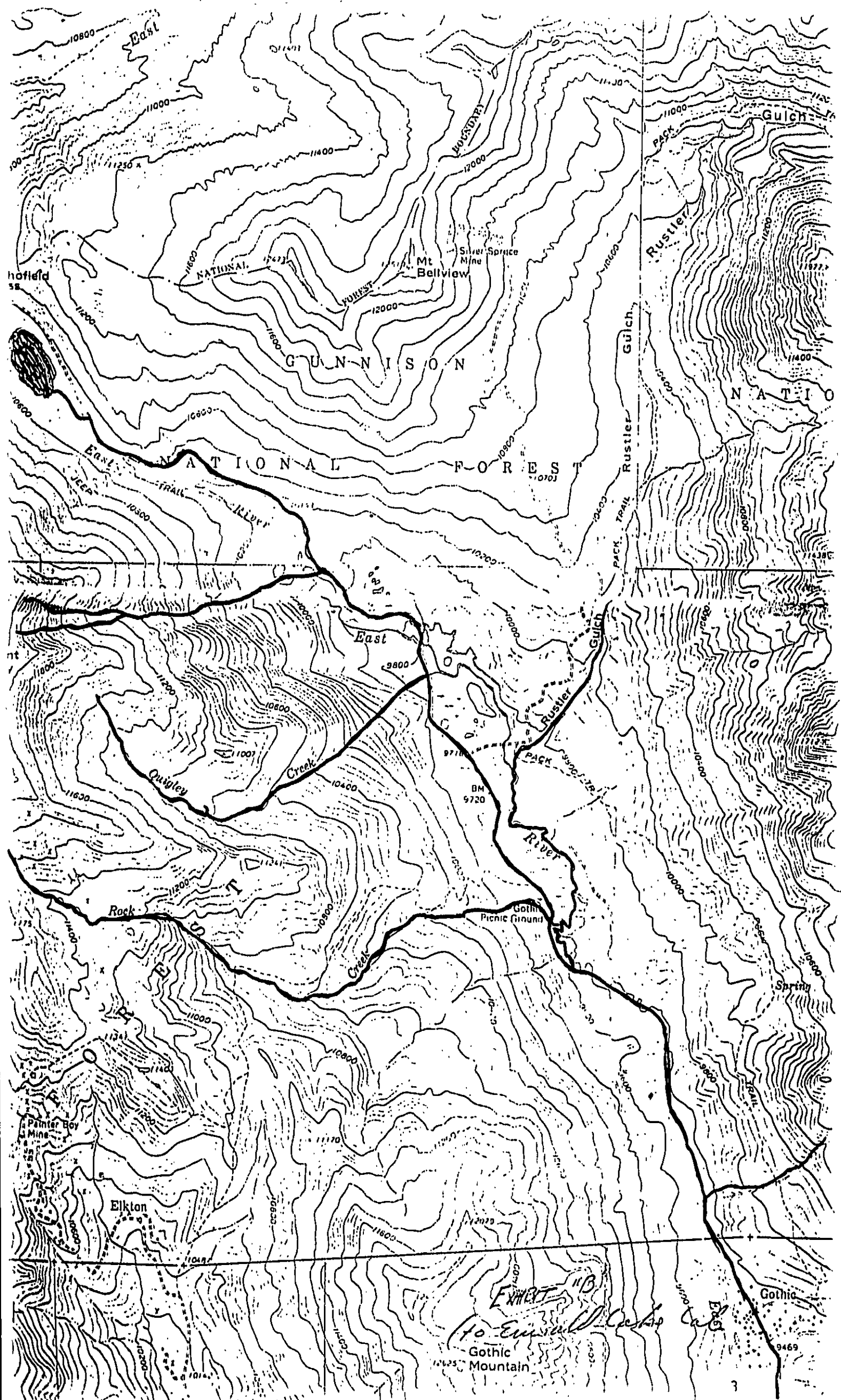


EXHIBIT "A"
EAST RIVER LABORATORY



FILED
IN THE DISTRICT COURT
WATER DISTRICT #1

1975

IN THE DISTRICT COURT IN AND FOR

Kelly Phillips

WATER DIVISION NO. 4

By.....

STATE OF COLORADO

Case No. **2700**

IN THE MATTER OF THE APPLICATION
FOR WATER RIGHTS OF THE CORPORATION
OF THE ROCKY MOUNTAIN BIOLOGICAL
LABORATORY AT GOTHIC, a Colorado
non-profit corporation, IN EAST
RIVER LABORATORY AND ITS TRIBU-
TARIES; TRIBUTARY INVOLVED:
UNNAMED SMALL TRIBUTARIES OF EAST
RIVER,

APPLICATION FOR WATER
RIGHT
(Surface)

IN GUNNISON COUNTY.

1. Name of applicant: The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a Colorado non-profit corporation

Address of applicant: c/o Klingsmith, Russell, Angelo & Wright, a professional corporation
P. O. Box 179
Gunnison, CO 81230

Telephone number of applicant: 303-641-1334
2. Name of ditch or other structure: EAST RIVER LABORATORY
3. Legal description of each point of diversion or proposed diversion: East River Laboratory commences at the outlet of Emerald Lake in the Southeast quarter of the Southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$), Section Eighteen (18), Township Twelve (12) South, Range Eighty-six (86) West, Sixth Principal Meridian, and flows thence in a southeasterly direction through Sections 19, 20, 28, 29, and 33, said Township and Range, and through Section 3, Township 13 South, Range 86 West, Sixth Principal Meridian. Its principal tributaries have their confluence with East River Laboratory in said Sections 20, 28 and 33, as shown on Exhibits "A" and "B" attached hereto.

4. Description of ditch: East River Laboratory is a natural high mountain stream throughout its course.
5. Source of water (River and tributary): East River and unnamed small tributaries thereto from its source at Emerald Lake to its confluence with Copper Creek.
6.
 - A. Date of initiation of the appropriation: August 1, 1927.
 - B. Date water first applied to beneficial use: Aug. 1, 1927.
 - C. How appropriation was initiated: By the utilization of the water in said river to the beneficial purposes described herein.
7. Amount of water claimed by diversion in cubic feet per second of time (Indicate whether conditional or absolute):
 - A. Portion absolute: 46 c.f.s.
 - B. Portion conditional: N/A
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KLINGSMITH, RUSSELL, ANGELO &
WRIGHT
A Professional Corporation

by P. C. Kling
Attorneys for Applicant
110 East Virginia Avenue
P. O. Box 179
Gunnison, CO 81230
Telephone: 303-641-1334

STATE OF COLORADO)
) SS.
County of Gunnison)

Richard E. Richards, being first duly sworn, upon oath deposes and says: That he has read the foregoing application, knows the contents thereof, and that the same are true.

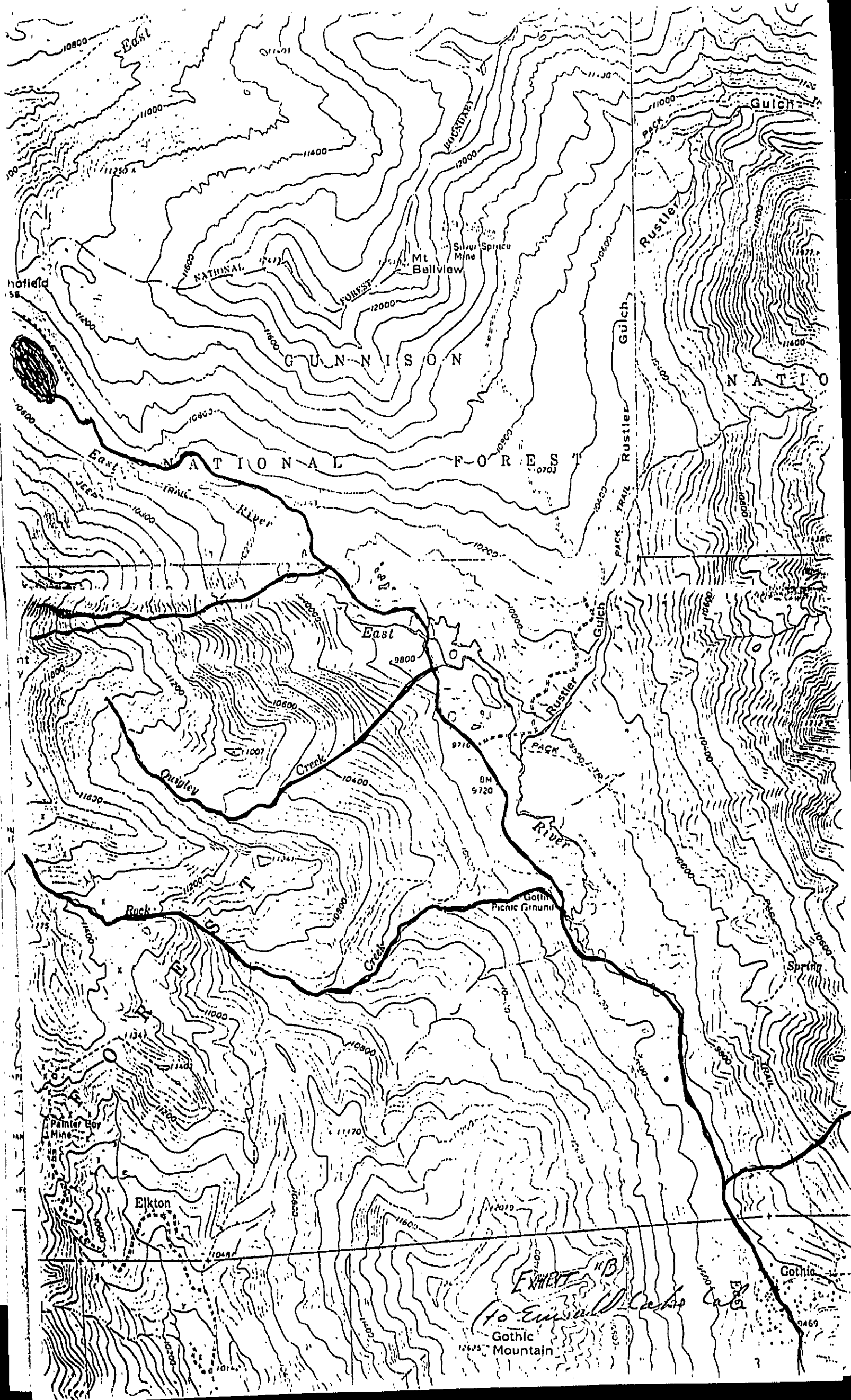
Richard E. Richards
Richard E. Richards

Subscribed and sworn to before me this 10th day of October, 1975.

Witness my hand and official seal.

My commission expires My Commission expires May 31, 1977

Wanda Lee Coleman
Notary Public



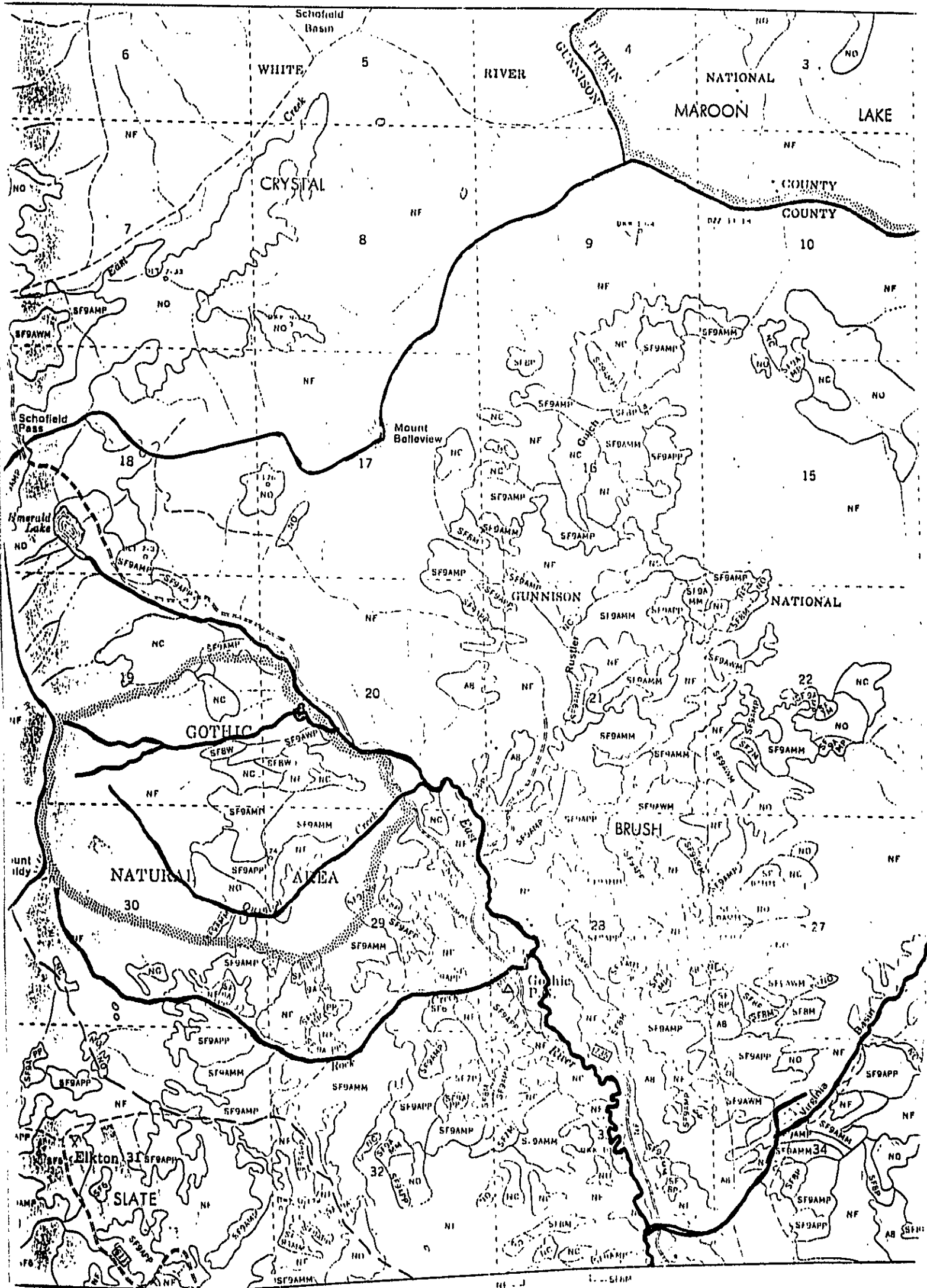


EXHIBIT "A"
EAST RIVER LABORATORY

IN THE DISTRICT COURT IN AND FOR

1976

WATER DIVISION NO. 4

Kay Phillips
CLERK

STATE OF COLORADO

By _____
DEPUTY

Case No. W-2700

IN THE MATTER OF THE APPLICATION FOR)
WATER RIGHTS OF THE CORPORATION OF)
THE ROCKY MOUNTAIN BIOLOGICAL LABOR-)
ATORY AT GOTHIC, A COLORADO NON-)
PROFIT CORPORATION, IN THE GUNNISON) RULING OF WATER REFEREE
RIVER OR ITS TRIBUTARIES; TRIBUTARY)
INVOLVED: EAST RIVER, IN GUNNISON)
COUNTY)

The applicant, The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a Colorado non-profit corporation, c/o their attorneys, Klingsmith, Russell, Angelo and Wright, P.C., P.O. Box 179, Gunnison, Colorado 81230, requests the right to non-consumptive use of surface waters for general biological studies. Date of filing: October 16, 1975.

No opposition has been filed.

FINDING OF FACT

The EAST RIVER LABORATORY has, as a source of water supply, East River, a tributary to the Gunnison River, in Gunnison County and in old Water District No. 59.

No diversion exists, but the beneficial use is described as being located commencing at the outlet of Emerald Lake in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18, Township 12 South, Range 86 West of the Sixth P.M., and flows thence in a southeasterly direction through Sections 19, 20, 28, 29 and 33, said Township and Range, and through Section 3, Township 13 South, Range 86 West of the Sixth P.M., its principal tributaries having their confluence with East River Laboratory in said Sections 20, 28 and 33 as shown on Exhibits made a part of this file; all of which is a natural high-mountain stream throughout its course to its confluence with Copper Creek.

46.0 c.f.s. of water is claimed as having been used for general biological studies, investigations and research, which involve the use of said water by staff members, students and research associates of the applicant for study and scientific investigation purposes, and for arriving at hypotheses and conclusions based upon such studies; for wildlife and piscatorial culture and procreation; and for recreation.

Such activities are non-consumptive and the applicant will not restrict the general public in the use of said waters for non-consumptive purposes. Applicant has used said waters for those purposes since August 1, 1927, and they have, for many years, held a Special Use Permit from the Gunnison National Forest, which covers 2,324 acres of land owned by the United States Forest Service, situated in the neighborhood of East River Laboratory and its tributaries. Such permit is to enable the applicant to study the flora, fauna and geology in the Upper East River Drainage at Gothic, Colorado.

R U L I N G

IT IS THE RULING OF THE WATER REFEREE, that water has been beneficially used and that the EAST RIVER LABORATORY is APPROVED AND GRANTED an ABSOLUTE DECREE for the use and benefit of the parties lawfully entitled thereto, for an amount of water not to exceed 46.0 c.f.s. for purposes as stated above, with an appropriation date of August 1, 1927,

PROVIDED, HOWEVER, that this decree is subject to any and all rights with prior decrees.

DATED 5-3-76

E. L. WILSON

No protest was filed in this matter.
The foregoing ruling is confirmed
and approved, and is made the
Judgment and Decree of this court.

E. L. Wilson
Water Referee, Division No. 4

Dated: 5-25-76
Fred Falkow
Water Judge

FILED
IN THE DISTRICT COURT
WATER DISTRICT #4

IN THE DISTRICT COURT IN AND FOR JUNE 1976

WATER DIVISION NO. 4

STATE OF COLORADO

Case No. W-2700

Kay Phillips
WATER CLERK
By _____
DEPUTY

IN THE MATTER OF THE APPLICATION FOR)
WATER RIGHTS OF THE CORPORATION OF)
THE ROCKY MOUNTAIN BIOLOGICAL LABOR-)
ATORY AT GOTHIC, A COLORADO NON-)
PROFIT CORPORATION, IN THE GUNNISON) RULING OF WATER REFEREE
RIVER OR ITS TRIBUTARIES; TRIBUTARY)
INVOLVED: EAST RIVER, IN GUNNISON)
COUNTY)

The applicant, The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a Colorado non-profit corporation, c/o their attorneys, Klingsmith, Russell, Angelo and Wright, P.C., P.O. Box 179, Gunnison, Colorado 81230, requests the right to non-consumptive use of surface waters for general biological studies. Date of filing: October 16, 1975.

No opposition has been filed.

FINDING OF FACT

The EAST RIVER LABORATORY has as a source of water supply, East River, a tributary to the Gunnison River, in Gunnison County and in old Water District No. 59.

No diversion exists, but the beneficial use is described as being located commencing at the outlet of Emerald Lake in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18, Township 12 South, Range 86 West of the Sixth P.M., and flows thence in a southeasterly direction through Sections 19, 20, 28, 29 and 33, said Township and Range, and through Section 3, Township 13 South, Range 86 West of the Sixth P.M., its principal tributaries having their confluence with East River Laboratory in said Sections 20, 28 and 33 as shown on Exhibits made a part of this file; all of which is a natural high-mountain stream throughout its course to its confluence with Copper Creek.

46.0 c.f.s. of water is claimed as having been used for general biological studies, investigations and research, which involve the use of said water by staff members, students and research associates of the applicant for study and scientific investigation purposes, and for arriving at hypotheses and conclusions based upon such studies; for wildlife and piscatorial culture and procreation; and for recreation.

Such activities are non-consumptive and the applicant will not restrict the general public in the use of said waters for non-consumptive purposes. Applicant has used said waters for those purposes since August 1, 1927, and they have, for many years, held a Special Use Permit from the Gunnison National Forest, which covers 2,324 acres of land owned by the United States Forest Service, situated in the neighborhood of East River Laboratory and its tributaries. Such permit is to enable the applicant to study the flora, fauna and geology in the Upper East River Drainage at Gothic, Colorado.

R U L I N G

IT IS THE RULING OF THE WATER REFEREE, that water has been beneficially used and that the EAST RIVER LABORATORY is APPROVED AND GRANTED an ABSOLUTE DECREE for the use and benefit of the parties lawfully entitled thereto, for an amount of water not to exceed 46.0 c.f.s. for purposes as stated above, with an appropriation date of August 1, 1927,

PROVIDED, HOWEVER, that this decree is subject to any and all rights with prior decrees.

DATED 5-3-76

E. L. WILSON

No protest was filed in this matter.
The foregoing ruling is confirmed
and approved, and is made the
Judgment and Decree of this court.

E. L. Wilson
Water Referee, Division No. 4

Dated: 5-25-76
Fred Palhouse
Water Judge

IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 4

STATE OF COLORADO

Case No. W-

2692

IN THE DISTRICT COURT
CLERK
1/5
WATER CLERK
DEPUTY

IN THE MATTER OF THE APPLICATION
FOR WATER RIGHTS OF THE CORPORATION
OF THE ROCKY MOUNTAIN BIOLOGICAL
LABORATORY AT GOTHIC, a Colorado
non-profit corporation, IN RUSTLER
GULCH LABORATORY AND ITS TRIBU-
TARIES; TRIBUTARY INVOLVED: UNNAMED
SMALL TRIBUTARIES OF RUSTLER GULCH,
IN GUNNISON COUNTY.

APPLICATION FOR WATER
RIGHT
(SURFACE)

1. Name of applicant: The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a Colorado non-profit corporation

Address of applicant: c/o Klingsmith, Russell, Angelo &
Wright, a professional corporation
P. O. Box 179
Gunnison, CO 81230

Telephone number of applicant: 303-641-1334

2. Name of ditch or other structure: RUSTLER GULCH LABORATORY
3. Legal description of each point of diversion or proposed diversion: Rustler Gulch Laboratory has its headwaters in Section 23, Township 12 South, Range 86 West, 6th Principal Meridian; the course of said stream is thence in a northwesterly direction through Sections 15 and 10, in a westerly direction through Section 9, and in a southerly direction through Sections 16, 21 and 28, to its confluence with East River in the Southeast quarter of the Northeast quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 29, said Township and Range. (See map of said watercourse attached hereto as Exhibit "A".)

4. Description of ditch: Rustler Gulch Laboratory is a natural high mountain stream throughout its course.
5. Source of water (River and tributary): Rustler Gulch and unnamed small tributaries thereto, to the confluence of East River, a tributary to the Gunnison River.
6.
 - A. Date of initiation of the appropriation: 1927
 - B. Date water first applied to beneficial use: 1927
 - C. How appropriation was initiated: By the utilization of the water in said gulch to the beneficial purposes described herein.
7. Amount of water claimed by diversion in cubic feet per second of time (Indicate whether conditional or absolute):
 - A. Portion absolute: 22.5 c.f.s.
 - B. Portion conditional: N/A
8. Use or proposed use of water: The applicant has for the past forty-eight years, and does now, use the water in Rustler Gulch Laboratory, and the small tributaries thereto, for non-consumptive purposes in connection with its scientific purposes and in the conduct of its laboratory. Such purposes and uses are as follows: General biological studies, investigations and research, which involve the use of said water by staff members, students and research associates of the applicant for study and scientific investigation purposes and for arriving at hypothesis and conclusions based upon such studies; for wildlife and piscatorial culture and procreation; and for recreation. All of such activities require the water entering and filling said gulch to be and remain free of pollutants and undiminished in quantity and quality from its historic flow. Such activities are non-consumptive, and applicant will not restrict the general public in the use of said waters for non-consumptive purposes so long as such use does not pollute said waters or diminish them in quality or quantity.

and undiminished in quantity and quality from its historic flow. Such activities are non-consumptive, and applicant will not restrict the general public in the use of said waters for non-consumptive purposes so long as such use does not pollute said waters or diminish them in quality or quantity.

B. The applicant has for many years held a special use permit from the Gunnison National Forest which covers 2,324 acres of land owned by the United States Forest Service situated in the neighborhood of upper East River and its tributaries. Said permit is to enable the applicant to study the flora, fauna and geology in the upper East River drainage basin in connection with the curriculum conducted at its laboratory at Gothic, Colorado.

KLINGSMITH, RUSSELL, ANGELO & WRIGHT
A Professional Corporation

by P. C. Kling
Attorneys for Applicant
110 East Virginia Avenue
P. O. Box 179
Gunnison, CO 81230
Telephone: 303-641-1334

STATE OF COLORADO)
) SS.
County of Gunnison)

Richard E. Richards, being first duly sworn,
upon oath deposes and says that he has read the foregoing appli-
cation, knows the contents thereof and that the same is true.

Richard E. Richards
Subscribed and sworn to before me this 22nd day of
September, 1975.

Witness my hand and official seal.

My commission expires March 17, 1978

Robert H. [Signature]
Notary Public

IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 4

STATE OF COLORADO

Case No. W-

2692 1

By _____

IN THE MATTER OF THE APPLICATION
FOR WATER RIGHTS OF THE CORPORATION
OF THE ROCKY MOUNTAIN BIOLOGICAL
LABORATORY AT GOTHIC, a Colorado
non-profit corporation, IN RUSTLER
GULCH LABORATORY AND ITS TRIBU-
TARIES; TRIBUTARY INVOLVED: UNNAMED
SMALL TRIBUTARIES OF RUSTLER GULCH,
IN GUNNISON COUNTY.

APPLICATION FOR WATER
RIGHT
(SURFACE)

1. Name of applicant: The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a Colorado non-profit corporation

Address of applicant: c/o Klingsmith, Russell, Angelo & Wright, a professional corporation
P. O. Box 179
Gunnison, CO 81230

Telephone number of applicant: 303-641-1334

2. Name of ditch or other structure: RUSTLER GULCH LABORATORY
3. Legal description of each point of diversion or proposed diversion: Rustler Gulch Laboratory has its headwaters in Section 23, Township 12 South, Range 86 West, 6th Principal Meridian; the course of said stream is thence in a northwesterly direction through Sections 15 and 10, in a westerly direction through Section 9, and in a southerly direction through Sections 16, 21 and 28, to its confluence with East River in the Southeast quarter of the Northeast quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 29, said Township and Range. (See map of said watercourse attached hereto as Exhibit "A".)

4. Description of ditch: Rustler Gulch Laboratory is a natural high mountain stream throughout its course.
5. Source of water (River and tributary): Rustler Gulch and unnamed small tributaries thereto, to the confluence of East River, a tributary to the Gunnison River.
6.
 - A. Date of initiation of the appropriation: 1927
 - B. Date water first applied to beneficial use: 1927
 - C. How appropriation was initiated: By the utilization of the water in said gulch to the beneficial purposes described herein.
7. Amount of water claimed by diversion in cubic feet per second of time (Indicate whether conditional or absolute):
 - A. Portion absolute: 22.5 c.f.s.
 - B. Portion conditional: N/A
8. Use or proposed use of water: The applicant has for the past forty-eight years, and does now, use the water in Rustler Gulch Laboratory, and the small tributaries thereto, for non-consumptive purposes in connection with its scientific purposes and in the conduct of its laboratory. Such purposes and uses are as follows: General biological studies, investigations and research, which involve the use of said water by staff members, students and research associates of the applicant for study and scientific investigation purposes and for arriving at hypothesis and conclusions based upon such studies; for wildlife and piscatorial culture and procreation; and for recreation. All of such activities require the water entering and filling said gulch to be and remain free of pollutants and undiminished in quantity and quality from its historic flow. Such activities are non-consumptive, and applicant will not restrict the general public in the use of said waters for non-consumptive purposes so long as such use does not pollute said waters or diminish them in quality or quantity.

and undiminished in quantity and quality from its historic flow. Such activities are non-consumptive, and applicant will not restrict the general public in the use of said waters for non-consumptive purposes so long as such use does not pollute said waters or diminish them in quality or quantity.

B. The applicant has for many years held a special use permit from the Gunnison National Forest which covers 2,324 acres of land owned by the United States Forest Service situated in the neighborhood of upper East River and its tributaries. Said permit is to enable the applicant to study the flora, fauna and geology in the upper East River drainage basin in connection with the curriculum conducted at its laboratory at Gothic, Colorado.

KLINGSMITH, RUSSELL, ANGELO & WRIGHT
A Professional Corporation

by P. C. Kling
Attorneys for Applicant
110 East Virginia Avenue
P. O. Box 179
Gunnison, CO 81230
Telephone: 303-641-1334

STATE OF COLORADO)
) SS.
County of Gunnison)

Richard E. Richards, being first duly sworn,
upon oath deposes and says that he has read the foregoing appli-
cation, knows the contents thereof and that the same is true.

Richard E. Richards

Subscribed and sworn to before me this 22nd day of
September, 1975.

Witness my hand and official seal.

My commission expires March 17, 1978

Ernest A. Szypalski
Notary Public

FILED
IN THE DISTRICT COURT
WATER DISTRICT #4

IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 4

STATE OF COLORADO

Case No. W-2692

JUN 10 1976

Ray Phillips
WATER CLERK

IN THE MATTER OF THE APPLICATION FOR WATER)
RIGHTS OF THE CORPORATION OF THE ROCKY MOUNTAIN)
BIOLOGICAL LABORATORY AT GOTHIC, A COLORADO)
NON-PROFIT CORPORATION, IN THE GUNNISON RIVER OR)
ITS TRIBUTARIES; TRIBUTARY INVOLVED: RUSTLER GULCH,)
IN GUNNISON COUNTY.)

AMENDED RULING OF WATER
REFEREE

The applicant, The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a Colorado non-profit corporation, c/o its attorneys, Klingsmith, Russell, Angelo and Wright, P. C., P.O. Box 179, Gunnison, Colorado 81230, request the right to non-consumptive use of surface water for scientific purposes. Date of filing: September 30, 1975.

OPPOSITION was filed by the United States of America, c/o their attorney, Hank Meshorer, Department of Justice, P. O. Box 1656, Denver, Colorado 80201, claiming adverse affect to the rights of the United States. Date of filing: November 20, 1975.

FINDING OF FACT

The RUSTLER GULCH LABORATORY has, as a source of water supply, Rustler Gulch and small unnamed tributaries thereto, which is a tributary of the East River, tributary of the Gunnison River, in Gunnison County and in old Water District No. 59.

As an in-place non-diversion use, Rustler Gulch Laboratory has its headwaters in Section 23, Township 12 South, Range 86 West of the Sixth P.M., and the course of said stream is thence in a northwesterly direction through Sections 15 and 10, thence in a westerly direction through Section 9, and in a southerly direction through Sections 16, 21 and 28 to its confluence with East River in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, said Township and Range.

Rustler Gulch Laboratory is a natural high-mountain stream throughout its course, and the applicant has for the past 48 years and does now use water in Rustler Gulch Laboratory and the small tributary thereto for non-consumptive purposes in connection with its scientific purposes and in the conduct of its laboratory. Such purposes include the general biological studies, investigations and research which involve the use of said water by staff members, students and research associates of the applicant for study and scientific investigation purposes and for arriving at hypothesis and conclusions based upon such studies; for wildlife and piscatorial culture and procreation and for recreation.

The applicant has for many years operated under a memorandum of understanding existing between the Gunnison National Forest and the Rocky Mountain Biological Laboratory, which covers 2,324 acres of land which is owned by the United States Forest Service, situated in the neighborhood of Rustler Gulch and its tributaries. Such permit is to enable the applicant to study the flora, fauna and geology of the upper East River drainage basin, in connection with the curriculum conducted at its laboratory at Gothic, Colorado.

22.5 c.f.s. of water is claimed absolute as having been used for all of the above stated purposes since 1927.

R U L I N G

IT IS THE RULING OF THE REFEREE that water has been appropriated and applied to beneficial use and that the Rustler Gulch Laboratory is granted an ABSOLUTE DECREE

for the use and benefit of the parties lawfully entitled thereto, for an amount of water not to exceed 22.5 c.f.s. of water for the purposes as stated above, with an appropriation date of 1927,

PROVIDED, HOWEVER, that this decree is subject to any and all rights with prior decrees.

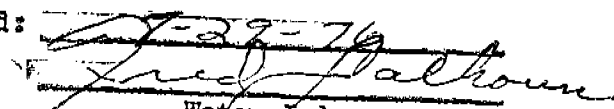
DATED 6-10-76

No protest was filed in this matter.
The foregoing ruling is confirmed
and approved, and is made the
Judgment and Decree of this court.

E. L. WILSON



Water Referee, Division No. 4

Dated: 7-29-76

Water Judge

FILED
IN THE DISTRICT COURT
WATER DISTRICT #4

IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 4

STATE OF COLORADO

Case No. W-2692

JUN 10 1976

Kay Phillips
WATER CLERK

IN THE MATTER OF THE APPLICATION FOR WATER
RIGHTS OF THE CORPORATION OF THE ROCKY MOUNTAIN
BIOLOGICAL LABORATORY AT GOTHIC, A COLORADO
NON-PROFIT CORPORATION, IN THE GUNNISON RIVER OR
ITS TRIBUTARIES; TRIBUTARY INVOLVED: RUSTLER GULCH,
IN GUNNISON COUNTY.

AMENDED RULING OF WATER
REFEREE

The applicant, The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a Colorado non-profit corporation, c/o its attorneys, Klingsmith, Russell, Angelo and Wright, P. C., P.O. Box 179, Gunnison, Colorado 81230, request the right to non-consumptive use of surface water for scientific purposes. Date of filing: September 30, 1975.

OPPOSITION was filed by the United States of America, c/o their attorney, Hank Meshorer, Department of Justice, P. O. Box 1656, Denver, Colorado 80201, claiming adverse affect to the rights of the United States. Date of filing: November 20, 1975.

FINDING OF FACT

The RUSTLER GULCH LABORATORY has, as a source of water supply, Rustler Gulch and small unnamed tributaries thereto, which is a tributary of the East River, tributary of the Gunnison River, in Gunnison County and in old Water District No. 59.

As an in-place non-diversion use, Rustler Gulch Laboratory has its headwaters in Section 23, Township 12 South, Range 86 West of the Sixth P.M., and the course of said stream is thence in a northwesterly direction through Sections 15 and 10, thence in a westerly direction through Section 9, and in a southerly direction through Sections 16, 21 and 28 to its confluence with East River in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, said Township and Range.

Rustler Gulch Laboratory is a natural high-mountain stream throughout its course, and the applicant has for the past 48 years and does now use water in Rustler Gulch Laboratory and the small tributary thereto for non-consumptive purposes in connection with its scientific purposes and in the conduct of its laboratory. Such purposes include the general biological studies, investigations and research which involve the use of said water by staff members, students and research associates of the applicant for study and scientific investigation purposes and for arriving at hypothesis and conclusions based upon such studies; for wildlife and piscatorial culture and procreation and for recreation.

The applicant has for many years operated under a memorandum of understanding existing between the Gunnison National Forest and the Rocky Mountain Biological Laboratory, which covers 2,324 acres of land which is owned by the United States Forest Service, situated in the neighborhood of Rustler Gulch and its tributaries. Such permit is to enable the applicant to study the flora, fauna and geology of the upper East River drainage basin, in connection with the curriculum conducted at its laboratory at Gothic, Colorado.

22.5 c.f.s. of water is claimed absolute as having been used for all of the above stated purposes since 1927.

R U L I N G

IT IS THE RULING OF THE REFEREE that water has been appropriated and applied to beneficial use and that the Rustler Gulch Laboratory is granted an ABSOLUTE DECREE

for the use and benefit of the parties lawfully entitled thereto, for an amount of water not to exceed 22.5 c.f.s. of water for the purposes as stated above, with an appropriation date of 1927,

PROVIDED, HOWEVER, that this decree is subject to any and all rights with prior decrees.

DATED 6-10-76

No protest was filed in this matter.
The foregoing ruling is confirmed
and approved, and is made the
Judgment and Decree of this court.

E. L. WILSON

E. L. Wilson

Water Referee, Division No. 4

Dated: 7-29-76

Fred J. Halloway
Water Judge

IN THE DISTRICT COURT IN AND FOR

JUN 10 1976

WATER DIVISION NO. 4

Ray Phillips
CLERK

STATE OF COLORADO

Case No. W-2692

IN THE MATTER OF THE APPLICATION FOR WATER)
RIGHTS OF THE CORPORATION OF THE ROCKY MOUNTAIN)
BIOLOGICAL LABORATORY AT GOTHIC, A COLORADO)
NON-PROFIT CORPORATION, IN THE GUNNISON RIVER OR) AMENDED RULING OF WATER
ITS TRIBUTARIES; TRIBUTARY INVOLVED: RUSTLER GULCH,) REFEREE
IN GUNNISON COUNTY.)

The applicant, The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a Colorado non-profit corporation, c/o its attorneys, Klingsmith, Russell, Angelo and Wright, P. C., P.O. Box 179, Gunnison, Colorado 81230, request the right to non-consumptive use of surface water for scientific purposes. Date of filing: September 30, 1975.

OPPOSITION was filed by the United States of America, c/o their attorney, Hank Meshorer, Department of Justice, P. O. Box 1656, Denver, Colorado 80201, claiming adverse affect to the rights of the United States. Date of filing: November 20, 1975.

FINDING OF FACT

The RUSTLER GULCH LABORATORY has, as a source of water supply, Rustler Gulch and small unnamed tributaries thereto, which is a tributary of the East River, tributary of the Gunnison River, in Gunnison County and in old Water District No. 59.

As an in-place non-diversion use, Rustler Gulch Laboratory has its headwaters in Section 23, Township 12 South, Range 86 West of the Sixth P.M., and the course of said stream is thence in a northwesterly direction through Sections 15 and 10, thence in a westerly direction through Section 9, and in a southerly direction through Sections 16, 21 and 28 to its confluence with East River in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, said Township and Range.

Rustler Gulch Laboratory is a natural high-mountain stream throughout its course, and the applicant has for the past 48 years and does now use water in Rustler Gulch Laboratory and the small tributary thereto for non-consumptive purposes in connection with its scientific purposes and in the conduct of its laboratory. Such purposes include the general biological studies, investigations and research which involve the use of said water by staff members, students and research associates of the applicant for study and scientific investigation purposes and for arriving at hypothesis and conclusions based upon such studies; for wildlife and piscatorial culture and procreation and for recreation.

The applicant has for many years operated under a memorandum of understanding existing between the Gunnison National Forest and the Rocky Mountain Biological Laboratory, which covers 2,324 acres of land which is owned by the United States Forest Service, situated in the neighborhood of Rustler Gulch and its tributaries. Such permit is to enable the applicant to study the flora, fauna and geology of the upper East River drainage basin, in connection with the curriculum conducted at its laboratory at Gothic, Colorado.

22.5 c.f.s. of water is claimed absolute as having been used for all of the above stated purposes since 1927.

R U L I N G

IT IS THE RULING OF THE REFEREE that water has been appropriated and applied to beneficial use and that the Rustler Gulch Laboratory is granted an ABSOLUTE DECREE.

for the use and benefit of the parties lawfully entitled thereto, for an amount of water not to exceed 22.5 c.f.s. of water for the purposes as stated above, with an appropriation date of 1927,

PROVIDED, HOWEVER, that this decree is subject to any and all rights with prior decrees.

DATED 6-10-76

No protest was filed in this matter.
The foregoing ruling is confirmed
and approved, and is made the
Judgment and Decree of this court.

E. L. WILSON

E. L. Wilson

Water Referee, Division No. 4

Dated: 7-29-76
Fred Walhoun
Water Judge

FILED
IN THE DISTRICT COURT
WATER DISTRICT #4

IN THE DISTRICT COURT IN AND FOR

APR 2 2 1976

WATER DIVISION NO. 4

STATE OF COLORADO

By *Kay Phillips* WATER CLERK
DEPUTY

Case No. W-2692

IN THE MATTER OF THE APPLICATION)
FOR WATER RIGHTS OF THE CORPORATION)
OF THE ROCKY MOUNTAIN BIOLOGICAL)
LABORATORY AT GOTHIC, A COLORADO)
NON-PROFIT CORPORATION, IN THE)
GUNNISON RIVER OR ITS TRIBUTARIES;)
TRIBUTARY INVOLVED: RUSTLER GULCH,)
IN GUNNISON COUNTY)

RULING OF WATER REFEREE

The applicant, The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a Colorado non-profit corporation, c/o its attorneys, Klingsmith, Russell, Angelo and Wright, P. C., P. O. Box 179, Gunnison, Colorado 81230, request the right to non-consumptive use of surface water for scientific purposes. Date of filing: September 30, 1975.

OPPOSITION was filed by the United States of America, c/o their attorney, Hank Meshorer, Department of Justice, P. O. Box 1656, Denver, Colorado 80201, claiming adverse affect to the rights of the United States. Date of filing: November 20, 1975.

FINDING OF FACT

The RUSTLER GULCH LABORATORY has, as a source of water supply, Rustler Gulch and small unnamed tributaries thereto, which is a tributary of the East River, tributary of the Gunnison River, in Gunnison County and in old Water District No. 59.

As an in-place non-diversion use, Rustler Gulch Laboratory has its headwaters in Section 23, Township 12 South, Range 86 West of the Sixth P.M., and the course of said stream is thence in a northwesterly direction through Sections 15 and 10, thence in a westerly direction through Section 9, and in a southerly direction through Sections 16, 21 and 28 to its confluence with East River in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, said Township and Range.

Rustler Gulch Laboratory is a natural high-mountain stream throughout its course, and the applicant has for the past 48 years and does now use water in Rustler Gulch Laboratory and the small tributary thereto for non-consumptive purposes in connection with its scientific purposes and in the conduct of its laboratory. Such purposes include the general biological studies, investigations and research which involve the use of said water by staff members, students and research associates of the applicant for study and scientific investigation purposes and for arriving at hypothesis and conclusions based upon such studies; for wildlife and piscatorial culture and procreation and for recreation. Such activities are non-consumptive and the applicant has for many years functioned under a type of Special Use Permit issued by the Gunnison National Forest, which covers 2,324 acres, owned by the United States Forest Service, and said permit is to enable the applicant to study the flora, fauna and geology in the upper East River drainage basin, in connection with the curriculum conducted at its laboratory at Gothic, Colorado.

22.5 c.f.s. of water is claimed absolute as having been used for all of the above-stated purposes since 1927.

R U L I N G

IT IS THE RULING OF THE REFEREE that water has been appropriated and applied to beneficial use and that the RUSTLER GULCH LABORATORY is granted an ABSOLUTE DECREE for the use and benefit of the parties lawfully entitled thereto, for an amount of water not to exceed 22.5 c.f.s. of water for the purposes as stated above, with an appropriation date of 1927.

PROVIDED, however, that this decree is subject to any and all rights with prior decrees.

DATED 4-22-76

E. L. WILSON

E. L. Wilson
Water Referee, Division No. 4

To Be Filed in Duplicate

IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 5

STATE OF COLORADO

CASE NO. W- 566

FILED
IN WATER COURT
Division No. 5

APR 28 1972

STATE OF COLORADO

Glenn R. Baur
WATER CLERK

BY DEPUTY

IN THE MATTER OF THE
APPLICATION FOR
WATER RIGHTS OF THE CORPORATION
OF THE ROCKY MOUNTAIN BIOLOGICAL
LABORATORY AT GOTHIC, a corporation

APPLICATION FOR
WATER STORAGE RIGHT
NON-CONSUMPTIVE

IN GUNNISON COUNTY

1. Name of applicant: The corporation of the Rocky Mountain Biological Laboratory at Gothic, a corporation
Mailing address: P.O. Box 179, Gunnison, Colorado 81230
2. Name of reservoir: Mexican Cut Natural Pond No. 1
3. Legal description of reservoir survey at high water line:
Commencing at a point from whence Corner No. 4 of Setz Lode No. 3, M.S. 20427 bears South 2°05' East 181.5 feet; thence South 55°42' West 38.9 feet; thence North 52°40' West 57.6 feet; thence North 38°00' West 39.0 feet; thence North 23°19' East 43.1 feet; thence South 43°44' East 77.3 feet; thence South 39°37' East 42.0 feet to the point of beginning, with an area of 0.23 acres
4. Source of water: Snow melt, underground spring, and drainage and overflow from Galena Lake and Mexican Cut Natural Ponds No. 4, 3, 2, 11 and 10
5. Date of initiation of appropriation: 7-1-32
6. Date of approval of reservoir by State Engineer: Not applicable
State Engineer No.: N/a
7. Amount of water claimed in acre feet: 0.23
8. Use or proposed use of the water: Biological research and teaching, wildlife procreation and natural heritage preservation.
9. Maximum height of dam in feet: N/a
10. Length of dam or proposed dam in feet: N/a
11. Total capacity of reservoir in acre feet: 0.23
12. Capacity of reservoir in acre feet from bottom of the outlet tube to the lowest point on the spillway:
N/a
13. Capacity of reservoir in acre feet from the bottom of the outlet tube to the lowest point in the reservoir:
N/a

14. Name and capacity of ditch or ditches leading to the reservoir, if applicable:

N/a

15. Name and capacity of ditch or ditches leading from the reservoir, if applicable:

N/a

16. Estimated cost of the reservoir: N/a

KLINGSMITH, RUSSELL & FRENCH

R. L. Kling
Attorney for Applicant

State of Colorado
County of Gunnison } ss.

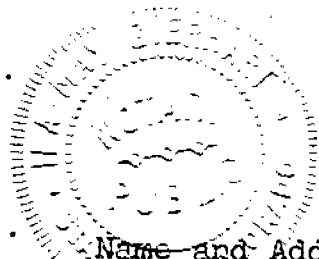
Robert B. Willey, being first duly sworn upon oath, deposes and says that he has read the foregoing application, knows the contents thereof and that the same is true.

Robert B. Willey

Subscribed and sworn to before me this 27th day of April, 19⁷².

My commission expires 4-23-72.

Dea May Gerhart
Notary Public



Name and Address
of Applicant:

The Corporation of the Rocky Mountain
Biological Laboratory at Gothic,
P.O. Box 179
Gunnison, Colorado 81230

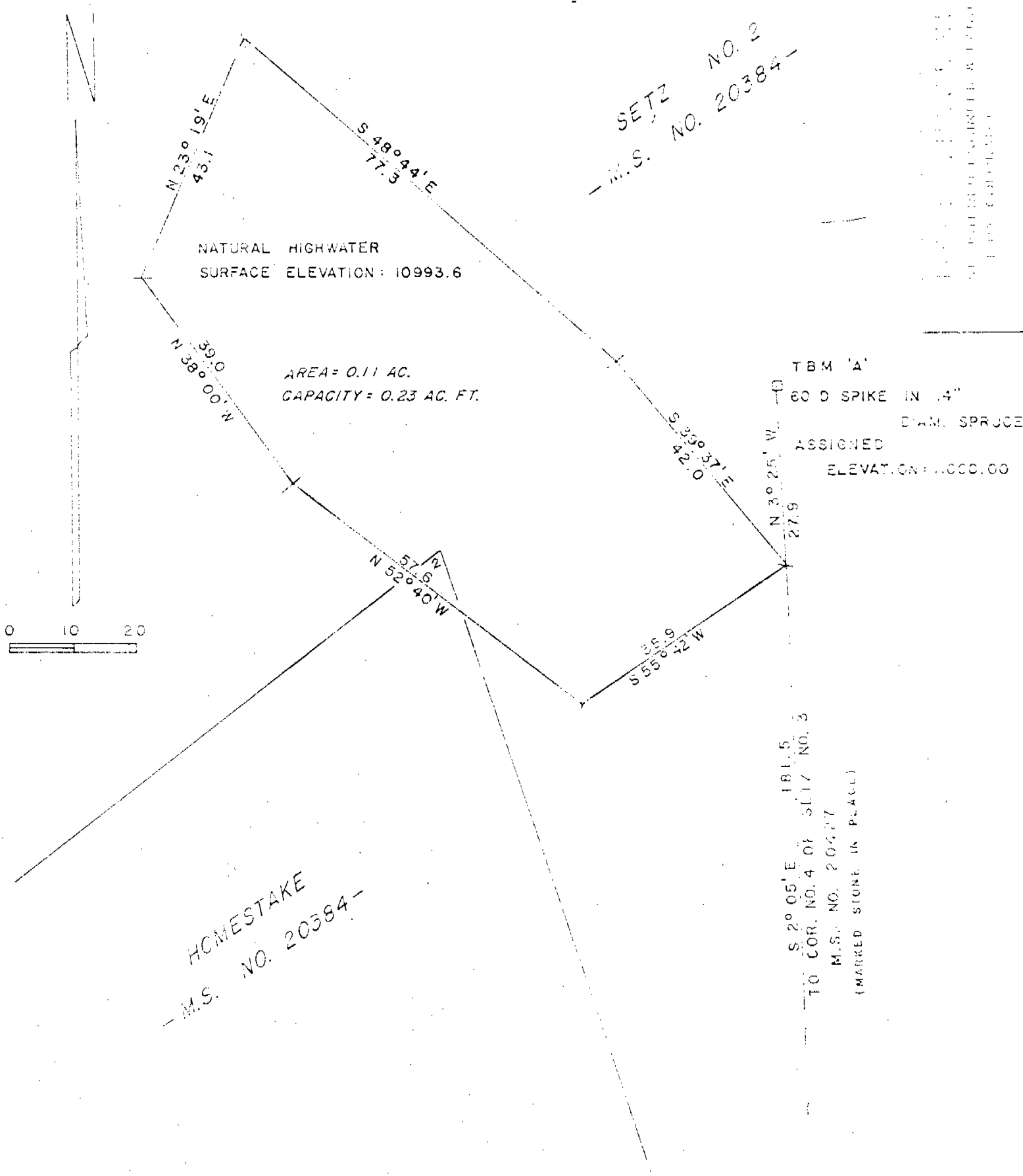
Name, Address, and Telephone No.
of Attorney for Applicant:

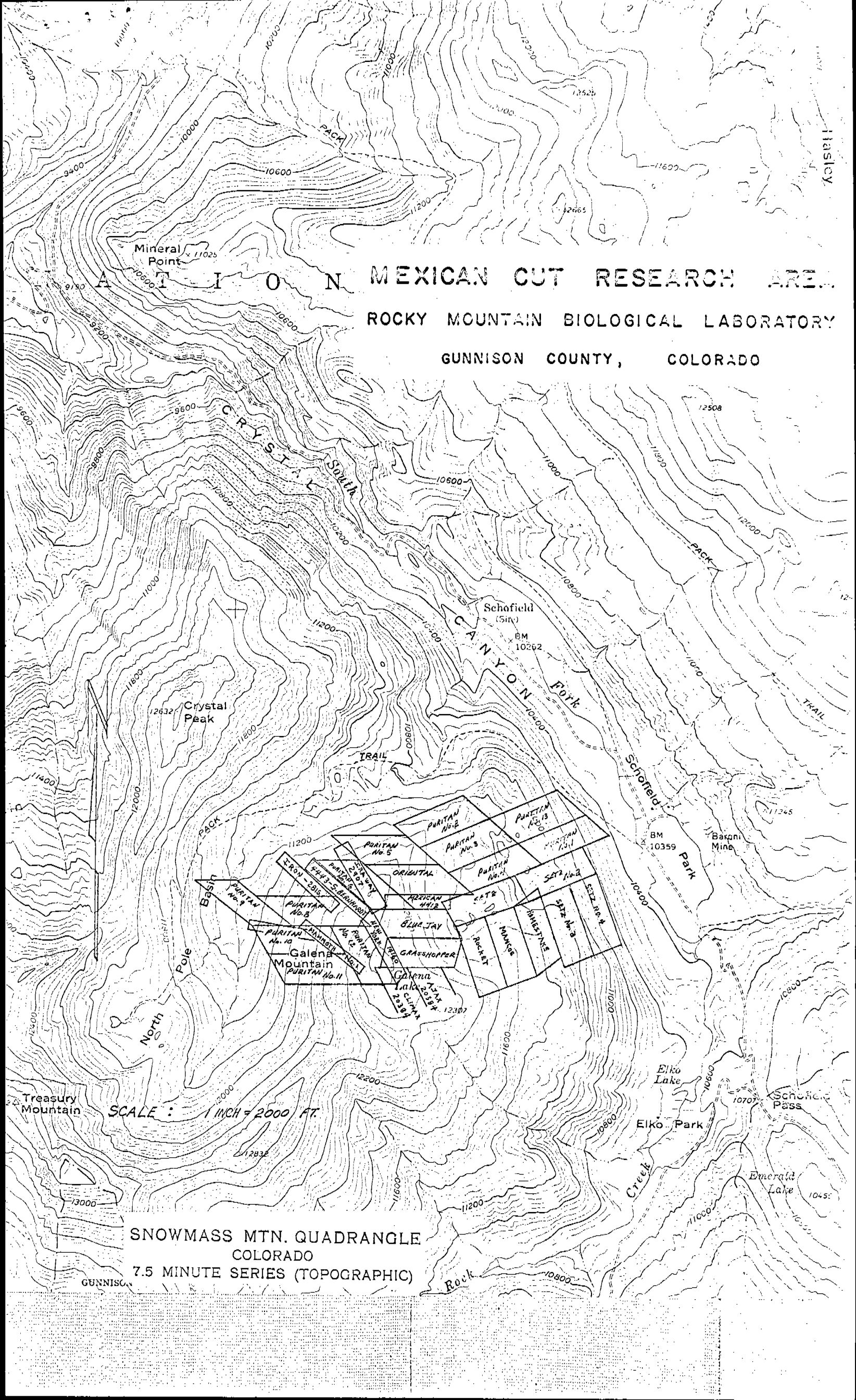
Klingsmith, Russell & French
110 East Virginia Avenue - Box 179
Gunnison, Colorado 81230
Telephone: 641-1334

A Map of
 MEXICAN CUT NATURAL POND NO. 1
 Gunnison County, Colorado
 WATER DIVISION NO. 5
 True Meridian based on Magnetic Declination of $14^{\circ}35'$
 SCALE 1 inch = 20 feet

PREPARED BY
 J. L. HARRIS & SONS, INC.
 1000 E. 10TH AVENUE
 DENVER, COLORADO

DRAWN BY
 J. L. HARRIS





MEXICAN CUT RESEARCH AREA

ROCKY MOUNTAIN BIOLOGICAL LABORATORY

GUNNISON COUNTY, COLORADO

SCALE : 1 INCH = 2000 FT.

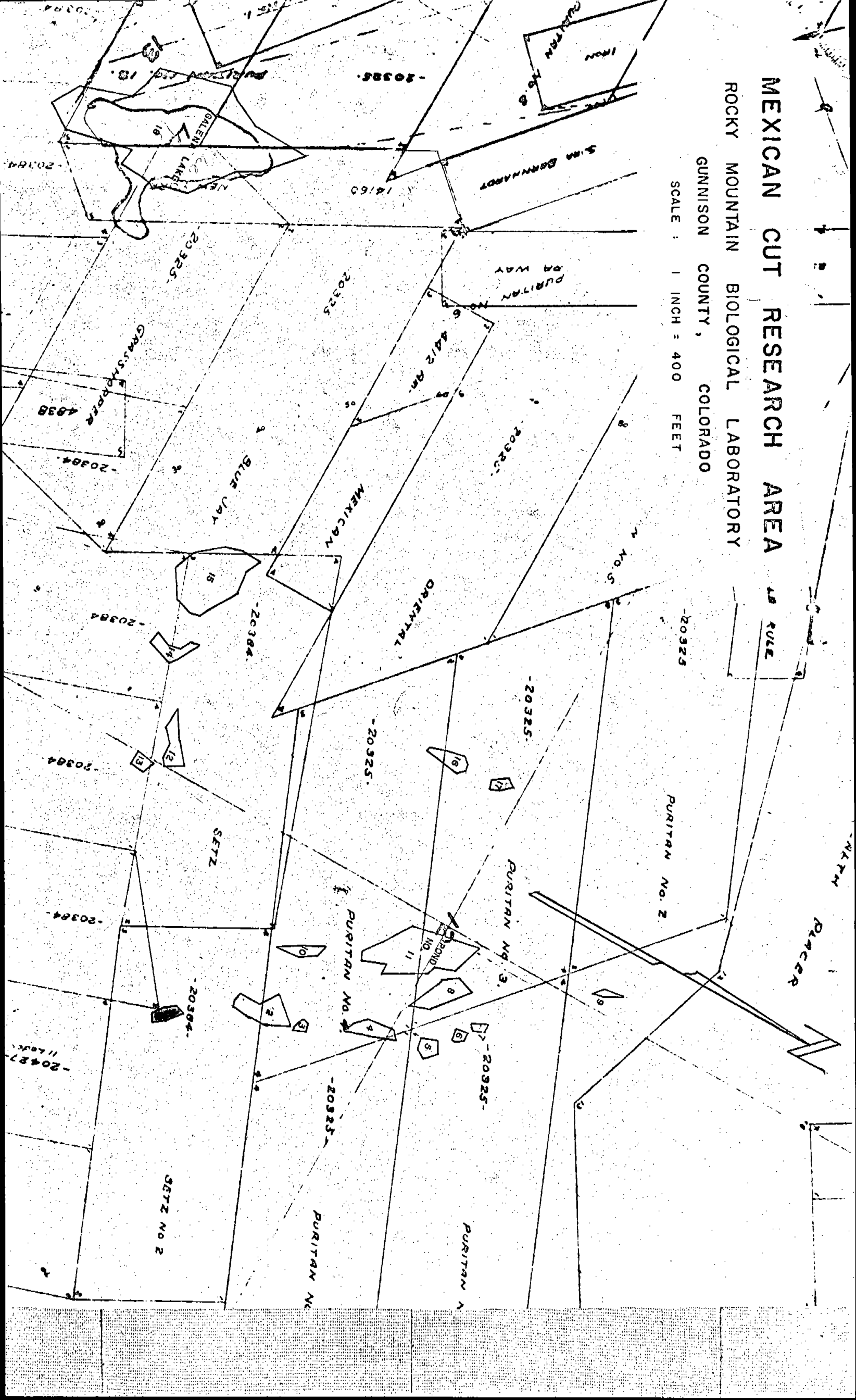
SNOWMASS MTN. QUADRANGLE
COLORADO
7.5 MINUTE SERIES (TOPOGRAPHIC)
GUNNISON

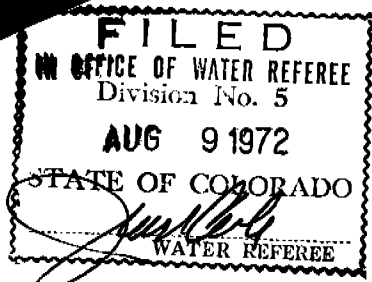
MEXICAN CUT RESEARCH AREA

ROCKY MOUNTAIN BIOLOGICAL LABORATORY

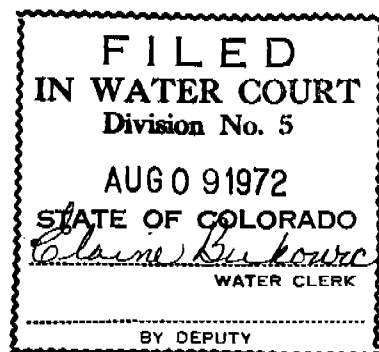
GUNNISON COUNTY, COLORADO

SCALE : 1 INCH = 400 FEET





IN THE DISTRICT COURT IN AND
FOR WATER DIVISION NO. 5
STATE OF COLORADO
Application No. W-566



IN THE MATTER OF THE APPLICATION)
FOR WATER RIGHTS OF THE CORPORATION)
OF THE ROCKY MOUNTAIN BIOLOGICAL)
LABORATORY AT GOTHIC, A CORPORATION,)
IN THE CRYSTAL RIVER IN GUNNISON)
COUNTY)

RULING OF
REFEREE

The above entitled matter having been referred to the undersigned as Water Referee for Water Division No. 5, State of Colorado, by the Water Judge of said Court on the 28th day of April, 1972, in accordance with Article 21 of Chapter 148, Colorado Revised Statutes 1963, as amended (Chapter 373 S.L. Colo. 1969), known as The Water Rights Determination and Administration Act of 1969.

And the undersigned Referee having made such investigations as are necessary to determine whether or not the statements in the application are true and having become fully advised with respect to the subject matter does hereby make the following determination and ruling as the Referee in this matter, to-wit:

1. The statements in the application are true.
2. The name of the structure is Mexican Cut Natural Pond No. 1.
3. The name of claimant and address is: The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a Corporation, P.O. Box 179, Gunnison, Colorado 81230.
4. The source of the water is snow melt, underground spring and drainage, and overflow from Galena Lake and Mexican Cut Natural Ponds No. 4,3,2,11 and 10.
5. The pond is located in an unsurveyed area in Schofield Park in the drainage area of the South Fork of the Crystal River, within the boundaries of Setz Lode No. 2, Survey No. 20384, at a point whence Corner No. 4 of Setz No. 3, Survey No. 20427, bears S. 02°05' E. 181.5 feet.
6. The use of the water is piscatorial, biological research and teaching, wildlife procreation and natural heritage preservation.
7. The date of initiation of appropriation is July 1, 1932.
8. The total capacity of reservoir is 0.23 acre feet.
9. This is a natural pond having only natural inlets and outlets.
10. The pond has been used for the above purposes since July 1, 1932.
11. This is a non-consumptive use of water.

The Referee does therefore conclude that the above entitled application should be granted and that 0.23 acre foot of water is hereby awarded to the Mexican Cut Natural Pond No. 1, for piscatorial, biological research and teaching, wildlife procreation and natural heritage preservation uses, with appropriation date of the 1st day of July, 1932, absolutely and unconditionally; subject, however, to all earlier priority rights of others and to the integration and tabulation by the Division Engineer of such priorities and changes of rights in accordance with law as may be determined in pending supplemental general adjudication proceedings.

It is accordingly ORDERED that this ruling shall be filed with the Water Clerk and shall become effective upon such filing, subject to judicial review pursuant to Section 148-21-20 CRS 1963 as amended (1971).

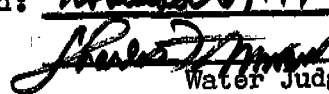
It is further ORDERED that a copy of this ruling shall be filed with the appropriate Division Engineer and the State Engineer.

Done at the City of Glenwood Springs, Colorado, this 9th day of AUGUST, 1972.

BY THE REFEREE:


Water Referee
Water Division No. 5
State of Colorado

No protest was filed in this matter
The foregoing ruling is confirmed
and approved, and is made the
Judgment and Decree of this court.

Dated: November 6, 1972

Water Judge

To Be Filed in Duplicate

IN THE DISTRICT COURT IN AND FOR
WATER DIVISION NO. 5

STATE OF COLORADO

CASE NO. W- ~~467~~

567

FILED
IN WATER COURT
Division No. 5

APR 28 1972

STATE OF COLORADO

Elaine Bakowick
WATER CLERK

BY DEPUTY

IN THE MATTER OF THE
APPLICATION FOR
WATER RIGHTS OF THE CORPORATION OF
THE ROCKY MOUNTAIN ~~BIOLOGICAL~~
LABORATORY AT GOTHIC, a corporation

IN GUNNISON COUNTY

APPLICATION FOR
WATER STORAGE RIGHT

NON-CONSUMPTIVE

1. Name of applicant: The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a corporation
Mailing address: P.O. Box 179, Gunnison, Colorado 81230

2. Name of reservoir: Mexican Cut Natural Pond No. 2

3. Legal description of reservoir survey at high water line:
Beginning at a point from which Corner No. 4 of Setz Lode No. 3, M.S. 20427 bears South 28°57' East 482.9 feet; thence North 67°31' East 31.7 feet; thence North 7°33' East 74.1 feet; thence North 5°50' West 71.6 feet; thence North 24°37' West 95.2 feet; thence South 41°00' West 129.0 feet; thence South 53°51' East 80.9 feet; thence South 1°48' West 99.0 feet; thence North 89°01' East 30.4 feet to the point of beginning, with an area of 0.37 acres

4. Source of water: Snow melt, underground springs, surface drainage and overflow from Mexican Cut Natural Pond No. 11, 4, 10 and 3

5. Date of initiation of appropriation: 7-1-32

6. Date of approval of reservoir by State Engineer: Not applicable

State Engineer No.: N/a

7. Amount of water claimed in acre feet: 1.18

8. Use or proposed use of the water: Biological research and teaching, Wildlife procreation and natural heritage preservation

9. Maximum height of dam in feet: N/a

10. Length of dam or proposed dam in feet: N/a

11. Total capacity of reservoir in acre feet: 1.18

12. Capacity of reservoir in acre feet from bottom of the outlet tube to the lowest point on the spillway:

N/a

13. Capacity of reservoir in acre feet from the bottom of the outlet tube to the lowest point in the reservoir:

N/a

14. Name and capacity of ditch or ditches leading to the reservoir, if applicable:

N/a

15. Name and capacity of ditch or ditches leading from the reservoir, if applicable:

N/a

16. Estimated cost of the reservoir:

N/a

KLINGSMITH, RUSSELL & FRENCH

KL
Attorney for Applicant

State of Colorado
County of Gunnison } ss.

Robert B. Willey, being first duly sworn upon oath, deposes and says that he has read the foregoing application, knows the contents thereof and that the same is true.

Robert B. Willey

Subscribed and sworn to before me this 24th day of April, 19⁷².

My commission expires 4-23-75.

Ila May Gerhart
Notary Public

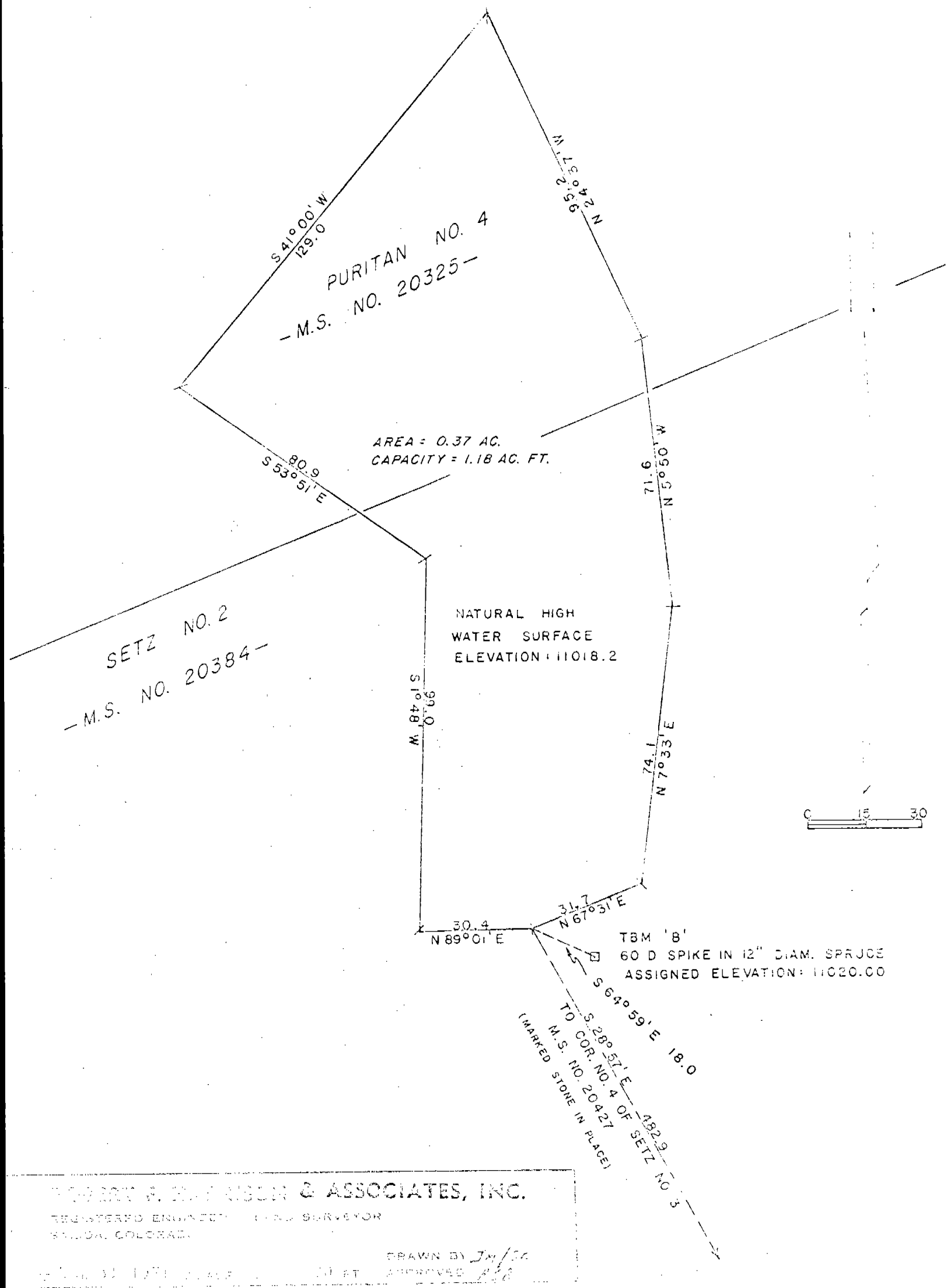
Name and Address
of Applicant:

The Corporation of the Rocky
Mountain Biological Laboratory at Gothic,
P.O. Box 179
Gunnison, Colorado 81230

Name, Address, and Telephone No.
of Attorney for Applicant:

Klingsmith, Russell & French
110 East Virginia Avenue - Box 179
Gunnison, Colorado 81230
Telephone: 641-1334

Map of
 MEXICAN CUT NATURAL POND NO. 2
 Gunnison County, Colorado
 WATER DIVISION NO. 5
 True Meridian based on Magnetic Declination of 14°30'
 SCALE 1 inch = 30 feet

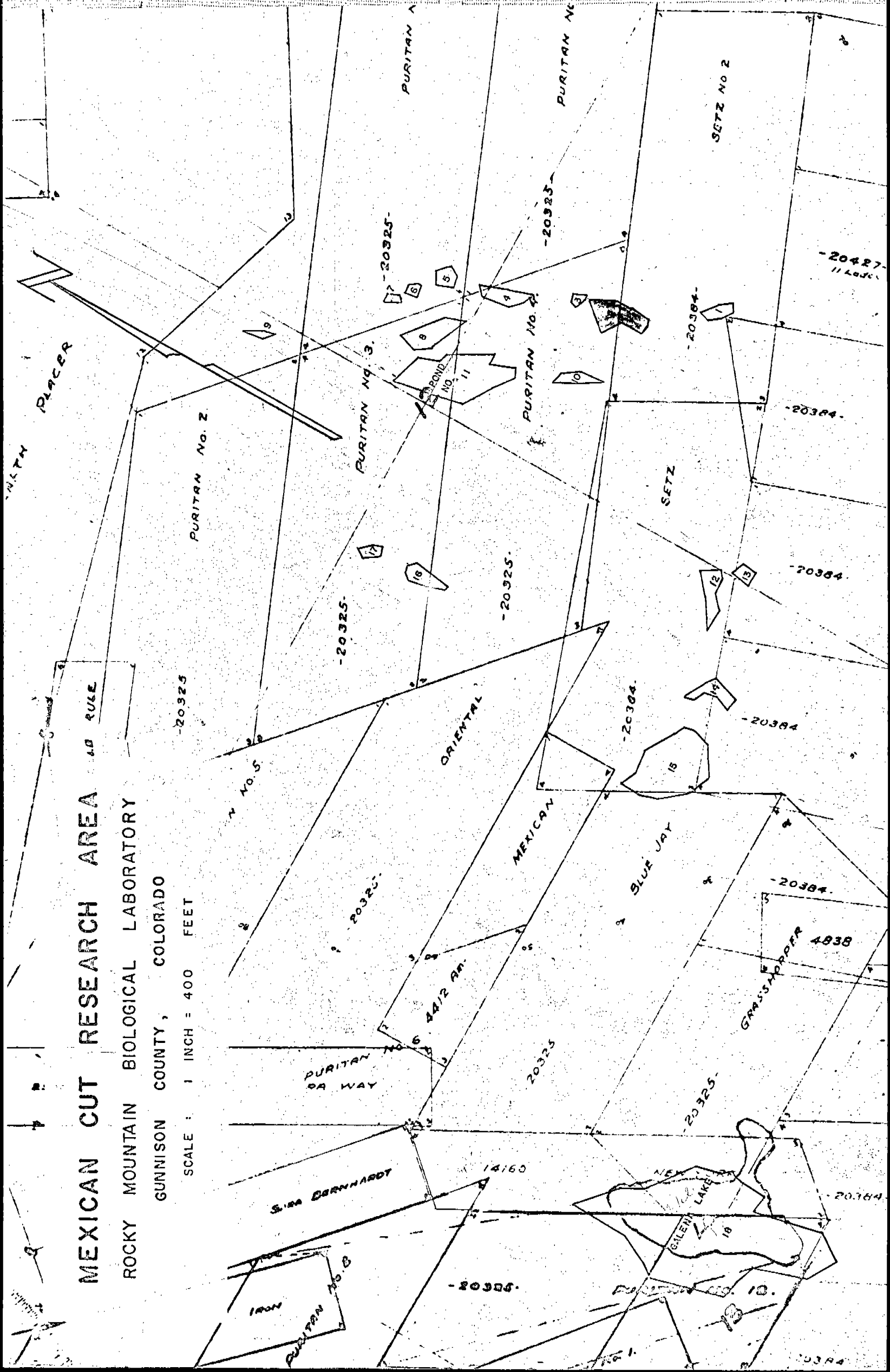


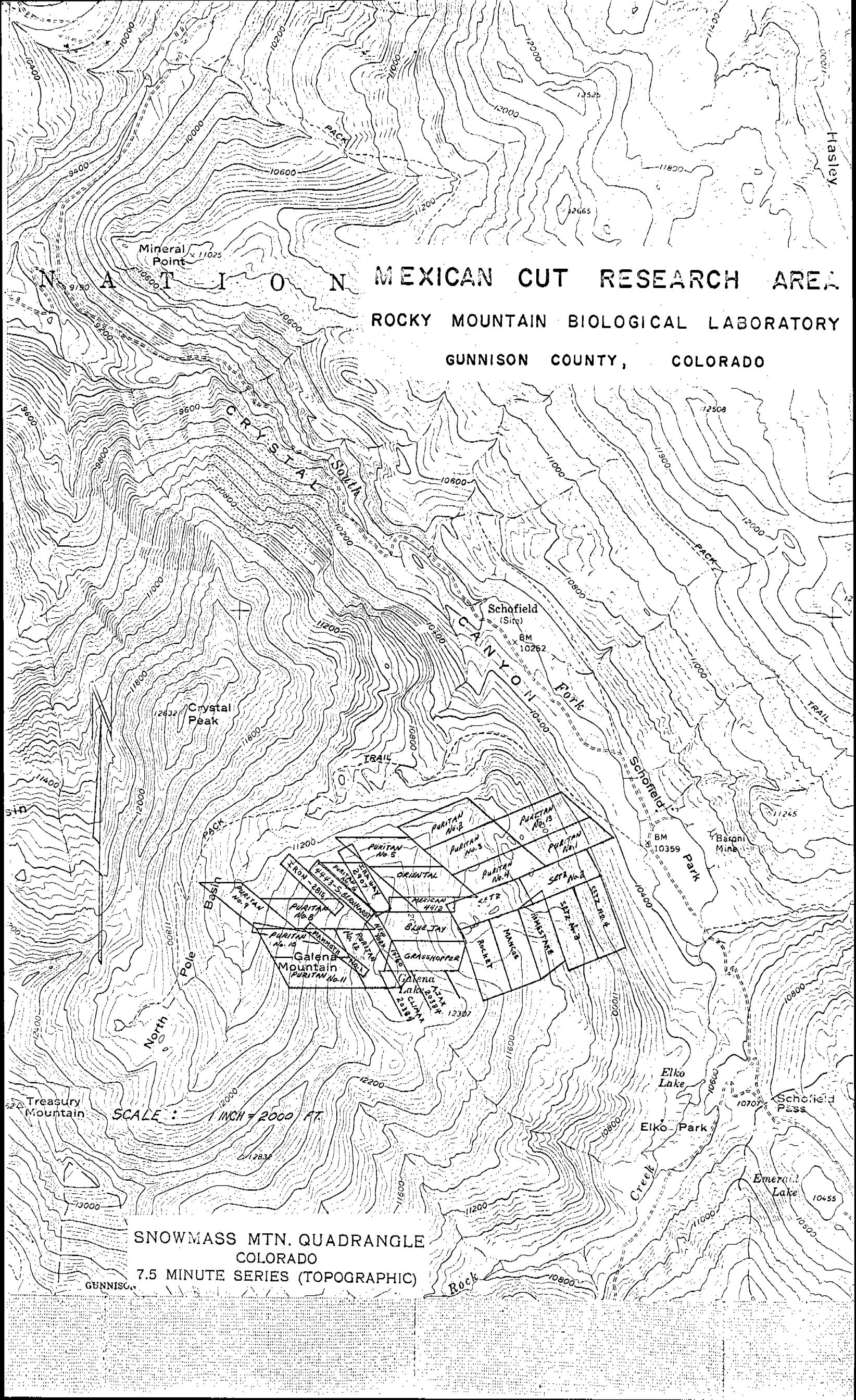
MEXICAN CUT RESEARCH AREA 10 RULE

ROCKY MOUNTAIN BIOLOGICAL LABORATORY

GUNNISON COUNTY, COLORADO

SCALE : 1 INCH = 400 FEET



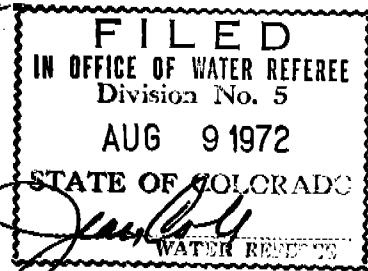


MEXICAN CUT RESEARCH AREA
ROCKY MOUNTAIN BIOLOGICAL LABORATORY
GUNNISON COUNTY, COLORADO

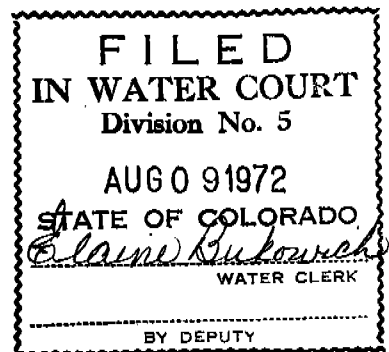
SCALE : 1 INCH = 2000 FT.

SNOWMASS MTN. QUADRANGLE
COLORADO
7.5 MINUTE SERIES (TOPOGRAPHIC)

GUNNISON



IN THE DISTRICT COURT IN AND
FOR WATER DIVISION NO. 5
STATE OF COLORADO
Application No. W-567



IN THE MATTER OF THE APPLICATION)
FOR WATER RIGHTS OF THE CORPORATION)
OF THE ROCKY MOUNTAIN BIOLOGICAL)
LABORATORY AT GOTHIC, A CORPORATION,)
IN THE CRYSTAL RIVER IN GUNNISON)
COUNTY)

RULING OF
REFEREE

The above entitled matter having been referred to the undersigned as Water Referee for Water Division No. 5, State of Colorado, by the Water Judge of said Court on the 28th day of April, 1972, in accordance with Article 21 of Chapter 148, Colorado Revised Statutes 1963, as amended (Chapter 373 S.L. Colo. 1969), known as The Water Rights Determination and Administration Act of 1969.

And the undersigned Referee having made such investigations as are necessary to determine whether or not the statements in the application are true and having become fully advised with respect to the subject matter of the application does hereby make the following determination and ruling as the Referee in this matter, to-wit:

1. The statements in the application are true.
2. The name of the structure is Mexican Cut Natural Pond No. 2.
3. The name of claimant and address is: The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a Corporation, P.O. Box 179, Gunnison, Colorado 81230.
4. The source of the water is snow melt, underground springs, surface drainage and overflow of Mexican Cut Natural Pond No. 11,4,10 and 3.
5. The pond is located in an unsurveyed area in Schofield Park in the drainage area of the South Fork of the Crystal River, within the boundaries of Setz Lode No. 2, Survey No. 20384, and Puritan Lode No. 4, Survey No. 20325, at a point whence Corner No. 4 of Setz No.3, Survey No. 20427, bears S. 28°57' E. 482.9 feet.
6. The use of the water is piscatorial, biological research and teaching, wildlife procreation and natural heritage preservation.
7. The date of initiation of appropriation is July 1, 1932.
8. The total capacity of reservoir is 1.18 acre feet.
9. This is a natural pond having only natural inlets and outlets.
10. The pond has been used for the above purposes since July 1, 1932.
11. This is a non-consumptive use of water.

The Referee does therefore conclude that the above entitled application should be granted and that 1.18 acre foot of water hereby is awarded to the Mexican Cut Natural Pond No. 2 for piscatorial, biological research and teaching, wildlife procreation and natural heritage preservation uses, with appropriation date of the 1st day of July, 1932, absolutely and unconditionally; subject, however, to all earlier priority rights of others and to the integration and tabulation by the Division Engineer of such priorities and changes of rights in accordance with law as may be determined in pending supplemental general adjudication proceedings.

It is accordingly ORDERED that this ruling shall be filed with the Water Clerk and shall become effective upon such filing, subject to judicial review pursuant to Section 148-21-20 CRS 1963 as amended (1971).

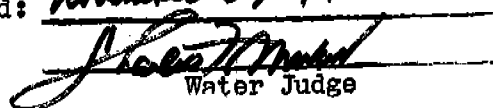
It is further ORDERED that a copy of this ruling shall be filed with the appropriate Division Engineer and the State Engineer.

Done at the City of Glenwood Springs, Colorado, this 9th day of AUGUST, 1972.

BY THE REFEREE:


Water Referee
Water Division No. 5
State of Colorado

No protest was filed in this matter
The foregoing ruling is confirmed
and approved, and is made the
Judgment and Decree of this court.

Dated: November 6, 1972

Water Judge

To Be Filed in Duplicate

IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 5

STATE OF COLORADO

CASE NO. W-568

FILED
IN WATER COURT
Division No. 5

APR 28 1972

STATE OF COLORADO

WATER CLERK

BY DEPUTY

IN THE MATTER OF THE
APPLICATION FOR THE CORPORATION OF
WATER RIGHTS OF
~~THE ROCKY MOUNTAIN BIOLOGICAL~~
~~LABORATORY AT GOTHIC, a corporation~~

APPLICATION FOR
WATER STORAGE RIGHT

NON=CONSUMPTIVE

IN GUNNISON COUNTY

1. Name of applicant: The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a corporation

Mailing address: P.O. Box 179, Gunnison, Colorado 81230

2. Name of reservoir: Mexican Cut Natural Pond No. 3

3. Legal description of reservoir survey at high water line:
Beginning at a point from which Corner No. 4 of Setz Lode No. 3, M.S. 20427 bears South 20°07' East 719.4 feet; thence North 78°07' East 16.5 feet; thence North 23°01' West 53.5 feet; thence South 71°53' West 24.8 feet; thence South 16°01' West 31.5 feet; thence South 68°26' East 39.8 feet to the point of beginning, with an area of 0.04 acres

4. Source of water: Snow melt, underground springs, surface drainage and overflow from Mexican Cut Natural Pond No. 4

5. Date of initiation of appropriation: 7-1-32

6. Date of approval of reservoir by State Engineer: Not applicable

State Engineer No.: N/a

7. Amount of water claimed in acre feet: 0.14

8. Use or proposed use of the water: Biological research and teaching, Wildlife procreation and natural heritage preservation

9. Maximum height of dam in feet: N/a

10. Length of dam or proposed dam in feet: N/a

11. Total capacity of reservoir in acre feet: 0.14

12. Capacity of reservoir in acre feet from bottom of the outlet tube to the lowest point on the spillway:

N/a

13. Capacity of reservoir in acre feet from the bottom of the outlet tube to the lowest point in the reservoir:

N/a

14. Name and capacity of ditch or ditches leading to the reservoir, if applicable:

N/a

15. Name and capacity of ditch or ditches leading from the reservoir, if applicable:

N/a

16. Estimated cost of the reservoir: N/a

KLINGSMITH, RUSSELL & FRENCH

R. Kling
Attorney for Applicant

State of Colorado
County of Gunnison

} ss.

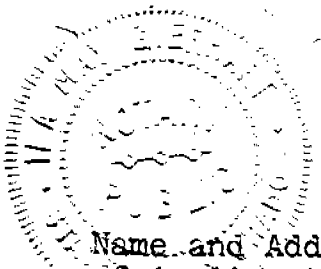
Robert B. Willey, being first duly sworn upon oath, deposes and says that he has read the foregoing application, knows the contents thereof and that the same is true.

Robert B. Willey

Subscribed and sworn to before me this 27th day of April, 1972.

My commission expires 4-23-75.

Ila May Gerhart
Notary Public



Name and Address
of Applicant:
The Corporation of the Rocky Mountain
Mountain Biological Laboratory at Gothic,
P.O. Box 179
Gunnison, Colorado 81230

Name, Address, and Telephone No.
of Attorney for Applicant:

Klingsmith, Russell & French
110 East Virginia - Box 179
Gunnison, Colorado 81230
Telephone: 641-1334

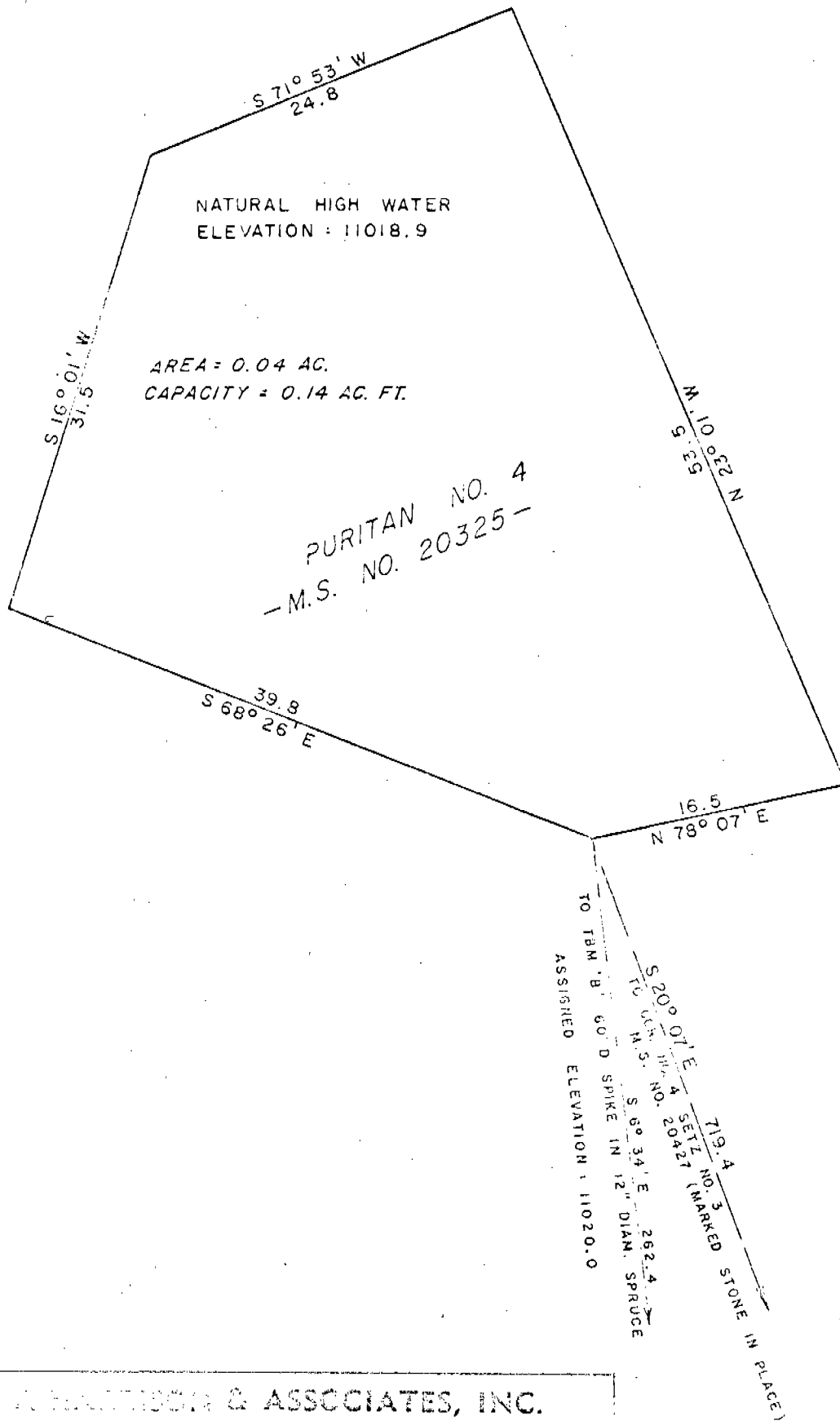
Map of
MEXICAN CUT NATURAL POND NO. 3

Gunnison County, Colorado

WATER DIVISION NO. 5

True Meridian based on Magnetic Declination of 14° 50'

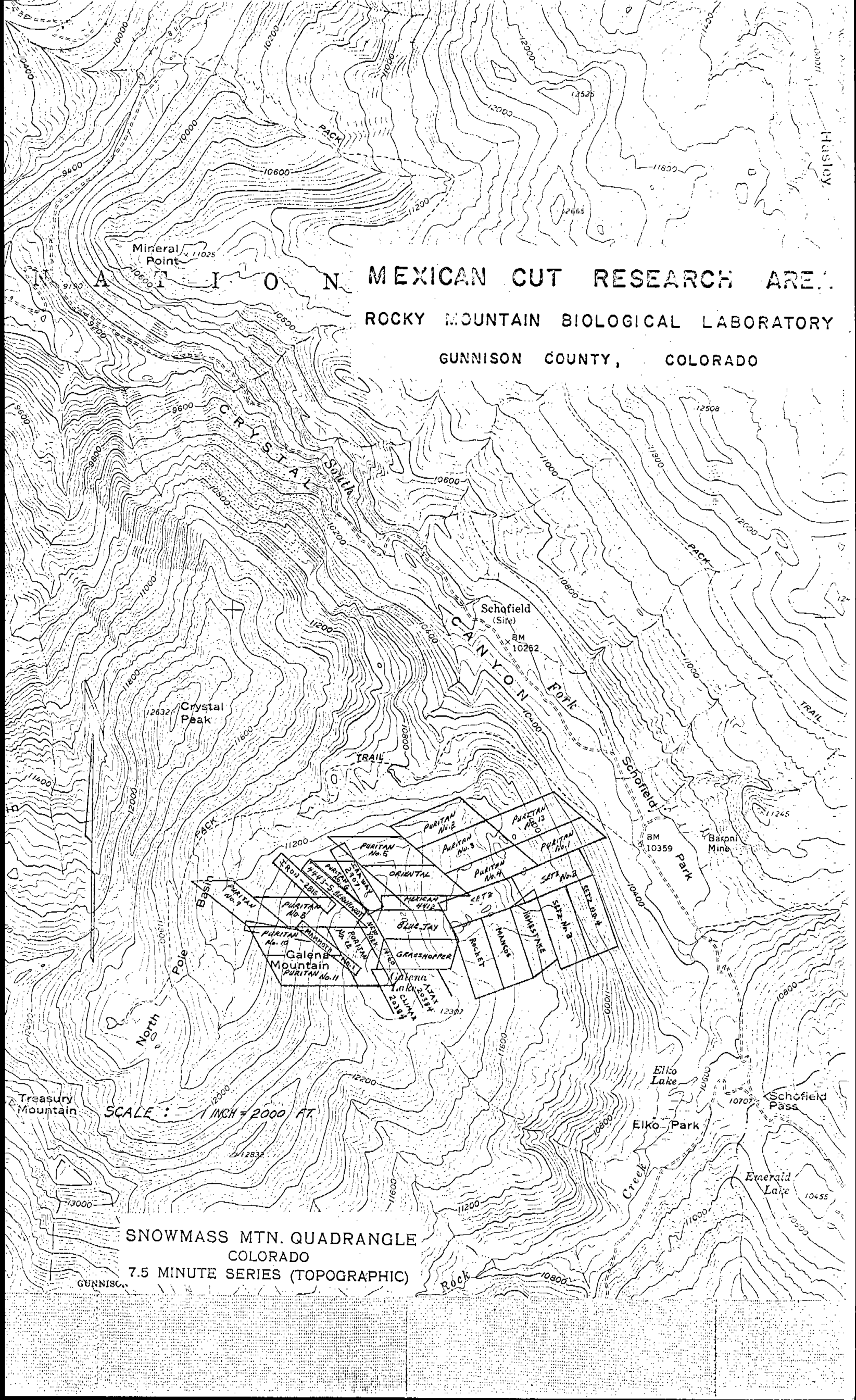
SCALE 1 inch = 10 feet



JOHN A. HARRISON & ASSOCIATES, INC.

REGISTERED ENGINEER & LAND SURVEYOR
COLORADO

DRAWN BY JAH
APPROVED JAH



MEXICAN CUT RESEARCH AREA

ROCKY MOUNTAIN BIOLOGICAL LABORATORY

GUNNISON COUNTY, COLORADO

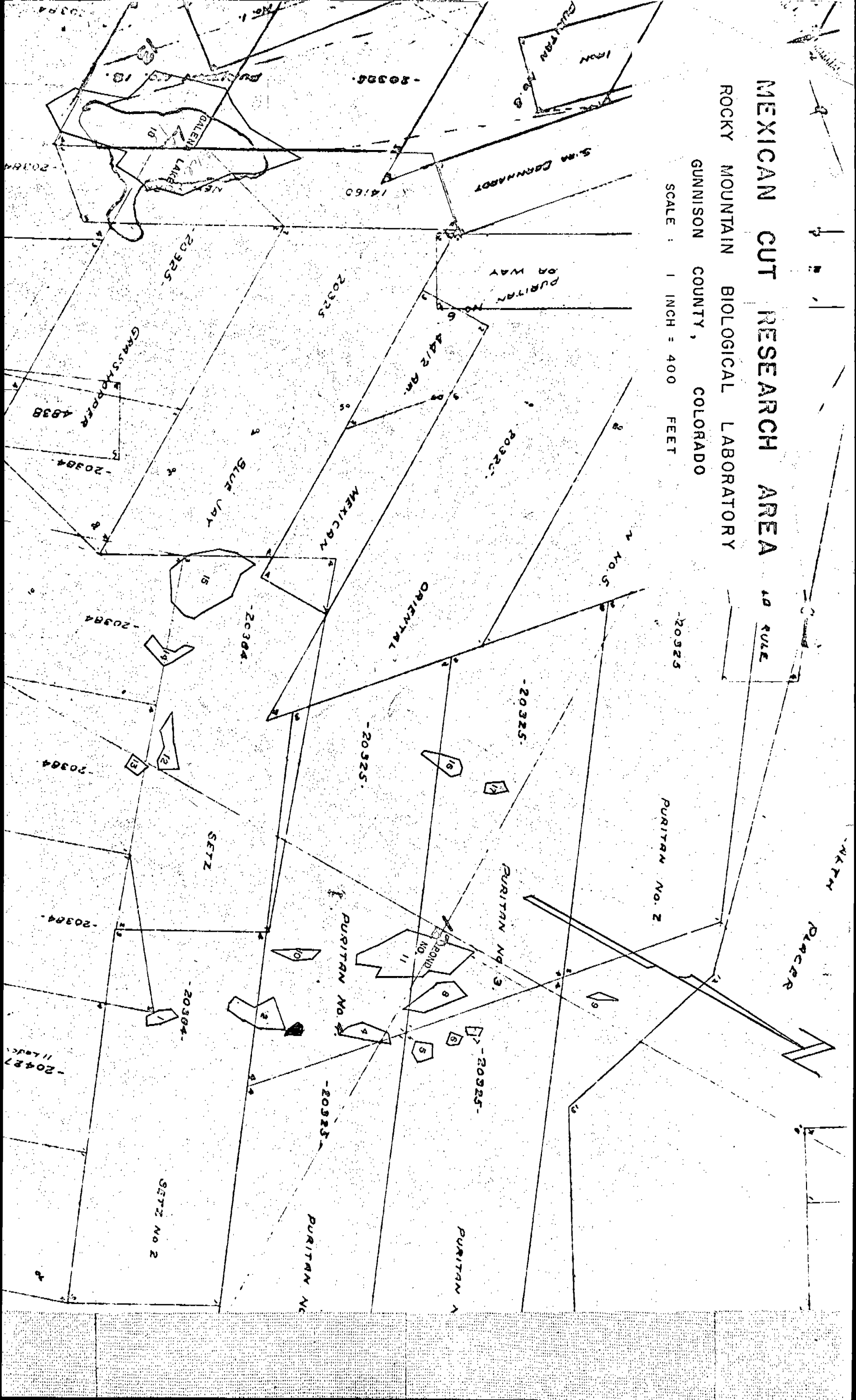
SCALE : 1 INCH = 2000 FT.

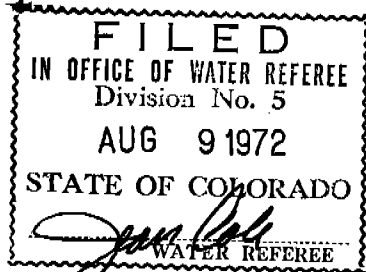
SNOWMASS MTN. QUADRANGLE
COLORADO
7.5 MINUTE SERIES (TOPOGRAPHIC)

GUNNISON

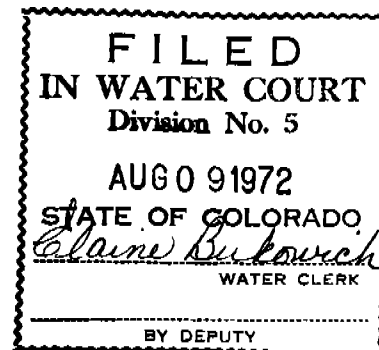
MEXICAN CUT RESEARCH AREA 10 MILE
ROCKY MOUNTAIN BIOLOGICAL LABORATORY
GUNNISON COUNTY, COLORADO

SCALE : 1 INCH = 400 FEET





IN THE DISTRICT COURT IN AND
FOR WATER DIVISION NO. 5
STATE OF COLORADO
Application No. W-568



IN THE MATTER OF THE APPLICATION)
FOR WATER RIGHTS OF THE CORPORATION)
OF THE ROCKY MOUNTAIN BIOLOGICAL)
LABORATORY AT GOTHIC, A CORPORATION,) RULING OF
IN THE CRYSTAL RIVER IN GUNNISON) REFEREE
COUNTY)

The above entitled matter having been referred to the undersigned as Water Referee for Water Division No. 5, State of Colorado, by the Water Judge of said Court on the 28th day of April, 1972, in accordance with Article 21 of Chapter 148, Colorado Revised Statutes 1963, as amended (Chapter 373 S.L. Colo. 1969), known as The Water Rights Determination and Administration Act of 1969.

And the undersigned Referee having made such investigations as are necessary to determine whether or not the statements in the application are true and having become fully advised with respect to the subject matter of the application does hereby make the following determination and ruling as the Referee in this matter, to-wit:

1. The statements in the application are true.
2. The name of the structure is Mexican Cut Natural Pond No. 3.
3. The name of claimant and address is: The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a Corporation, P.O. Box 179, Gunnison, Colorado 81230.
4. The source of the water is snow melt, underground springs, surface drainage and overflow from Mexican Cut Natural Pond No. 4.
5. The pond is located in an unsurveyed area in Schofield Park in the drainage area of the South Fork of the Crystal River, within the boundaries of Puritan Lode No. 4, Survey No. 20325, at a point whence Corner No. 4 of Setz Lode No. 3, Survey No. 20427, bears S. 20°07' E. 719.4 feet.
6. The use of the water is piscatorial, biological research and teaching, wildlife procreation and natural heritage preservation.
7. The date of initiation of appropriation is July 1, 1932.
8. The total capacity of reservoir is 0.14 acre foot.
9. This is a natural pond having only natural inlets and outlets.
10. The pond has been used for the above purposes since July 1, 1932.
11. This is a non-consumptive use of water.

The Referee does therefore conclude that the above entitled application should be granted and that 0.14 acre foot of water is hereby awarded to the Mexican Cut Natural Pond No. 3, for piscatorial, biological research and teaching, wildlife procreation and natural heritage preservation uses, with appropriation date of the 1st day of July, 1932, absolutely and unconditionally; subject, however, to all earlier priority rights of others and to the integration and tabulation by the Division Engineer of such priorities and changes of rights in accordance with law as may be determined in pending supplemental general adjudication proceedings.

It is accordingly ORDERED that this ruling shall be filed with the Water Clerk and shall become effective upon such filing, subject to judicial review pursuant to Section 148-21-20 CRS 1963 as amended (1971).

It is further ORDERED that a copy of this ruling shall be filed with the appropriate Division Engineer and the State Engineer.

Done at the City of Glenwood Springs, Colorado, this 9th day of AUGUST, 1972.

BY THE REFEREE:


Water Referee
Water Division No. 5
State of Colorado

No protest was filed in this matter
The foregoing ruling is confirmed
and approved, and is made the
Judgment and Decree of this court.

Dated: November 6, 1972

Water Judge

To Be Filed in Duplicate

IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 5

STATE OF COLORADO

CASE NO. W- 569

[Signature]

FILED IN WATER COURT Division No. 5 APR 28 1972 STATE OF COLORADO <i>[Signature]</i> WATER CLERK BY DEPUTY
--

IN THE MATTER OF THE
APPLICATION FOR
WATER RIGHTS OF THE CORPORATION OF
THE ROCKY MOUNTAIN BIOLOGICAL LABORATORY
AT GOTHIC, a corporation

APPLICATION FOR
WATER STORAGE RIGHT

NON-CONSUMPTIVE

IN GUNNISON COUNTY

1. Name of applicant: The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a corporation

Mailing address: P.O. Box 179, Gunnison, Colorado 81230

2. Name of reservoir: Mexican cut Natural Pond No. 4

3. Legal description of reservoir survey at high water line:
Beginning at a point from which Corner No. 4 of Setz Lode No. 3, M.S. 20427 bears South 22°27.8' East 965.9 feet; thence North 41°31' West 55.9 feet; thence North 5°23' West 108.2 feet; thence North 49°51' East 41.0 feet; thence South 17°52' East 114.1 feet; thence South 17°59' East 97.4 feet; thence North 62°54' West 55.2 feet to the point of beginning, with an area of 0.20 acres

4. Source of water: Snow melt, underground ~~drainage~~ surface drainage

5. Date of initiation of appropriation: 7-1-32

6. Date of approval of reservoir by State Engineer: N/a

State Engineer No.: N/a

7. Amount of water claimed in acre feet: 0.96

8. Use or proposed use of the water: Biological research and teaching, wildlife procreation and natural heritage preservation

9. Maximum height of dam in feet: N/a

10. Length of dam or proposed dam in feet: N/a

11. Total capacity of reservoir in acre feet: 0.96

12. Capacity of reservoir in acre feet from bottom of the outlet tube to the lowest point on the spillway:

N/a

13. Capacity of reservoir in acre feet from the bottom of the outlet tube to the lowest point in the reservoir:

N/a

14. Name and capacity of ditch or ditches leading to the reservoir, if applicable:

N/a

15. Name and capacity of ditch or ditches leading from the reservoir, if applicable:

N/a

16. Estimated cost of the reservoir:

N/a

KLINGSMITH, RUSSELL & FRENCH

Attorney for Applicant

State of Colorado
County of Gunnison

} ss.

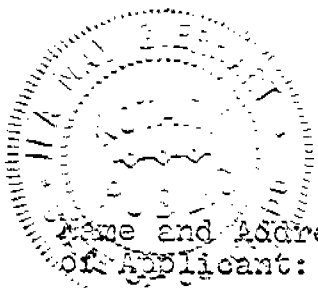
Robert B. Wiley, being first duly sworn upon oath, deposes and says that he has read the foregoing application, knows the contents thereof and that the same is true.

Robert B. Wiley

Subscribed and sworn to before me this 27th day of April, 1972.

My commission expires 4-23-75.

Ila May Suenhart
Notary Public



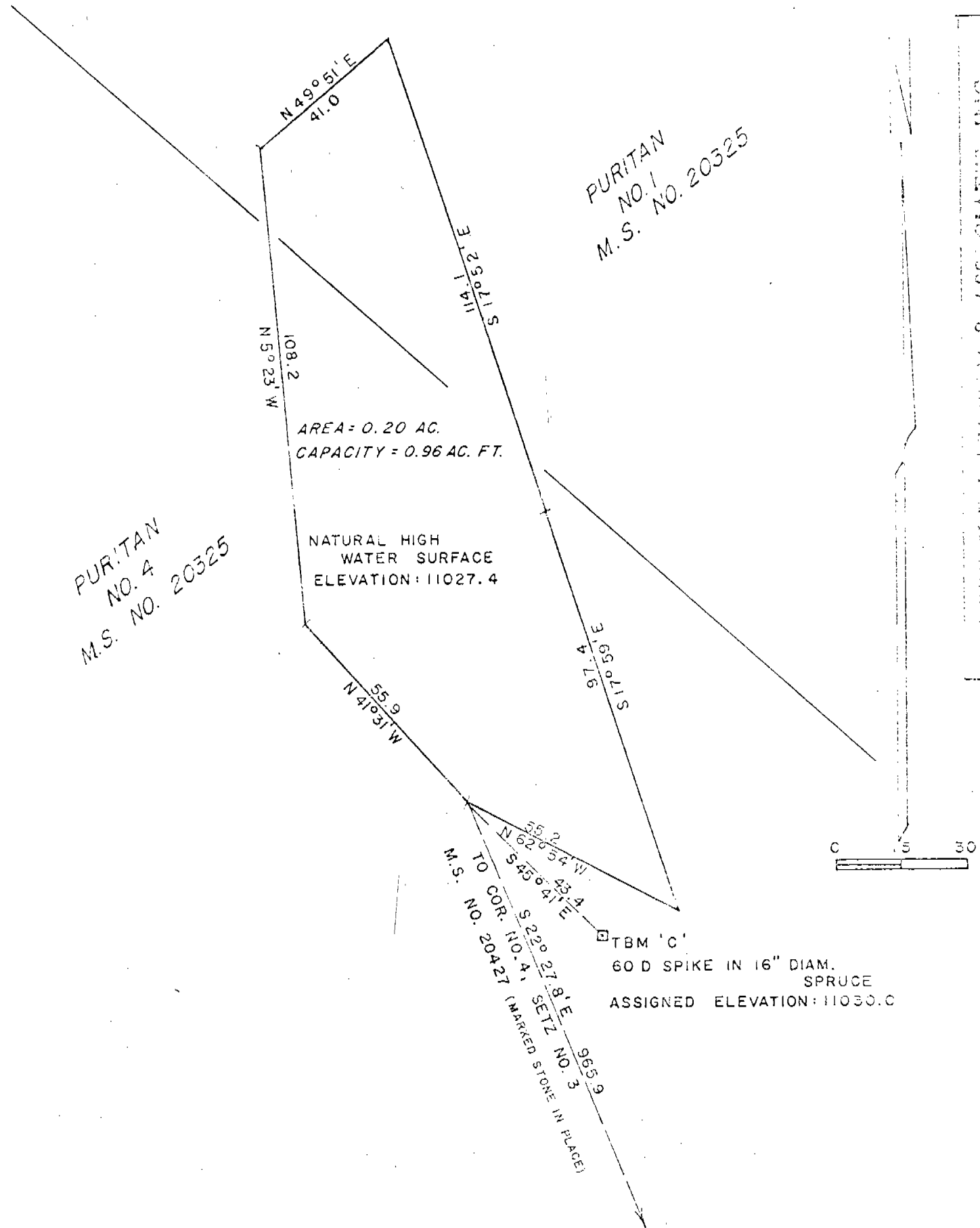
Name and Address
of Applicant:

The Corporation of the Rocky Mountain
Biological Laboratory at Gothic
P.O. Box 179
Gunnison, Colorado 81230

Name, Address, and Telephone No.
of Attorney for Applicant:

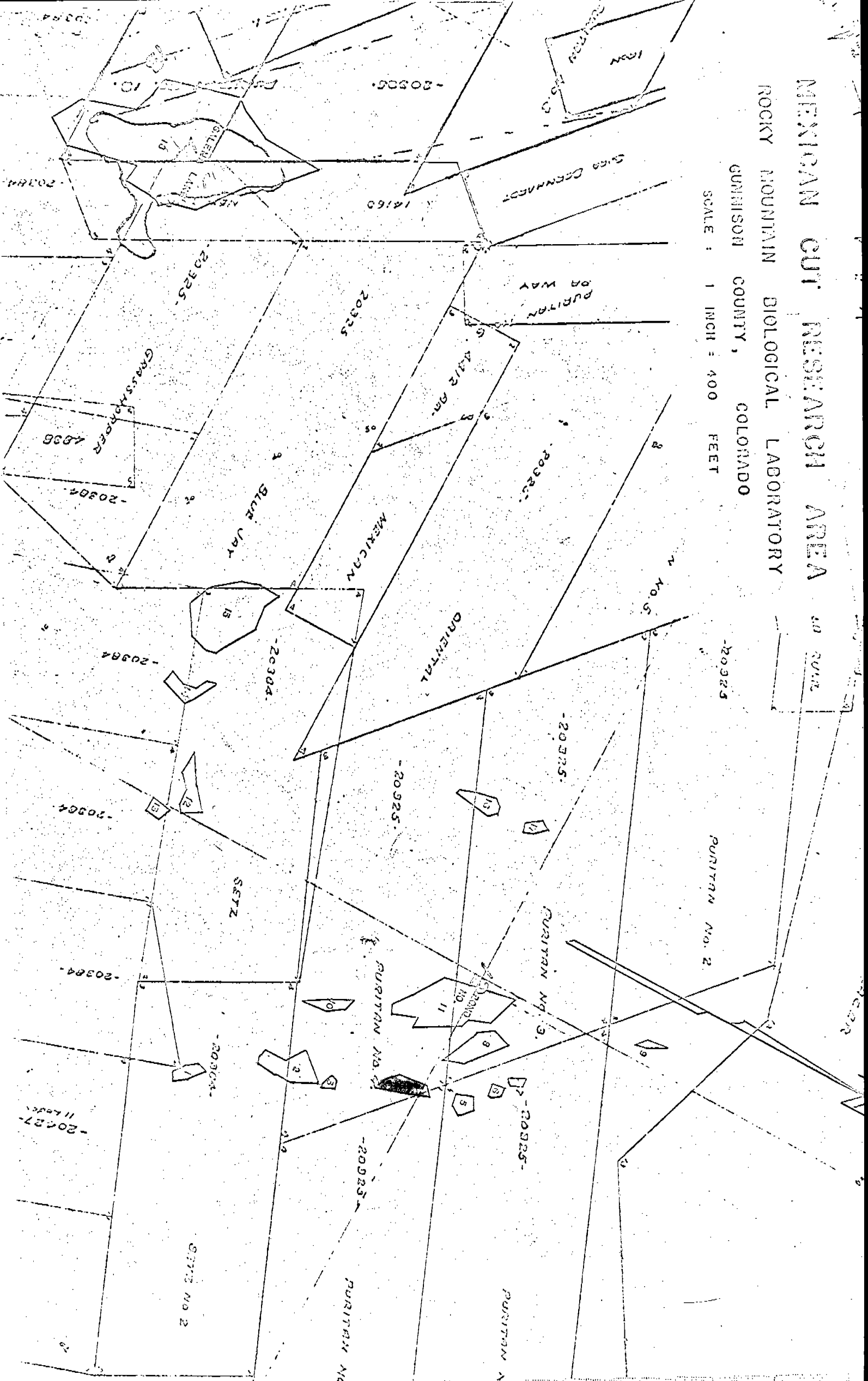
Klingsmith, Russell & French
110 East Virginia Avenue - Box 179
Gunnison, Colorado 81230
Telephone: 641-1334

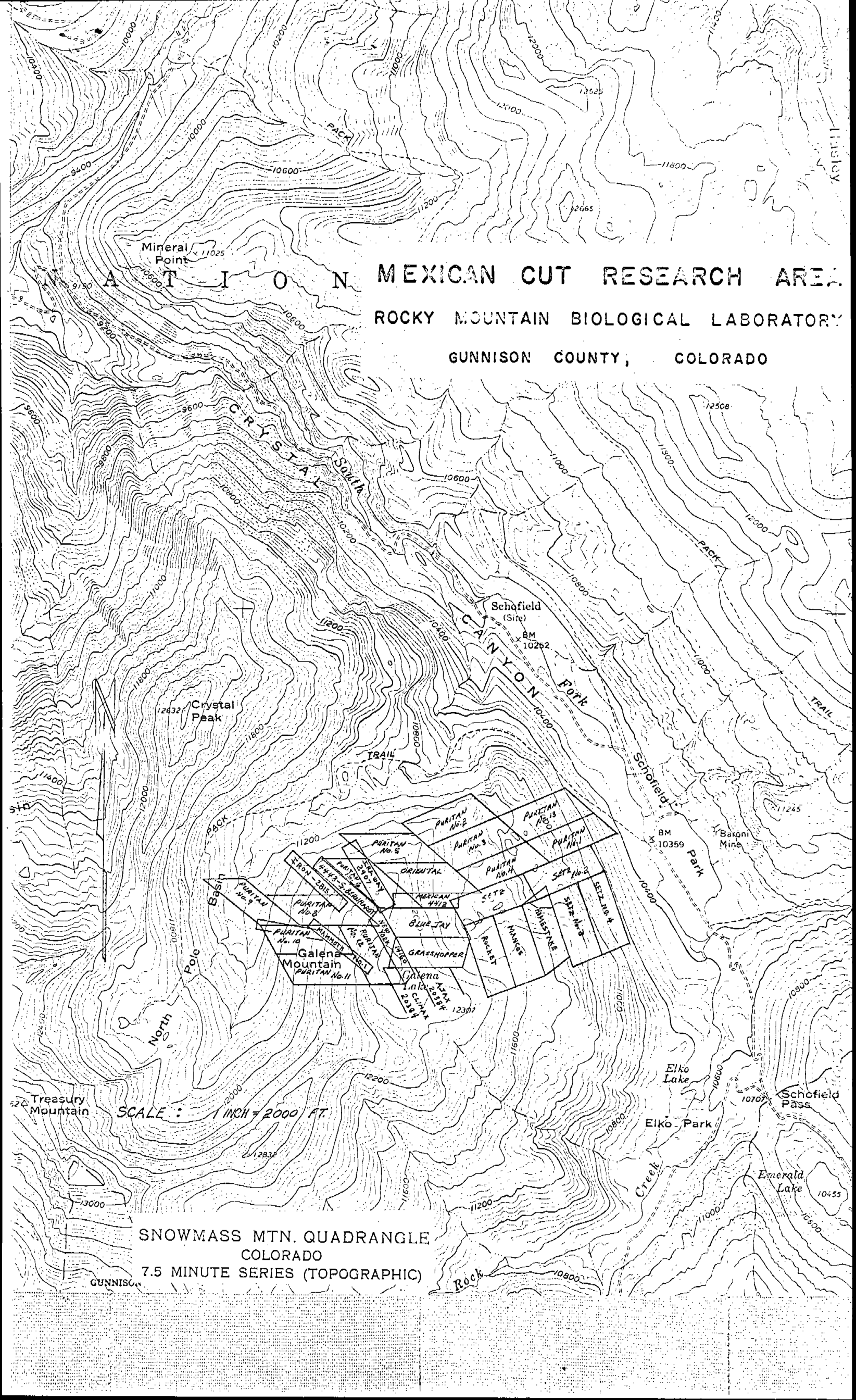
Map of
 MEXICAN CUT NATURAL POND NO. 4
 Gunnison County, Colorado
 WATER DIVISION NO. 5
 True Meridian based on Magnetic Declination of 14°30'
 SCALE 1 inch = 30 feet



ROBERT E. HARRIS & ASSOCIATES, INC.
 REGISTERED SURVEYORS & LAND SUBDIVISION
 SALT LAKE CITY, UTAH
 DATE: Aug. 31, 1971 SCALE: 1 inch = 30 feet
 DRAWN BY: R.E.H.
 APPROVED BY: R.E.H.

SCALE : 1 INCH = 400 FEET

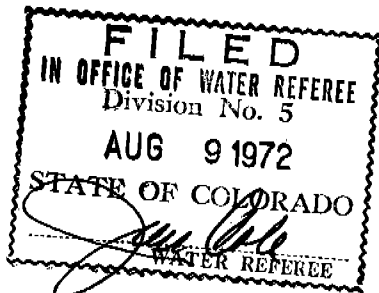




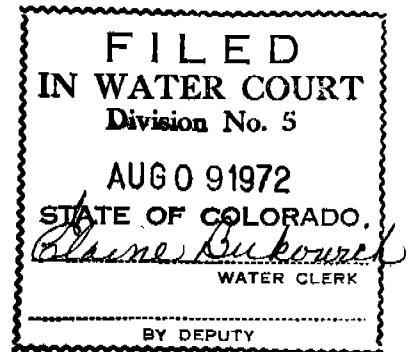
MEXICAN CUT RESEARCH AREA
ROCKY MOUNTAIN BIOLOGICAL LABORATORY
GUNNISON COUNTY, COLORADO

SCALE : 1 INCH = 2000 FT.

SNOWMASS MTN. QUADRANGLE
COLORADO
7.5 MINUTE SERIES (TOPOGRAPHIC)
GUNNISON



IN THE DISTRICT COURT IN AND
FOR WATER DIVISION NO. 5
STATE OF COLORADO
Application No. W-569



IN THE MATTER OF THE APPLICATION)
FOR WATER RIGHTS OF THE CORPORATION)
OF THE ROCKY MOUNTAIN BIOLOGICAL)
LABORATORY AT GOTHIC, A CORPORATION,)
IN THE CRYSTAL RIVER IN GUNNISON)
COUNTY)

RULING OF
REFEREE

The above entitled matter having been referred to the undersigned as Water Referee for Water Division No. 5, State of Colorado, by the Water Judge of said Court on the 28th day of April, 1972, in accordance with Article 21 of Chapter 148, Colorado Revised Statutes 1963, as amended (Chapter 373 S.L. Colo. 1969), known as The Water Rights Determination and Administration Act of 1969.

And the undersigned Referee having made such investigations as are necessary to determine whether or not the statements in the application are true and having become fully advised with respect to the subject matter of the application does hereby make the following determination and ruling as the Referee in this matter, to-wit:

1. The statements in the application are true.
2. The name of the structure is Mexican Cut Natural Pond No. 4.
3. The name of claimant and address is: The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a Corporation, P.O. Box 179, Gunnison, Colorado 81230.
4. The source of the water is snow melt, underground springs and surface drainage.
5. The pond is located in an unsurveyed area in Schofield Park in the drainage area of the South Fork of the Crystal River, within the boundaries of the Puritan Lode No. 1, and Puritan Lode No. 2, mineral survey No. 20325, at a point whence Corner No. 4 of Setz Lode No. 3, survey No. 20427, bears S. 22°27.8' E. 965.9 feet.
6. The use of the water is piscatorial, biological research and teaching, wildlife procreation and natural heritage preservation.
7. The date of initiation of appropriation is July 1, 1932.
8. The total capacity of reservoir is 0.96 acre feet.
9. This is a natural pond having only natural inlets and outlets.
10. The pond has been used for the above purposes since July 1, 1932.
11. This is a non-consumptive use of water.

The Referee does therefore conclude that the above entitled application should be granted and that 0.96 acre foot of water hereby is awarded to the Mexican Cut Natural Pond No. 4 for piscatorial, biological research and teaching, wildlife procreation and natural heritage preservation uses, with appropriation date of the 1st day of July, 1932, absolutely and unconditionally; subject, however, to all earlier priority rights of others and to the integration and tabulation by the Division Engineer of such priorities and changes of rights in accordance with law as may be determined in pending supplemental general adjudication proceedings.

It is accordingly ORDERED that this ruling shall be filed with the Water Clerk and shall become effective upon such filing, subject to judicial review pursuant to section 148-21-20 CRS 1963 as amended (1971).

It is further ORDERED that a copy of this ruling shall be filed with the appropriate Division Engineer and the State Engineer.

Done at the City of Glenwood Springs, Colorado, this 9th day of AUGUST, 1972.

BY THE REFEREE:


Water Referee
Water Division No. 5
State of Colorado

No protest was filed in this matter.
The foregoing ruling is confirmed
and approved, and is made the
Judgment and Decree of this court.

Dated: November 6, 1972

Water Judge

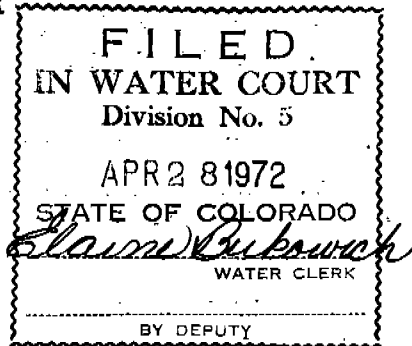
To Be Filed in Duplicate

IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 5.

STATE OF COLORADO

CASE NO. W-570



IN THE MATTER OF THE
APPLICATION FOR
WATER RIGHTS OF THE CORPORATION OF
THE ROCKY MOUNTAIN BIOLOGICAL LABORATORY
AT GOTHIC, a corporation

APPLICATION FOR
WATER STORAGE RIGHT

NON-CONSUMPTIVE

IN GUNNISON COUNTY.

1. Name of applicant: The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a corporation

Mailing address: P.O. Box 179, Gunnison, Colorado 81230

2. Name of reservoir: Mexican Cut Natural Pond No. 5

3. Legal description of reservoir survey at high water line:
Beginning at a point from which Corner No. 4 of Setz Lode No. 3, M.S. 20427 bears South 19°0' East 1241.7 feet; thence North 34°03' East 45.0 feet; thence North 44°42' West 63.8 feet; thence South 61°37' West 50.7 feet; thence South 20°38' East 63.4 feet; thence South 88°58' East 42.0 feet to the point of beginning, with an area of 0.11 acres

4. Source of water: Snow melt, underground springs, surface drainage and overflow from Mexican Cut Natural Ponds Nos. 8, 7 and 6.

5. Date of initiation of appropriation: 7-1-32

6. Date of approval of reservoir by State Engineer: N/a

State Engineer No.: N/a

7. Amount of water claimed in acre feet: 0.33

8. Use or proposed use of the water: Biological research and teaching, wildlife procreation and natural heritage preservation

9. Maximum height of dam in feet: N/a

10. Length of dam or proposed dam in feet: N/a

11. Total capacity of reservoir in acre feet: 0.33

12. Capacity of reservoir in acre feet from bottom of the outlet tube to the lowest point on the spillway:

N/a

13. Capacity of reservoir in acre feet from the bottom of the outlet tube to the lowest point in the reservoir:

N/a

14. Name and capacity of ditch or ditches leading to the reservoir, if applicable:

N/a

15. Name and capacity of ditch or ditches leading from the reservoir, if applicable:

N/a

16. Estimated cost of the reservoir: N/a

KLINGSMITH, RUSSELL & FRENCH

Attorney for Applicant

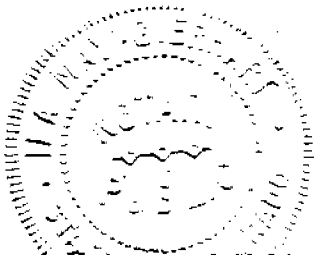
State of Colorado }
County of Gunnison } ss.

Robert B. Wiley, being first duly sworn upon oath, deposes and says that he has read the foregoing application, knows the contents thereof and that the same is true.

Robert B. Wiley

Subscribed and sworn to before me this 27th day of April, 1972.

My commission expires 4-23-75.



Notary Public

Name and Address
of Applicant:

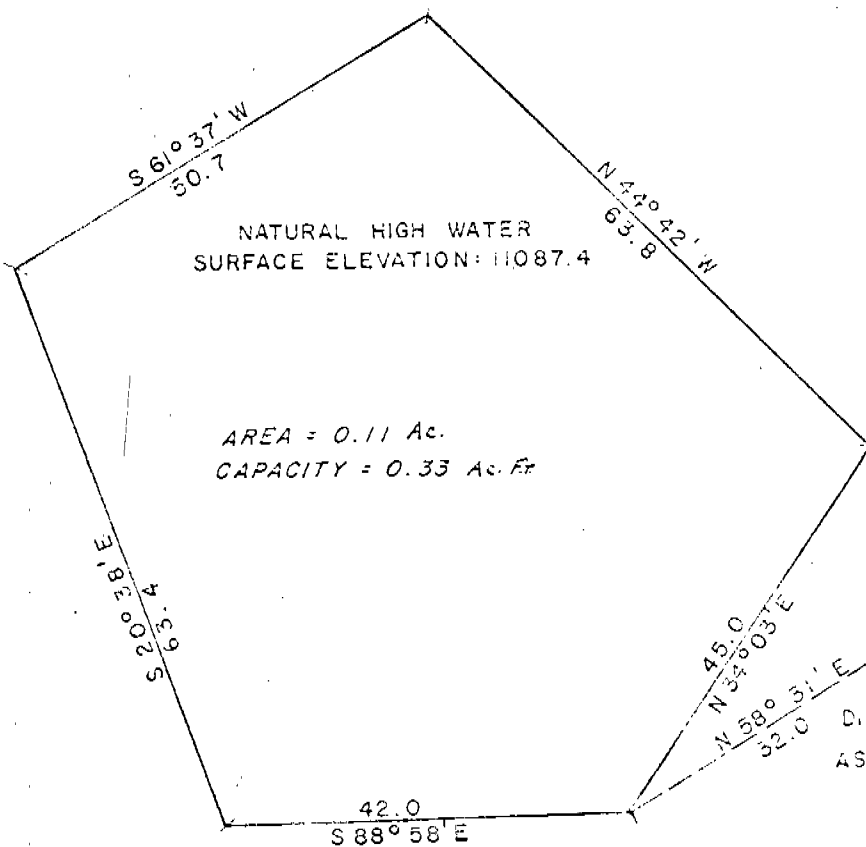
The Corporation of the Rocky
Mountain Biological Laboratory
P.O. Box 179
Gunnison, Colorado 81230

Name, Address, and Telephone No.
of Attorney for Applicant:

Klingsmith, Russell & French
110 East Virginia - Box 179,
Gunnison, Colorado 81230
Telephone: 641-1334

Map of
 MEXICAN CUT NATURAL POND NO. 5
 Gunnison County, Colorado
 WATER DIVISION NO. 5
 True Meridian based on Magnetic Declination of 14° 30'
 SCALE 1 inch = 20 feet

N



0 10 20

PURITAN NO. 13
 -M.S. NO. 20325-

PURITAN NO. 1
 -M.S. NO. 20325-

TO COR. NO. 4
 W.S. NO. 20427
 S 19° 0' E
 SETZ NO. 3
 1241.7
 (MARKED STONE IN PLACE)

W. J. K. & S. C. ASSOCIATES, INC.

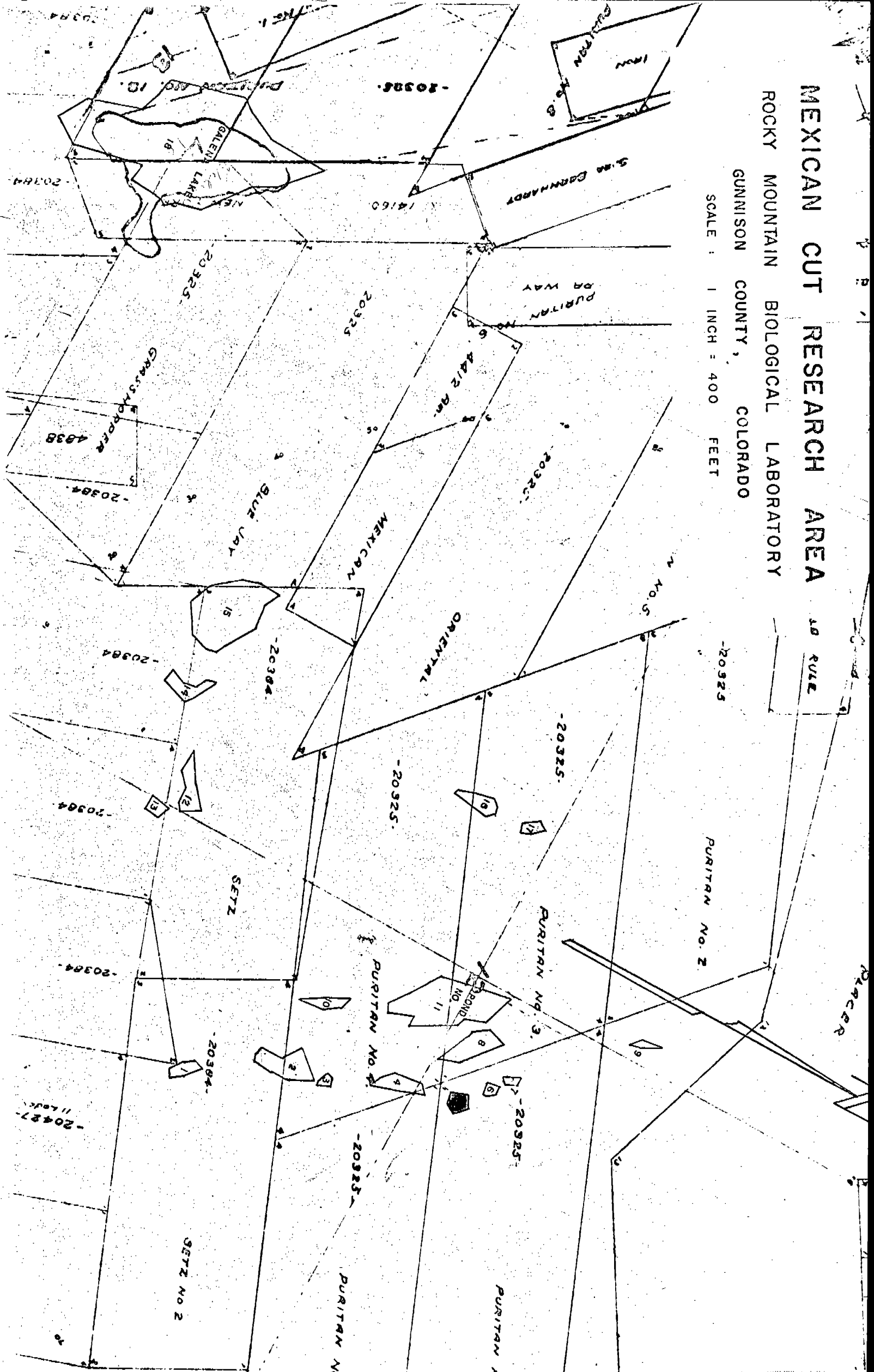
REGISTERED PROFESSIONAL SURVEYOR
 COLORADO

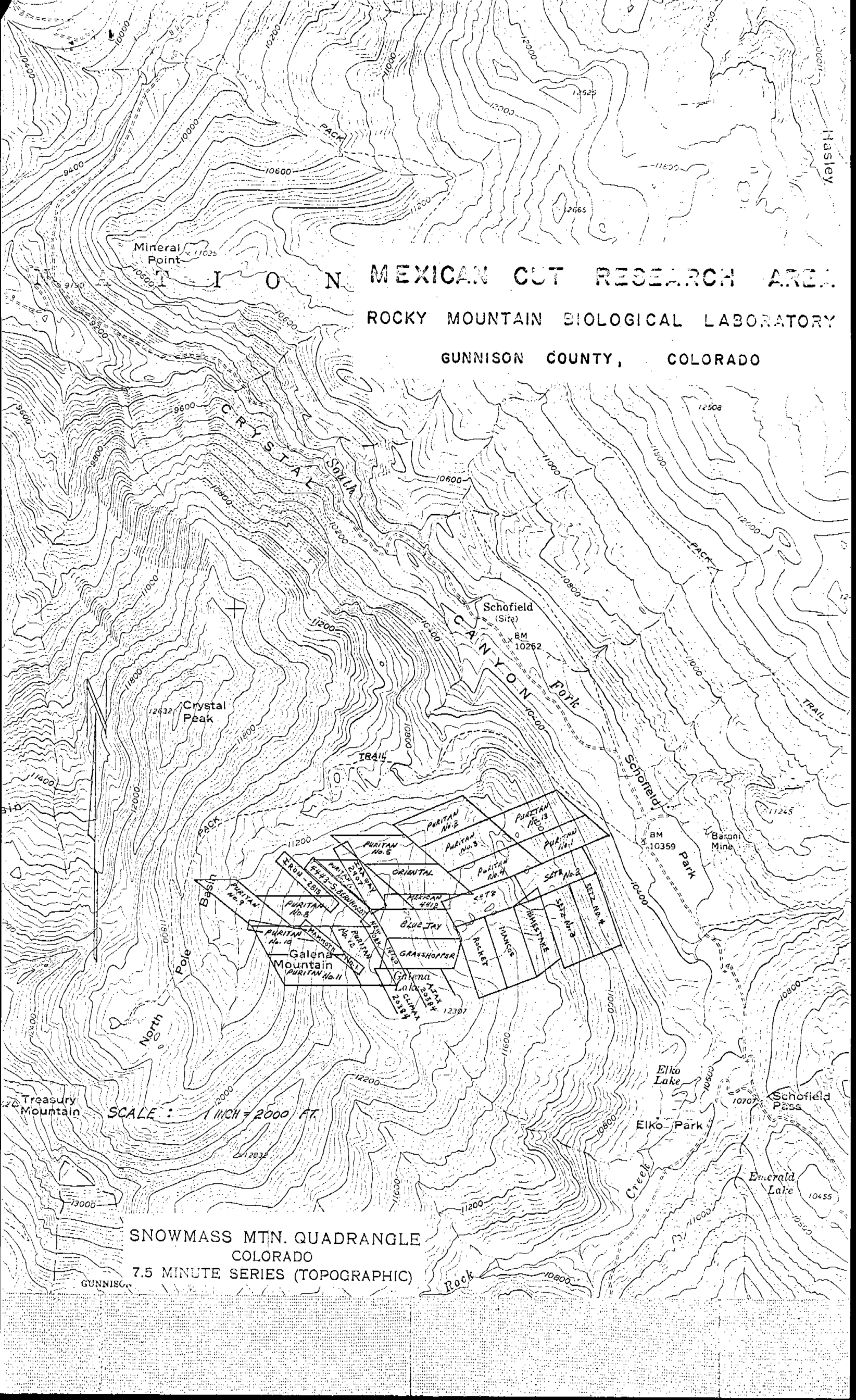
1990-01-27 10:27 AM 10:27 AM 10:27 AM

18 RUE

GUNNISON COUNTY, COLORADO

SCALE : 1 INCH = 400 FEET





Mineral Point

TION MEXICAN CUT RESEARCH AREA

ROCKY MOUNTAIN BIOLOGICAL LABORATORY

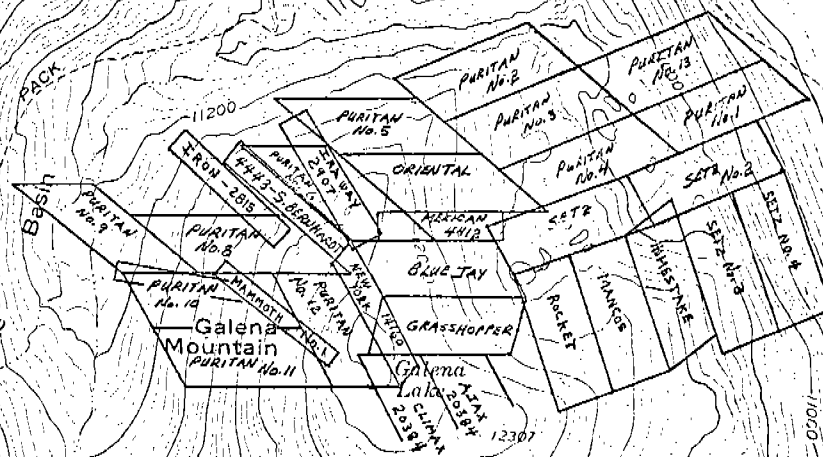
GUNNISON COUNTY, COLORADO

CRYSTAL SOUTH

Schofield (Site)

Crystal Peak

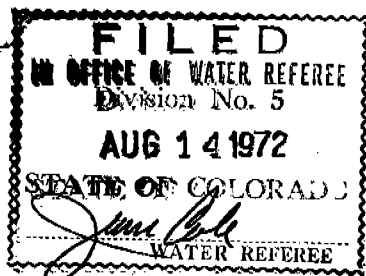
CANYON Fork



SCALE : 1 INCH = 2000 FT.

SNOWMASS MTN. QUADRANGLE
COLORADO
7.5 MINUTE SERIES (TOPOGRAPHIC)

GUNNISON

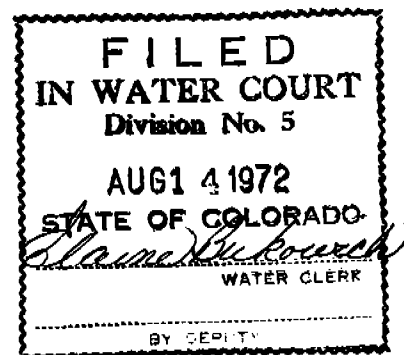


IN THE DISTRICT COURT IN AND

FOR WATER DIVISION NO. 5

STATE OF COLORADO

Application No. W-570



IN THE MATTER OF THE APPLICATION)
FOR WATER RIGHTS OF THE CORPORATION)
OF THE ROCKY MOUNTAIN BIOLOGICAL)
LABORATORY AT GOTHIC, A CORPORATION)
IN THE CRYSTAL RIVER IN GUNNISON)
COUNTY)

RULING OF
REFEREE

The above entitled matter having been referred to the undersigned as Water Referee for Water Division No. 5, State of Colorado, by the Water Judge of said Court on the 28th day of April, 1972, in accordance with Article 21 of Chapter 148, Colorado Revised Statutes 1963, as amended (Chapter 373 S.L. Colo. 1969), known as The Water Rights Determination and Administration Act of 1969.

And the undersigned Referee having made such investigations as are necessary to determine whether or not the statements in the application are true and having become fully advised with respect to the subject matter of the application does hereby make the following determination and ruling as the Referee in this matter, to-wit:

1. The statements in the application are true.
2. The name of the structure is Mexican Cut Natural Pond No. 5.
3. The name of claimant and address is: The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a Corporation, P.O. Box 179, Gunnison, Colorado 81230.
4. The source of the water is snow melt, underground springs, surface drainage and overflow from Mexican Cut Natural Ponds No. 5, 8, 7, and 6.
5. The pond is located in an unsurveyed area in Schofield Park on the South Fork of the Crystal River, within the boundaries of Puritan Lode No. 13, survey No. 20325, at a point whence Corner No. 4 of Setz Lode No. 3, survey No. 20427, bears S. 19°00' E. 1241.7 feet.
6. The use of the water is piscatorial, biological research and teaching, wildlife procreation and natural heritage preservation.
7. The date of initiation of appropriation is July 1, 1932.
8. The total capacity of reservoir is 0.33 acre feet.
9. This is a natural pond having only natural inlets and outlets.
10. The water has been in use for the above purposes since July 1, 1932.
11. This is a non-consumptive use of water.

The Referee does therefore conclude that the above entitled application should be granted and that 0.33 acre foot of water hereby is awarded to the Mexican Cut Natural Pond No. 5, for piscatorial, biological research and teaching, wildlife procreation and natural heritage preservation uses, with appropriation date of the 1st day of July, 1932, absolutely and unconditionally; subject, however, to all earlier priority rights of others and to the integration and tabulation by the Division Engineer of such priorities and changes of rights in accordance with law as may be determined in pending supplemental general adjudication proceedings.

It is accordingly ORDERED that this ruling shall be filed with the Water Clerk and shall become effective upon such filing, subject to judicial review pursuant to Section 148-21-20 CRS 1963 as amended (1971).

It is further ORDERED that a copy of this ruling shall be filed with the appropriate Division Engineer and the State Engineer.

Done at the City of Glenwood Springs, Colorado, this 10th day of AUGUST, 1972.

BY THE REFEREE:

No protest was filed in this matter.
The foregoing ruling is confirmed
and approved, and is made the
Judgment and Decree of this court.

Dated: March 1, 1973
[Signature]
Water Judge

[Signature]
Water Referee
Water Division No. 5
State of Colorado

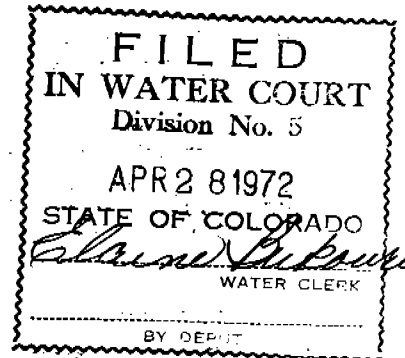
To Be Filed in Duplicate

IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 5

STATE OF COLORADO

CASE NO. W-571



IN THE MATTER OF THE
APPLICATION FOR
WATER RIGHTS OF THE CORPORATION OF
THE ROCKY MOUNTAIN BIOLOGICAL LABORATORY
AT GOTHIC, a corporation

APPLICATION FOR
WATER STORAGE RIGHT

NON-CONSUMPTIVE

IN GUNNISON COUNTY

1. Name of applicant: The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a corporation
Mailing address: P.O. Box 179, Gunnison, Colorado 81230

2. Name of reservoir: Mexican Cut Natural Pond No. 6

3. Legal description of reservoir survey at high water line:
Beginning at a point from which Corner No. 4 of Setz Lode No. 3, M.S. 20427 bears South 21°10' East 1353.4 feet; thence North 3°00' East 22.0 feet; thence North 37°13' West 31.1 feet; thence South 88°16' West 35.4 feet; thence South 9°15' East 52.9 feet, thence North 81°37' East 45.0 feet to the point of beginning, with an area of 0.05 acres

4. Source of water: Snow melt, underground springs, surface drainage and overflow from Mexican Cut Natural Pond No. 7

5. Date of initiation of appropriation: 7-1-32

6. Date of approval of reservoir by State Engineer: N/a

State Engineer No.: N/a

7. Amount of water claimed in acre feet: 0.16

8. Use or proposed use of the water: Biological research and teaching, wildlife procreation and natural heritage preservation

9. Maximum height of dam in feet: ~~0-16~~ N/a

10. Length of dam or proposed dam in feet: N/a

11. Total capacity of reservoir in acre feet: 0.16

12. Capacity of reservoir in acre feet from bottom of the outlet tube to the lowest point on the spillway:

N/a

13. Capacity of reservoir in acre feet from the bottom of the outlet tube to the lowest point in the reservoir:

N/a

14. Name and capacity of ditch or ditches leading to the reservoir, if applicable:

N/a

15. Name and capacity of ditch or ditches leading from the reservoir, if applicable:

N/a

16. Estimated cost of the reservoir: N/a

KLINGSMITH, RUSSELL & FRENCH

PL Kling - t.
Attorney for Applicant

State of Colorado
County of Gunnison } ss.

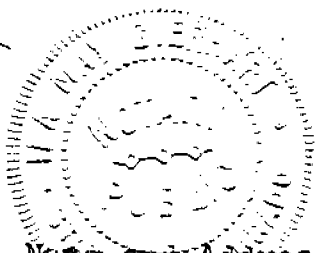
Robert B. Willey, being first duly sworn upon oath, deposes and says that he has read the foregoing application, knows the contents thereof and that the same is true.

Robert B. Willey

Subscribed and sworn to before me this 27th day of April, 1972.

My commission expires 4-23-75.

Ma May Gierhart
Notary Public



Name and Address
of Applicant:

The Corporation of the Rocky Mountain
Biological Laboratory at Gothic,
P.O. Box 179,
Gunnison, Colorado 81230

Name, Address, and Telephone No.
of Attorney for Applicant:

Klingsmith, Russell & French
110 East Virginia Avenue - Box 179
Gunnison, Colorado 81230
Telephone: 641-1334

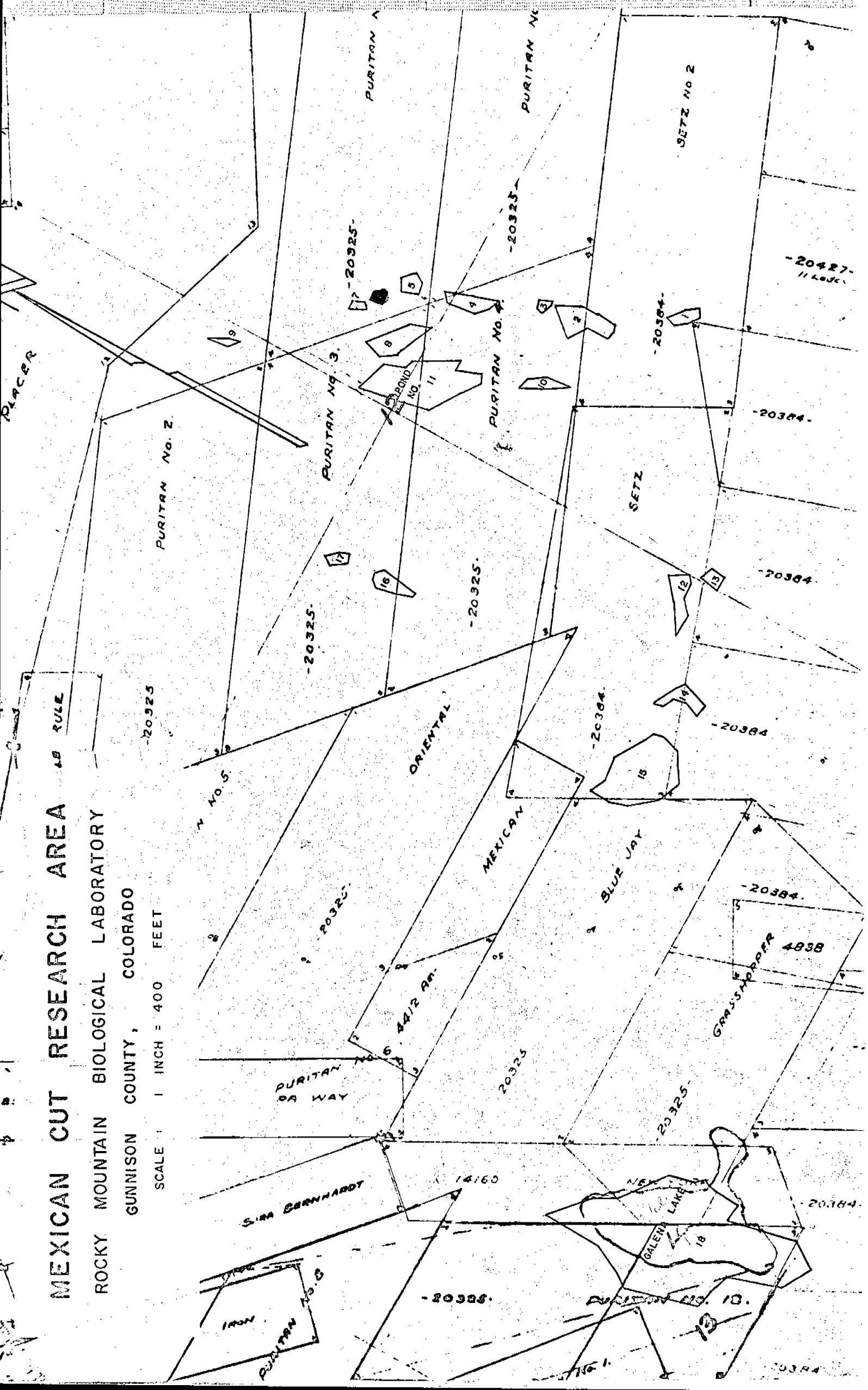
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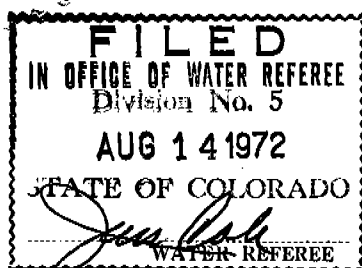
MEXICAN CUT RESEARCH AREA 10 RULE

ROCKY MOUNTAIN BIOLOGICAL LABORATORY

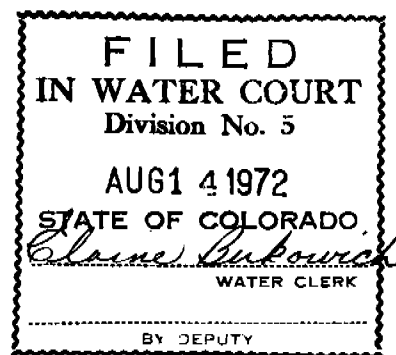
GUNNISON COUNTY, COLORADO

SCALE : 1 INCH = 400 FEET





IN THE DISTRICT COURT IN AND
FOR WATER DIVISION NO. 5
STATE OF COLORADO
Application No. W-571



IN THE MATTER OF THE APPLICATION)
FOR WATER RIGHTS OF THE CORPORATION)
OF THE ROCKY MOUNTAIN BIOLOGICAL)
LABORATORY AT GOTHIC, A CORPORATION)
IN THE CRYSTAL RIVER IN GUNNISON)
COUNTY)

RULING OF
REFEREE

The above entitled matter having been referred to the undersigned as Water Referee for Water Division No. 5, State of Colorado, by the Water Judge of said Court on the 28th day of April, 1972, in accordance with Article 21 of Chapter 148, Colorado Revised Statutes 1963, as amended (Chapter 373 S.L. Colo. 1969), known as The Water Rights Determination and Administration Act of 1969.

And the undersigned Referee having made such investigations as are necessary to determine whether or not the statements in the application are true and having become fully advised with respect to the subject matter of the application does hereby make the following determination and ruling as the Referee in this matter, to-wit:

1. The statements in the application are true.
2. The name of the structure is Mexican Cut Natural Pond No. 6.
3. The name of claimant and address is: The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a Corporation, P.O. Box 179, Gunnison, Colorado 81230.
4. The source of the water is snow melt, underground springs, surface drainage and overflow from Mexican Cut Natural Pond No. 7.
5. The pond is located in an unsurveyed area in Schofield Park on the South Fork of the Crystal River, within the boundaries of Puritan Lode No. 13, Survey No. 20325, at a point whence Corner No. 4 of Setz Lode No. 3, Survey No. 20427, bears S. 21°10' E. 1353.4 feet.
6. The use of the water is piscatorial, biological research and teaching, wildlife procreation and natural heritage preservation.
7. The date of initiation of appropriation is July 1, 1932.
8. The total capacity of reservoir is 0.16 acre foot.
9. This is a natural pond having only natural inlets and outlets.
10. The water has been in use for the above purposes since July 1, 1932.
11. This is a non-consumptive use of water.

The Referee does therefore conclude that the above entitled application should be granted and that 0.16 acre foot of water per second of time hereby is awarded to the Mexican Cut Natural Pond No. 6 for piscatorial, biological research and teaching, wildlife procreation and natural heritage preservation uses, with appropriation date of the 1st day of July, 1932, absolutely and unconditionally; subject, however, to all earlier priority rights of others and to the integration and tabulation by the Division Engineer of such priorities and changes of rights in accordance with law as may be determined in pending supplemental general adjudication proceedings.

It is accordingly ORDERED that this ruling shall be filed with the Water Clerk and shall become effective upon such filing, subject to judicial review pursuant to Section 148-21-20 CRS 1963 as amended (1971).

It is further ORDERED that a copy of this ruling shall be filed with the appropriate Division Engineer and the State Engineer.

Done at the City of Glenwood Springs, Colorado, this 14th day of AUGUST, 1972.

BY THE REFEREE:

No protest was filed in this matter.
The foregoing ruling is confirmed
and approved, and is made the
Judgment and Decree of this court.

Dated: March 1, 1973

[Signature]
Water Judge

[Signature]
Water Referee
Water Division No. 5
State of Colorado

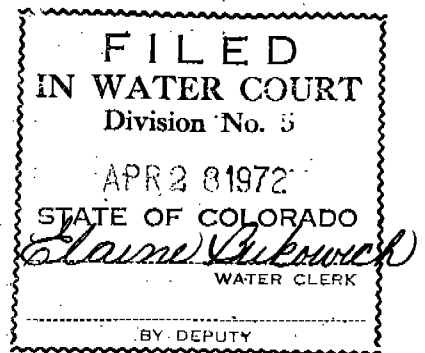
To Be Filed in Duplicate

IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 5

STATE OF COLORADO

CASE NO. W-572



IN THE MATTER OF THE
APPLICATION FOR
WATER RIGHTS OF THE CORPORATION OF
THE ROCKY MOUNTAIN BIOLOGICAL LABORATORY
AT GOTHIC, a corporation

APPLICATION FOR
WATER STORAGE RIGHT

NON-CONSUMPTIVE

IN GUNNISON COUNTY

1. Name of applicant: The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a corporation
Mailing address: P.O. Box 179, Gunnison, Colorado 81230
2. Name of reservoir: Mexican Cut Natural Pond No. 7
3. Legal description of reservoir survey at high water line:
Beginning at a point from which Corner No. 4 of Setz Lode No. 3, M.S. 20427 bears South 24°09' East 1431.8 feet; thence North 48°41' East 27.4 feet; thence North 19°15' West 44.7 feet; thence North 89°19' West 30.5 feet; thence South 22°09' East 65.4 feet to the point of beginning, with an area of 0.03 acres
4. Source of water: Snow melt, underground springs and surface drainage
5. Date of initiation of appropriation: 7-1-32
6. Date of approval of reservoir by State Engineer: N/a
State Engineer No.: N/a
7. Amount of water claimed in acre feet: 0.10
8. Use or proposed use of the water: Biological research and teaching.
wildlife procreation and natural heritage preservation
9. Maximum height of dam in feet: N/a
10. Length of dam or proposed dam in feet: N/a
11. Total capacity of reservoir in acre feet: 0.10
12. Capacity of reservoir in acre feet from bottom of the outlet tube to the lowest point on the spillway:
N/a
13. Capacity of reservoir in acre feet from the bottom of the outlet tube to the lowest point in the reservoir:
N/a

14. Name and capacity of ditch or ditches leading to the reservoir, if applicable:

N/a

15. Name and capacity of ditch or ditches leading from the reservoir, if applicable:

N/a

16. Estimated cost of the reservoir:

N/a

KLINGSMITH, RUSSELL & FRENCH

R. Kling
Attorney for Applicant

State of Colorado }
County of Gunnison } ss.

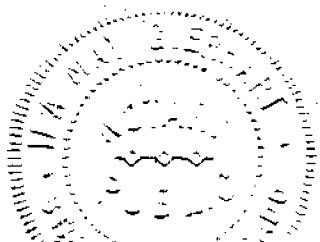
Robert B. Willey, being first duly sworn upon oath, deposes and says that he has read the foregoing application, knows the contents thereof and that the same is true.

Robert B. Willey

Subscribed and sworn to before me this 27th day of April, 19 72.

My commission expires 4-23-75.

Ma May Guernhart
Notary Public



Name and Address
of Applicant:

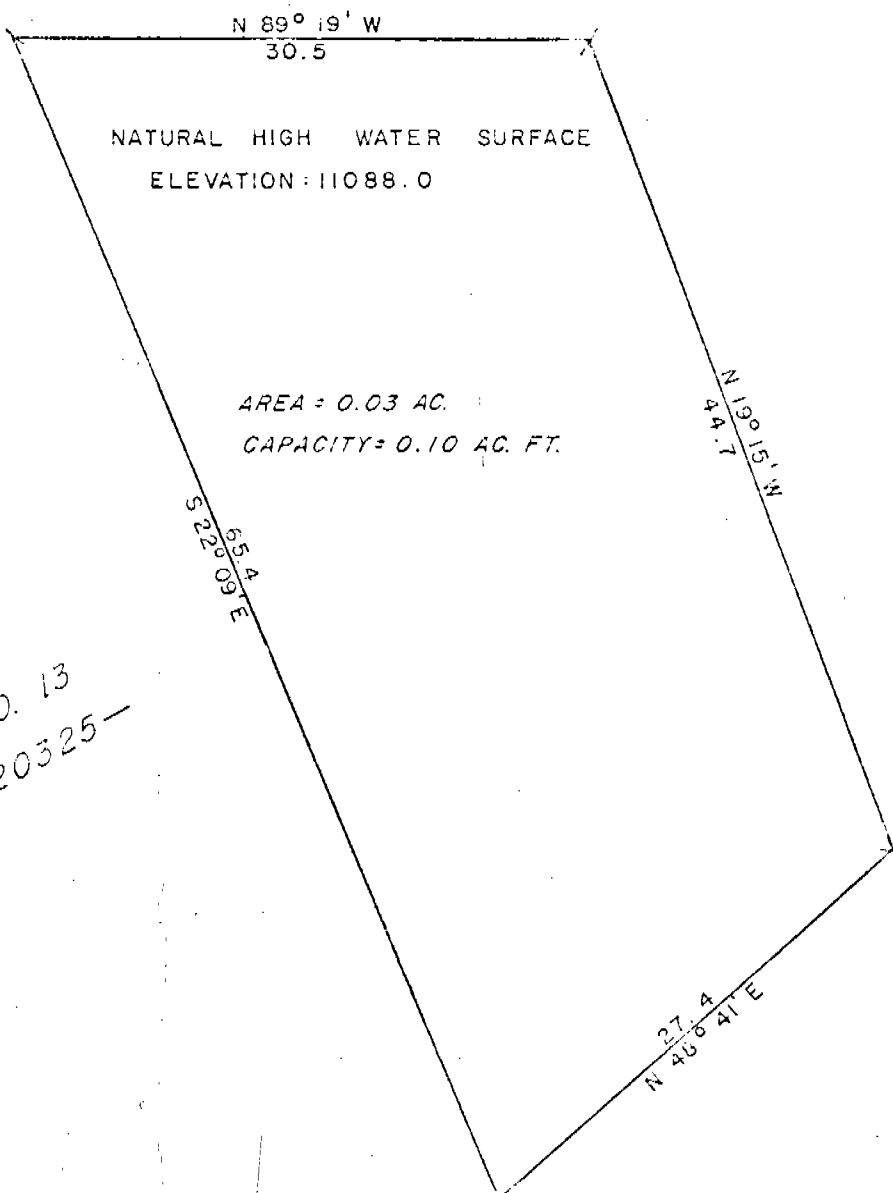
The Corporation of the Rocky Mountain
Biological Laboratory at Gothic,
P.O. Box 179,
Gunnison, Colorado 81230

Name, Address, and Telephone No.
of Attorney for Applicant:

Klingsmith, Russell & French
110 East Virginia Avenue - Box 179
Gunnison, Colorado 81230
Telephone: 641-1334

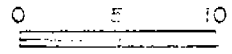
Map of
 MEXICAN CUT NATURAL POND NO. 7
 Gunnison County, Colorado
 WATER DIVISION NO. 5
 True Meridian based on Magnetic Declination of 14°30'
 SCALE 1 inch = 10 feet

DATE Aug 31, 1971 SCALE 1 in. = 10 ft. APPROVED 60 ft.
 DRAWN BY J4/186
 REGISTERED ENGINEER & LAND SURVEYOR
 SALIDA, COLORADO
 ROBERT F. HARRISON & ASSOCIATES, INC.



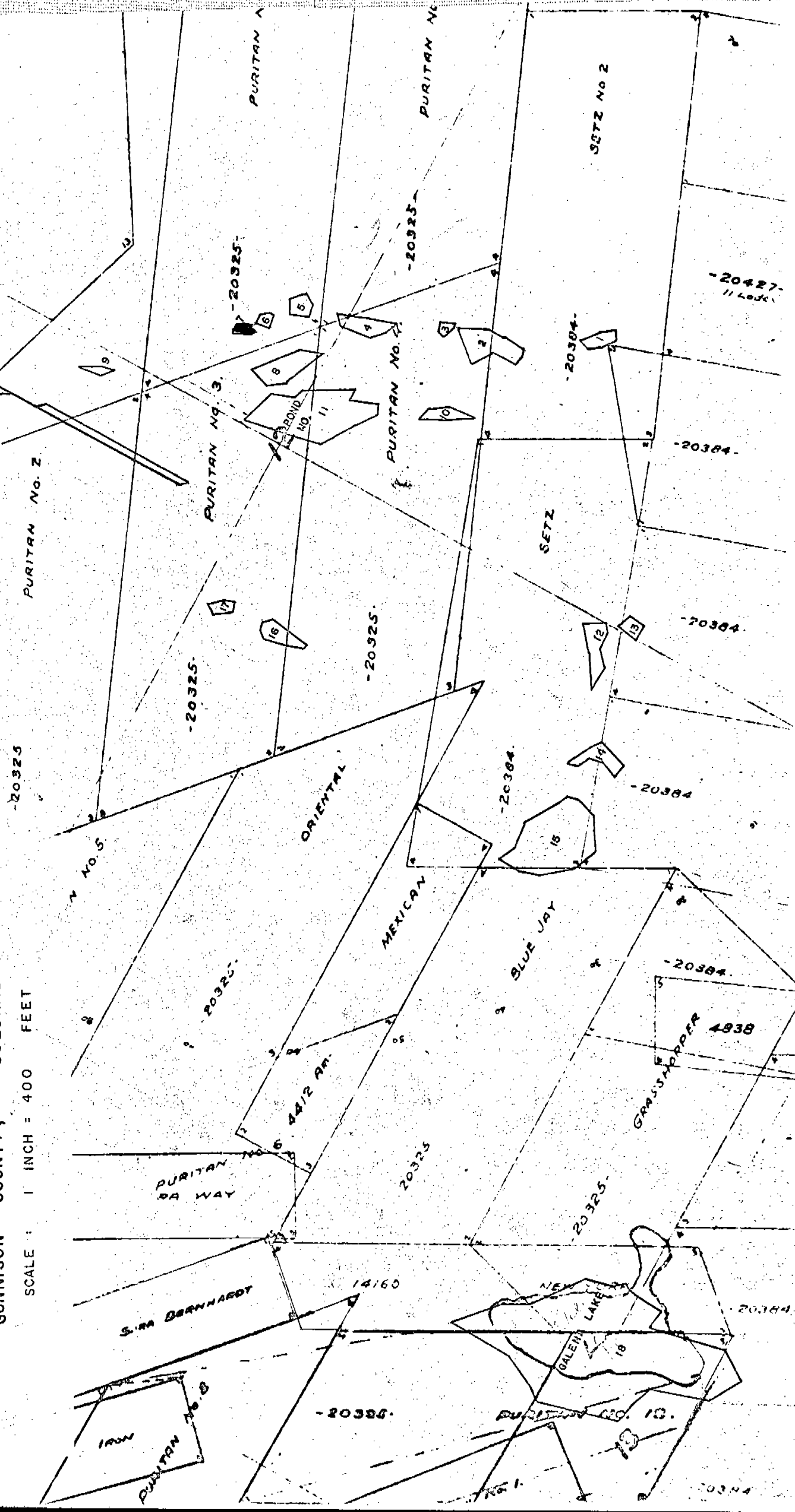
PURITAN NO. 13
 —M.S. NO. 20325—

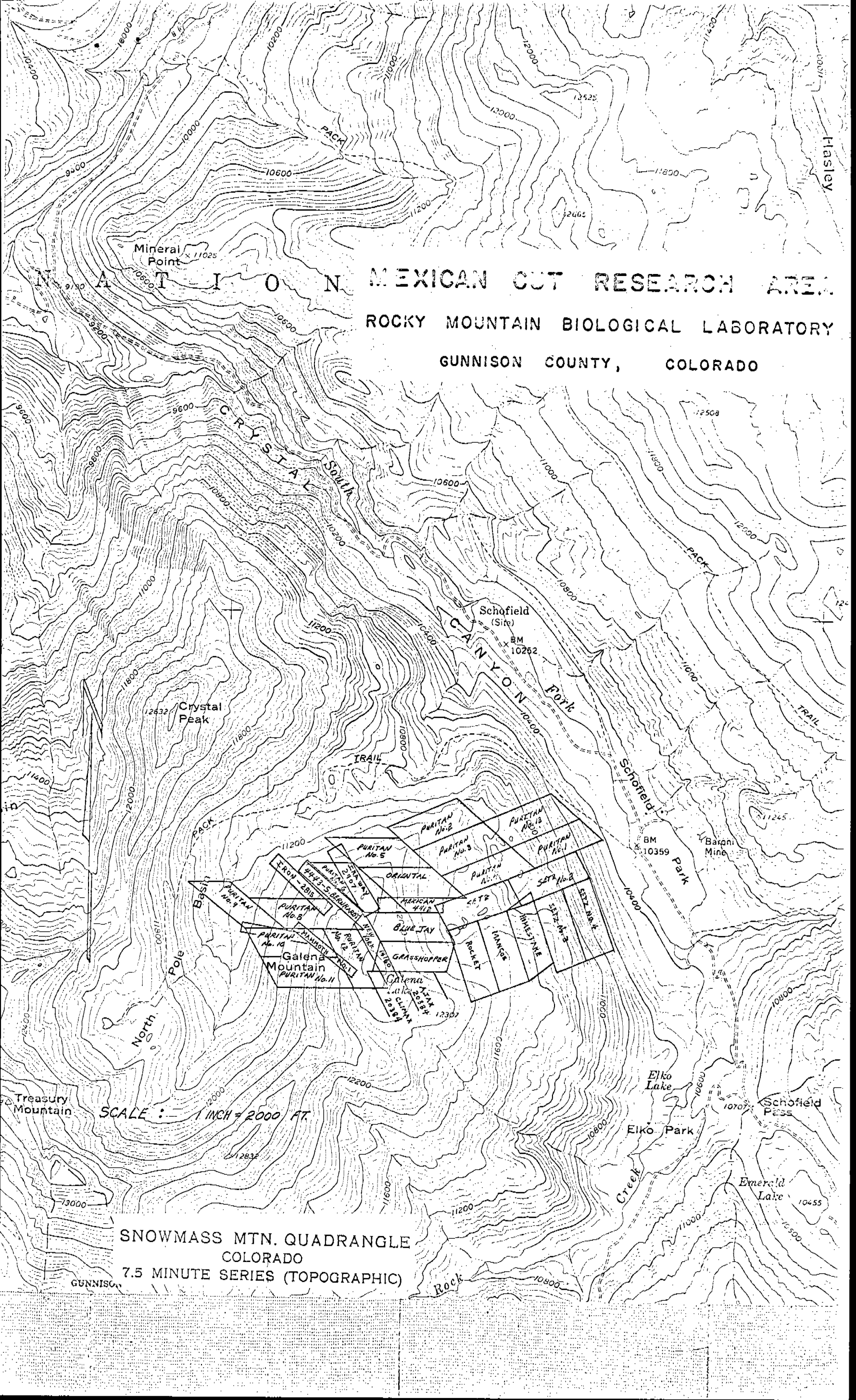
TO COR. NO. 4 SET 2 NO. 3
 M.S. NO. 20427 (MARKED STONE IN PLACE)
 TO S 61° 03' E 143.8
 TBM 'D' 60 D SPIKE IN 24" DHT SPRUCE
 ASSIGNED ELEVATION: 11090.0
 238.9



GUNNISON COUNTY, COLORADO

SCALE : 1 INCH = 400 FEET

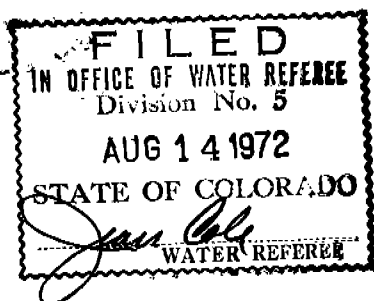




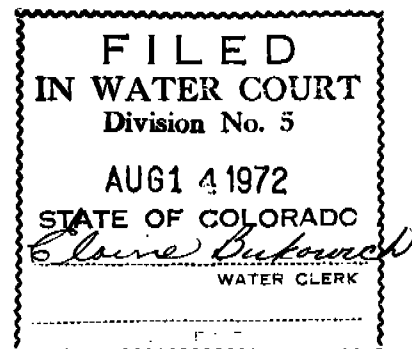
NATCHO MEXICAN CUT RESEARCH AREA
ROCKY MOUNTAIN BIOLOGICAL LABORATORY
GUNNISON COUNTY, COLORADO

SCALE : 1 INCH = 2000 FT

SNOWMASS MTN. QUADRANGLE
COLORADO
7.5 MINUTE SERIES (TOPOGRAPHIC)
GUNNISON



IN THE DISTRICT COURT IN AND
FOR WATER DIVISION NO. 5
STATE OF COLORADO
Application No. W-572



IN THE MATTER OF THE APPLICATION)
FOR WATER RIGHTS OF THE CORPORATION)
OF THE ROCKY MOUNTAIN BIOLOGICAL)
LABORATORY AT GOTHIC, A CORPORATION)
IN THE CRYSTAL RIVER IN GUNNISON)
COUNTY)

RULING OF
REFEREE

The above entitled matter having been referred to the undersigned as Water Referee for Water Division No. 5, State of Colorado, by the Water Judge of said Court on the 28th day of April, 1972, in accordance with Article 21 of Chapter 148, Colorado Revised Statutes 1963, as amended (Chapter 373 S.L. Colo. 1969), known as The Water Rights Determination and Administration Act of 1969.

And the undersigned Referee having made such investigations as are necessary to determine whether or not the statements in the application are true and having become fully advised with respect to the subject matter of the application does hereby make the following determination and ruling as the Referee in this matter, to-wit:

1. The statements in the application are true.
2. The name of the structure is Mexican Cut Natural Pond No. 7.
3. The name of claimant and address is: The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a Corporation, P.O. Box 179, Gunnison, Colorado 81230.
4. The source of the water is snow melt, underground springs and surface drainage.
5. The pond is located in an unsurveyed area in Schofield Park on the South Fork of the Crystal River, within the boundaries of Puritan Lode No. 13, Survey No. 20325, at a point whence Corner No. 4 of Setz Lode No. 3, Survey No. 20427, bears S. 24°09' E. 1431.8 feet.
6. The use of the water is piscatorial, biological research and teaching, wildlife procreation and natural heritage preservation.
7. The date of initiation of appropriation is July 1, 1932.
8. The total capacity of reservoir is 0.10 acre foot.
9. This is a natural pond having only natural inlets and outlets.
10. The water has been in use for the above purposes since July 1, 1932.
11. This is a non-consumptive use of water.

The Referee does therefore conclude that the above entitled application should be granted and that 0.10 acre foot of water hereby is awarded to the Mexican Cut Natural Pond No. 7 for piscatorial, biological research and teaching, wildlife procreation and natural heritage preservation uses, with appropriation date of the 1st day of July, 1972, absolutely and unconditionally; subject, however, to all earlier priority rights of others and to the integration and tabulation by the Division Engineer of such priorities and changes of rights in accordance with law as may be determined in pending supplemental general adjudication proceedings.

It is accordingly ORDERED that this ruling shall be filed with the Water Clerk and shall become effective upon such filing, subject to judicial review pursuant to Section 148-21-20 CRS 1963 as amended (1971).

It is further ORDERED that a copy of this ruling shall be filed with the appropriate Division Engineer and the State Engineer.

Done at the City of Glenwood Springs, Colorado, this 14th day of AUGUST, 1972.

BY THE REFEREE:

No protest was filed in this matter
The foregoing ruling is confirmed
and approved, and is made the
Judgment and Decree of this court.

Dated: March 1, 1973

Charles J. Ammer
Water Judge

Jean Cole
Water Referee
Water Division No. 5
State of Colorado

To Be Filed in Duplicate

IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 5

STATE OF COLORADO

CASE NO. W-573

FILED
IN WATER COURT
Division No. 5

APR 28 1972

STATE OF COLORADO

WATER CLERK

BY DEPUTY

IN THE MATTER OF THE
APPLICATION FOR
WATER RIGHTS OF THE CORPORATION OF
THE ROCKY MOUNTAIN BIOLOGICAL
LABORATORY AT GOTHIC, a corporation

APPLICATION FOR
WATER STORAGE RIGHT

NON-CONSUMPTIVE

IN GUNNISON COUNTY

1. Name of applicant: The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a corporation
Mailing address: P.O. Box 179, Gunnison, Colorado 81230
2. Name of reservoir: Mexican Cut Natural Pond No. 8
3. Legal description of reservoir survey at high water line:
=Beginning at a point from which Corner No. 4 of Setz Lode No. 3, M.S. 20427 bears South 31°05' East 1316.9 feet; thence South 65°02' East 157.6 feet; thence North 19°13' West 88.0 feet; thence North 48°02' West 72.3 feet; thence North 48°43' West 103.7 feet; thence South 19°22' West 73.6 feet; thence South 33°27' East 76.6 feet to the point of beginning, with an area of 0.34 acres
4. Source of water: Snow melt, underground springs and surface drainage
5. Date of initiation of appropriation: 7-1-32
6. Date of approval of reservoir by State Engineer: N/a
State Engineer No.: N/a
7. Amount of water claimed in acre feet: 1.35
8. Use or proposed use of the water: Biological research and teaching, Wildlife procreation and natural heritage preservation
9. Maximum height of dam in feet: N/a
10. Length of dam or proposed dam in feet: N/a
11. Total capacity of reservoir in acre feet: 1.35
12. Capacity of reservoir in acre feet from bottom of the outlet tube to the lowest point on the spillway:
N/a
13. Capacity of reservoir in acre feet from the bottom of the outlet tube to the lowest point in the reservoir:
N/a

14. Name and capacity of ditch or ditches leading to the reservoir, if applicable:

N/a

15. Name and capacity of ditch or ditches leading from the reservoir, if applicable:

N/a

16. Estimated cost of the reservoir: N/a

KLINGSMITH, RUSSELL & FRENCH

KLINGSMITH, RUSSELL & FRENCH
Attorney for Applicant

State of Colorado Gunnison } ss.
County of

Robert B. Willey, being first duly sworn upon oath, deposes and says that he has read the foregoing application, knows the contents thereof and that the same is true.

Robert B. Willey

Subscribed and sworn to before me this 27th day of April, 1972.

My commission expires 4-23-75.

Ila May Gerhart
Notary Public



Name and Address of Applicant:

The Corporation of the Rocky Mountain
Biological Laboratory at Gothic,
P.O. Box 179
Gunnison, Colorado 81230

Name, Address, and Telephone No. of Attorney for Applicant:

Klingsmith, Russell & French
110 East Virginia Avenue - Box 179
Gunnison, Colorado 81230
Telephone: 641-1334

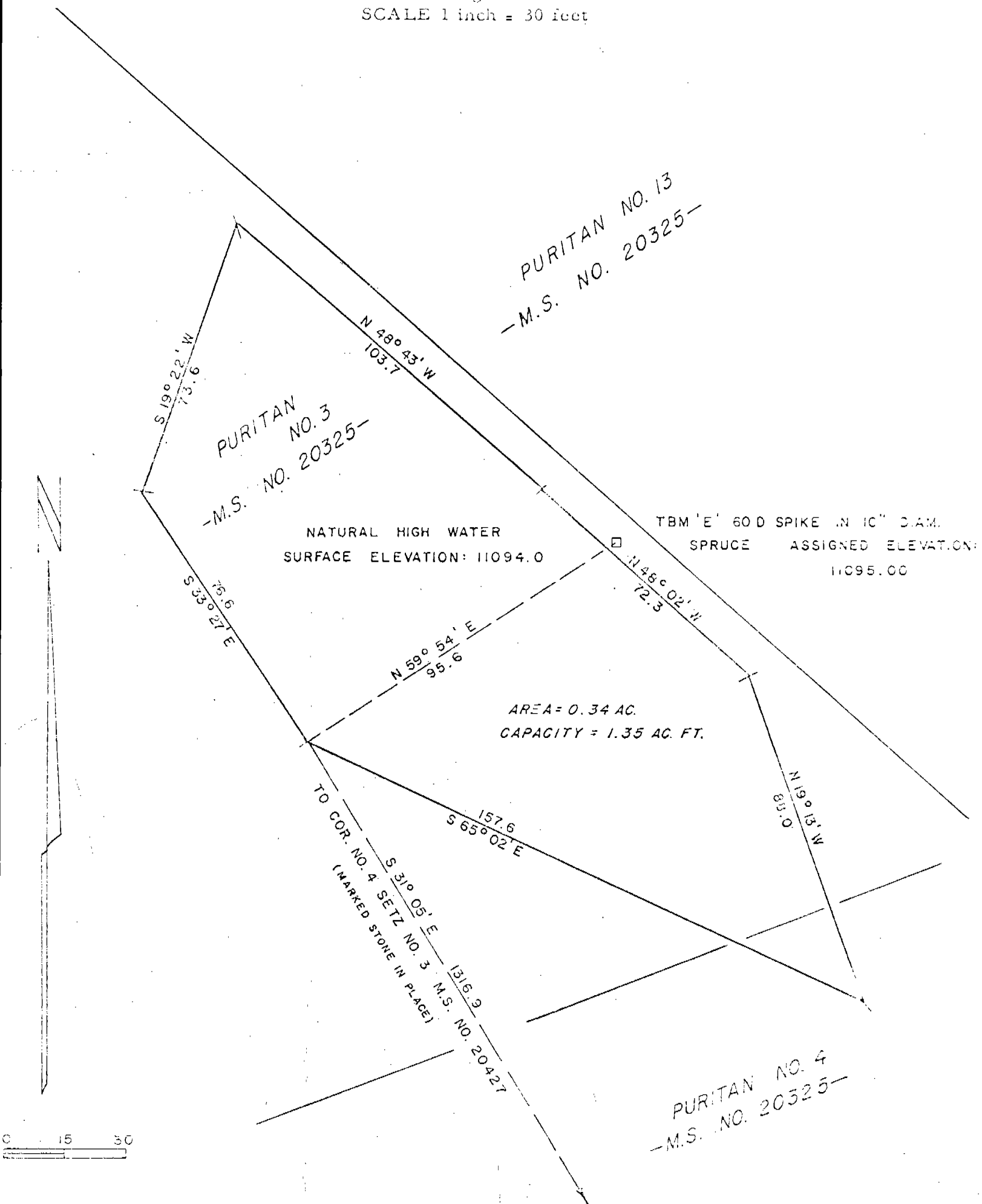
Map of
MEXICAN CUT NATURAL POND NO. 3

Gunnison County, Colorado

WATER DIVISION NO. 5

True Meridian based on Magnetic Declination of 14°30'

SCALE 1 inch = 30 feet



ROBERT F. HARRISON, C.E., P.E., S.E., P.L.S.

REGISTERED ENGINEER & LAND SURVEYOR
SALIDA, COLORADO

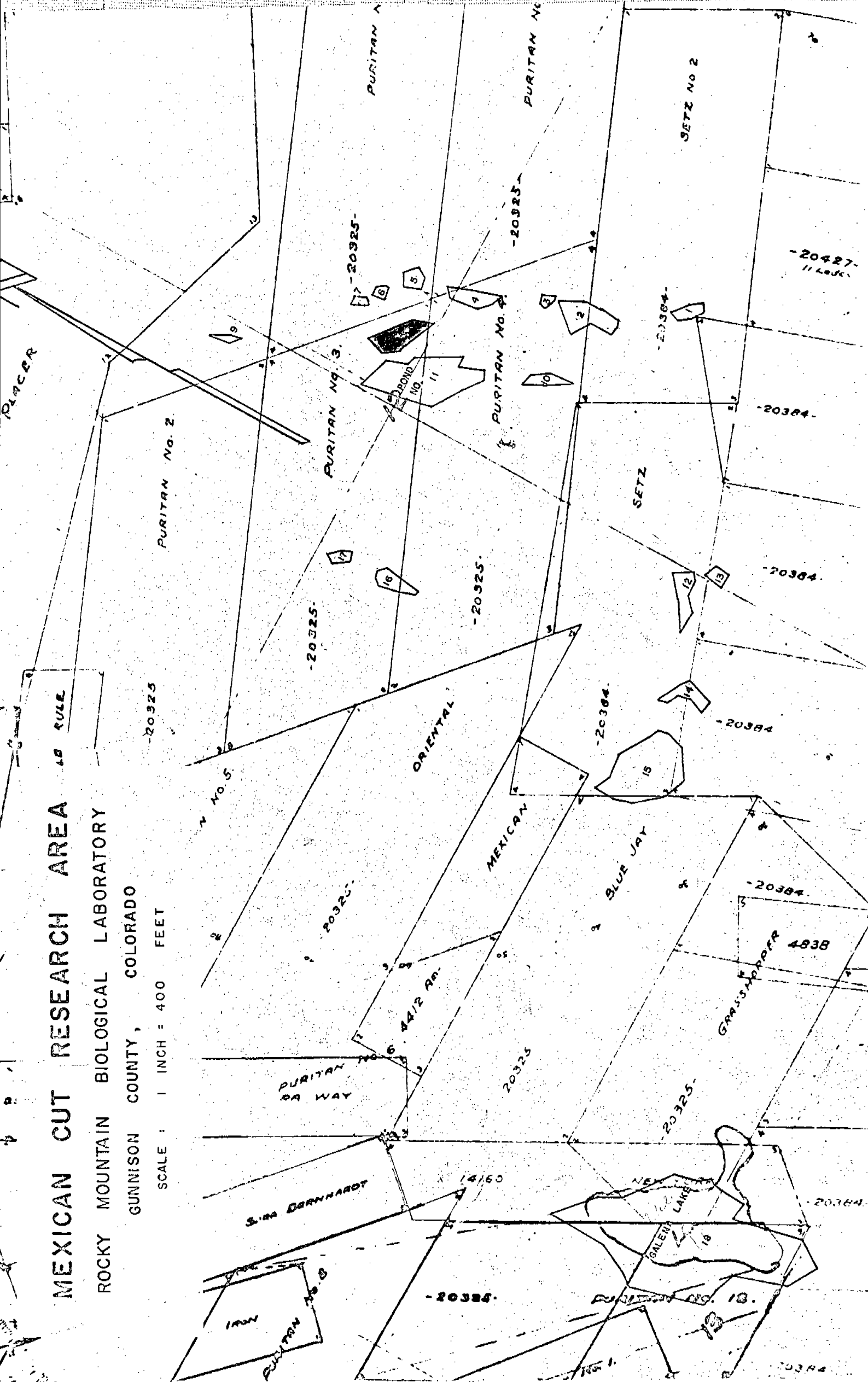
DATE APR. 21, 1971 SCALE 1 IN. = 30 FT.

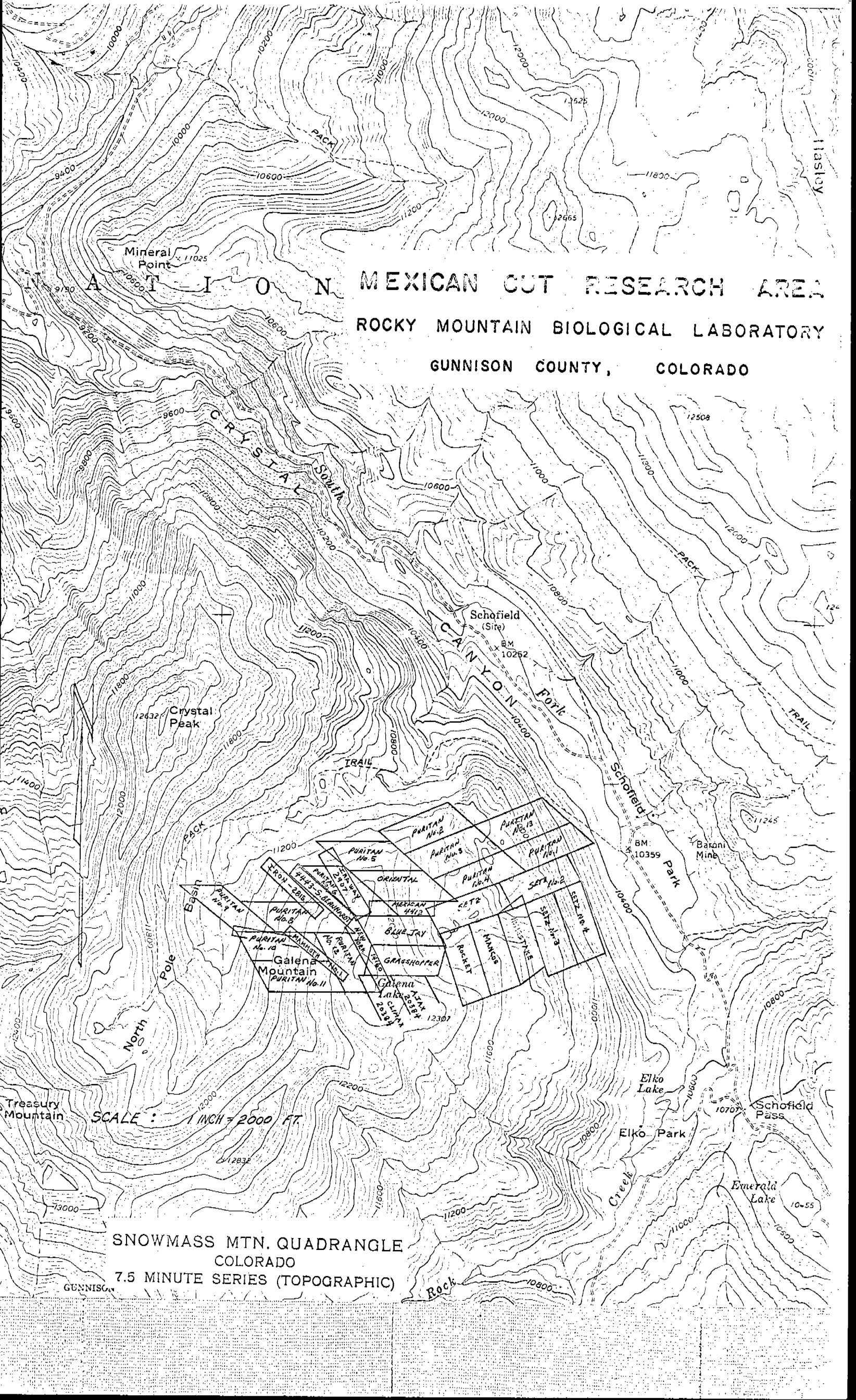
MEXICAN CUT RESEARCH AREA 10 RULE

ROCKY MOUNTAIN BIOLOGICAL LABORATORY

GUNNISON COUNTY, COLORADO

SCALE : 1 INCH = 400 FEET

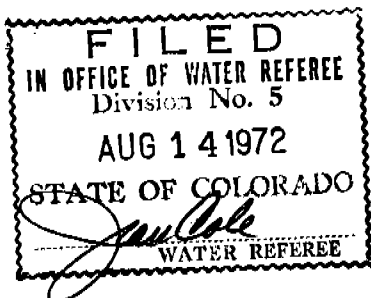




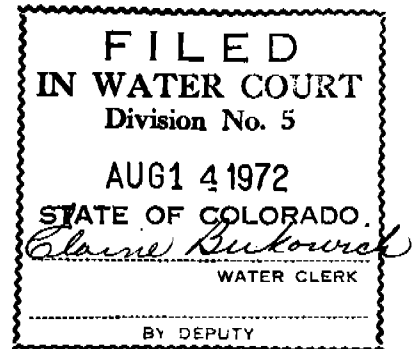
ATLANTON MEXICAN CUT RESEARCH AREA
ROCKY MOUNTAIN BIOLOGICAL LABORATORY
GUNNISON COUNTY, COLORADO

SCALE : 1 INCH = 2000 FT.

SNOWMASS MTN. QUADRANGLE
COLORADO
7.5 MINUTE SERIES (TOPOGRAPHIC)
GUNNISON



IN THE DISTRICT COURT IN AND
FOR WATER DIVISION NO. 5
STATE OF COLORADO
Application No. W-573



IN THE MATTER OF THE APPLICATION)
FOR WATER RIGHTS OF THE CORPORATION)
OF THE ROCKY MOUNTAIN BIOLOGICAL)
LABORATORY AT GOTHIC, A CORPORATION)
IN THE CRYSTAL RIVER IN GUNNISON)
COUNTY)

RULING OF
REFEREE

The above entitled matter having been referred to the undersigned as Water Referee for Water Division No. 5, State of Colorado, by the Water Judge of said Court on the 28th day of April, 1972, in accordance with Article 21 of Chapter 148, Colorado Revised Statutes 1963, as amended (Chapter 373 S.L. Colo. 1969), known as The Water Rights Determination and Administration Act of 1969.

And the undersigned Referee having made such investigations as are necessary to determine whether or not the statements in the application are true and having become fully advised with respect to the subject matter of the application does hereby make the following determination and ruling as the Referee in this matter, to-wit:

1. The statements in the application are true.
2. The name of the structure is Mexican Cut Natural Pond No. 8.
3. The name of claimant and address is: The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a Corporation, P. O. Box 179, Gunnison, Colorado 81230.
4. The source of the water is snow melt, underground springs and surface drainage.
5. The pond is located in an unsurveyed area in Schofield Park on the South Fork of the Crystal River, within the boundaries of Puritan Lode No. 3, Survey No. 20325, and Puritan Lode No. 4, Survey No. 20325, at a point whence Corner No. 4 of Setz Lode No. 3, Survey No. 20427, bears S. 31°05' E. 1316.9 feet.
6. The use of the water is piscatorial, biological research and teaching, wildlife procreation and natural heritage preservation.
7. The date of initiation of appropriation is July 1, 1932.
8. The total capacity of reservoir is 1.35 acre feet.
9. This is a natural pond having only natural inlets and outlets.
10. The water has been in use for the above purposes since July 1, 1932.
11. This is a non-consumptive use of water.

The Referee does therefore conclude that the above entitled application should be granted and that 1.35 acre feet of water hereby is awarded to the Mexican Cut Natural Pond No. 8 for piscatorial, biological research and teaching, wildlife procreation and natural heritage preservation uses, with appropriation date of the 1st day of July, 1932, absolutely and unconditionally; subject, however, to all earlier priority rights of others and to the integration and tabulation by the Division Engineer of such priorities and changes of rights in accordance with law as may be determined in pending supplemental general adjudication proceedings.

It is accordingly ORDERED that this ruling shall be filed with the Water Clerk and shall become effective upon such filing, subject to judicial review pursuant to Section 148-21-20 CRS 1963 as amended (1971).

It is further ORDERED that a copy of this ruling shall be filed with the appropriate Division Engineer and the State Engineer.

Done at the City of Glenwood Springs, Colorado, this 14th day of AUGUST, 1972.

BY THE REFEREE:

No protest was filed in this matter.
The foregoing ruling is confirmed
and approved, and is made the
Judgment and Decree of this court.

Dated: March 1, 1973

[Signature]
Water Judge

[Signature]
Water Referee
Water Division No. 5
State of Colorado

To Be Filed in Duplicate

IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 5

STATE OF COLORADO

CASE NO. W-583

FILED
IN WATER COURT
Division No. 5

APR 28 1972

STATE OF COLORADO

WATER CLERK

BY DEPUTY

IN THE MATTER OF THE
APPLICATION FOR
WATER RIGHTS OF THE CORPORATION OF
THE ROCKY MOUNTAIN BIOLOGICAL LABORATORY
AT GOTHIC, a corporation

APPLICATION FOR
WATER STORAGE RIGHT

NON-CONSUMPTIVE

IN GUNNISON COUNTY

1. Name of applicant: The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a corporation
Mailing address: P.O. Box 179, Gunnison, Colorado 81230
2. Name of reservoir: Mexican Cut Natural Pond No. 9
3. Legal description of reservoir survey at high water line:
Beginning at a point from which Corner No. 2 of Puritan Lode No. 2, M.S. 20235 bears South 13°23' West 115.5 feet; thence North 8°23' West 39.1 feet; thence North 25°27' West 80.1 feet; thence South 2°59' East 77.3 feet; thence South 46°51' East 49.5 feet, to the point of beginning, with an area of 0.04 acres
4. Source of water: Snow melt, underground springs and surface drainage
5. Date of initiation of appropriation: 7-1-32
6. Date of approval of reservoir by State Engineer: N/a
State Engineer No.: N/a
7. Amount of water claimed in acre feet: 0.12
8. Use or proposed use of the water: Biological research and teaching, Wildlife procreation and natural heritage preservation
9. Maximum height of dam in feet: N/a
10. Length of dam or proposed dam in feet: N/a
11. Total capacity of reservoir in acre feet: 0.12
12. Capacity of reservoir in acre feet from bottom of the outlet tube to the lowest point on the spillway:
N/a
13. Capacity of reservoir in acre feet from the bottom of the outlet tube to the lowest point in the reservoir:
N/a

14. Name and capacity of ditch or ditches leading to the reservoir, if applicable:

N/a

15. Name and capacity of ditch or ditches leading from the reservoir, if applicable:

N/a

16. Estimated cost of the reservoir:

N/a

KLINGSMITH, RUSSELL & FRENCH

PC Kling - t
Attorney for Applicant

State of Colorado }
County of Gunnison } ss.

Robert B. Willey, being first duly sworn upon oath, deposes and says that he has read the foregoing application, knows the contents thereof and that the same is true.

Robert B. Willey

Subscribed and sworn to before me this 27th day of April, 1972.
My commission expires 4-23-75.

De May Gierhart
Notary Public

Name and Address of Applicant:

The Corporation of the Rocky Mountain
Biological Laboratory,
P.O. Box 179
Gunnison, Colorado 81230

Name, Address, and Telephone No. of Attorney for Applicant:

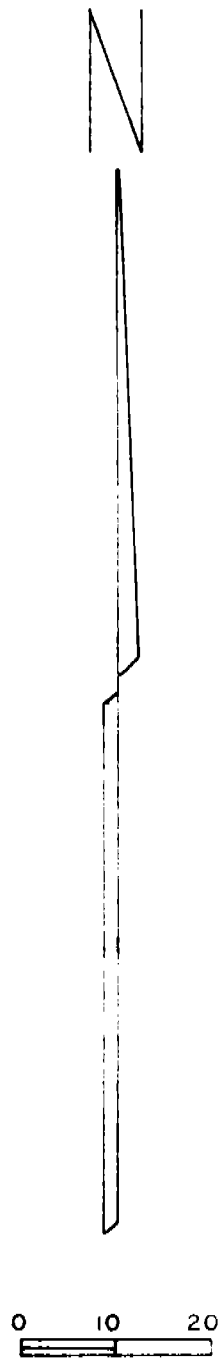
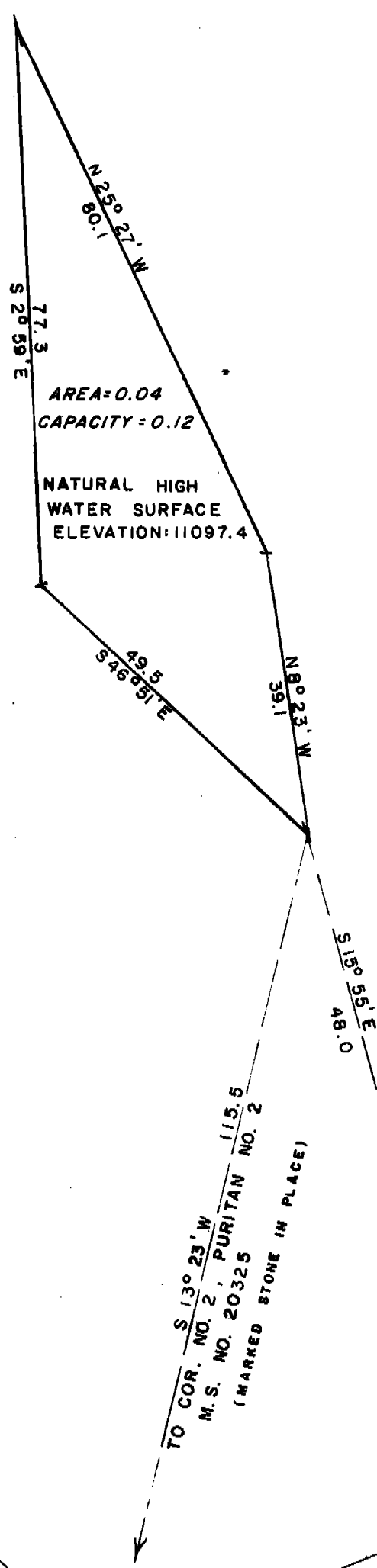
Klingsmith, Russell & French
110 East Virginia Avenue - Box 179,
Gunnison, Colorado 81230
Telephone: 641-1334

Map of
 MEXICAN CUT NATURAL POND NO. 9
 Gunnison County, Colorado
 WATER DIVISION NO. 5
 True Meridian based on Magnetic Declination of $14^{\circ}30'$
 SCALE 1 inch = 20 feet

DATE Aug 31, 1971 SCALE 1 IN. = 20 FT.
 DRAWN BY JH/Bc
 APPROVED R & B

ROBERT F. HARRISON & ASSOCIATES, INC.
 REGISTERED ENGINEER & LAND SURVEYOR
 SALIDA, COLORADO

WHITE RIVER
 NATIONAL FOREST



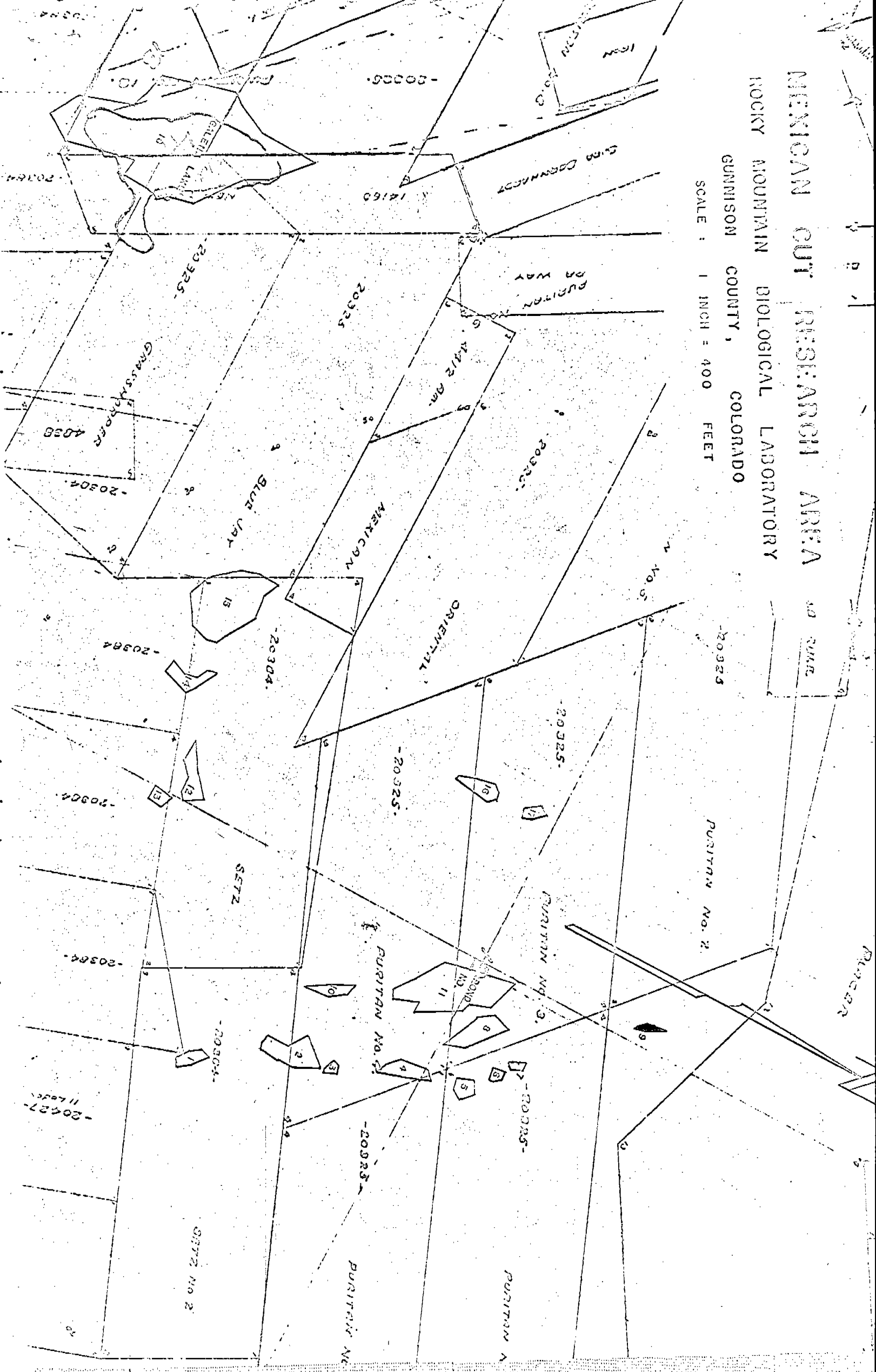
□ TBM 'F' 60 D SPIKE IN 36" DIAM. SPRUCE
 ASSIGNED ELEVATION: 11000.0

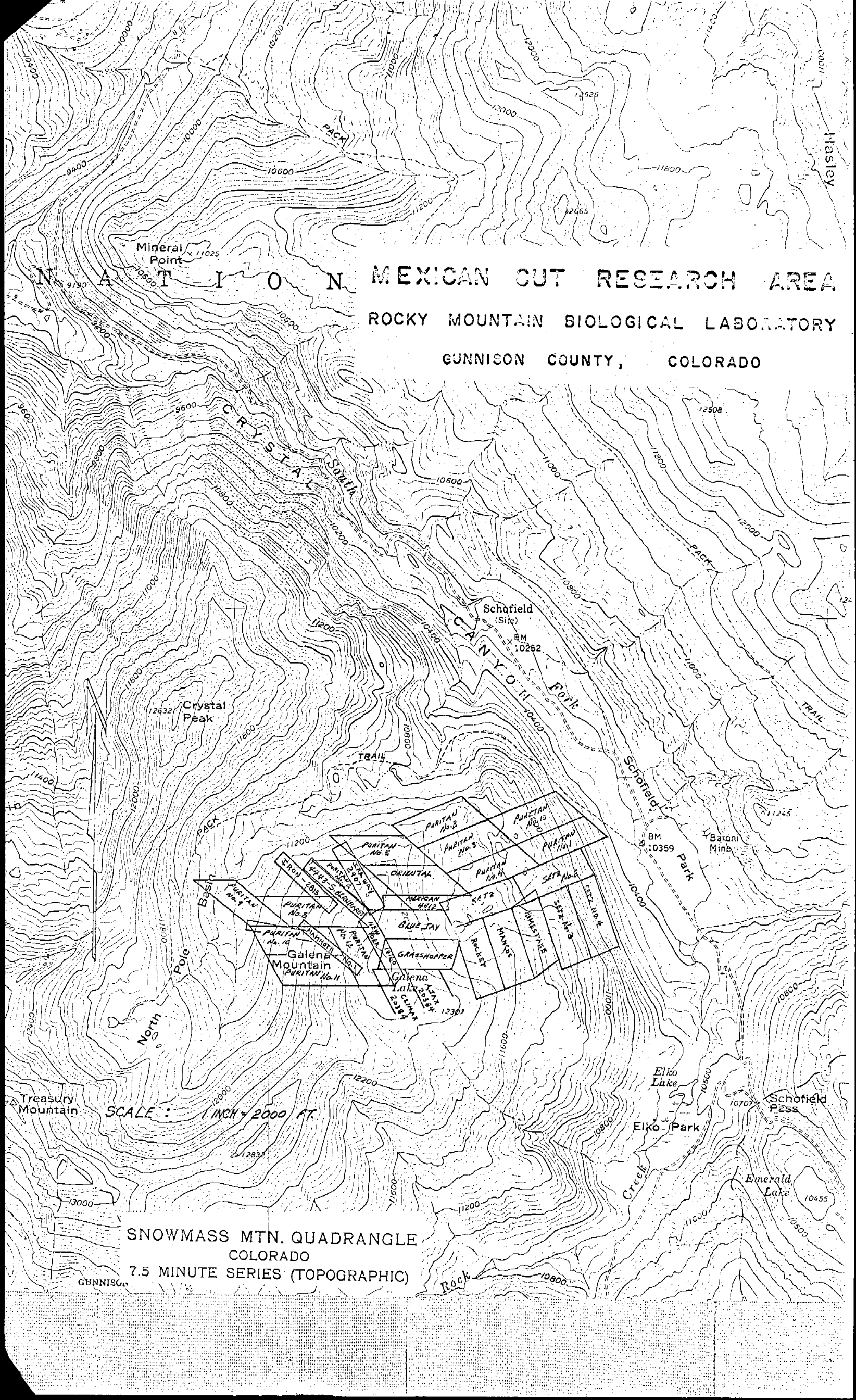
PURITAN NO. 2
 -M.S. NO. 20325-

PURITAN NO. 13
 -M.S. NO. 20325-

MEXICAN CUT RESEARCH AREA
ROCKY MOUNTAIN BIOLOGICAL LABORATORY
GUNNISON COUNTY, COLORADO

SCALE : 1 INCH = 400 FEET





MEXICAN CUT RESEARCH AREA

ROCKY MOUNTAIN BIOLOGICAL LABORATORY

GUNNISON COUNTY, COLORADO

SCALE : 1 INCH = 2000 FT.

SNOWMASS MTN. QUADRANGLE
COLORADO
7.5 MINUTE SERIES (TOPOGRAPHIC)

To Be Filed in Duplicate

IN THE DISTRICT COURT IN AND FOR
WATER DIVISION NO. 5

STATE OF COLORADO

CASE NO. W- 574

FILED
IN WATER COURT
Division No. 5

APR 2 8 1972

STATE OF COLORADO
Blaine D. Kouch
WATER CLERK

IN THE MATTER OF THE
APPLICATION FOR
WATER RIGHTS OF THE CORPORATION OF
THE ROCKY MOUNTAIN BIOLOGICAL LABORATORY
AT GOTHIC, a corporation

APPLICATION FOR
WATER STORAGE RIGHT

IN GUNNISON COUNTY

NON-CONSUMPTIVE

1. Name of applicant: The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a corporation
Mailing address: P.O. Box 179, Gunnison, Colorado 81230
2. Name of reservoir: Mexican Cut Natural Pond No. 10
3. Legal description of reservoir survey at high water line:
Beginning at a point from which corner No. 1 of Setz Lode, M.S. 20384 bears South 57°26' West 76.6 feet; thence North 11°51' West 147.3 feet; thence North 31°03' West 71.0 feet; thence North 75°45' West 44.7 feet; thence South 25°37' East 75.9 feet; thence South 26°37' East 163.8 feet, to the point of beginning, with an area of 0.13 acres
4. Source of water: Snow melt, underground springs, surface drainage and overflow from Mexican Cut Natural Spring No. 11
5. Date of initiation of appropriation: 7-1-32
6. Date of approval of reservoir by State Engineer: N/a
State Engineer No.: N/a
7. Amount of water claimed in acre feet: 0.56
8. Use or proposed use of the water: Biological research and teaching, Wildlife procreation and natural heritage preservation
9. Maximum height of dam in feet: N/a
10. Length of dam or proposed dam in feet: N/a
11. Total capacity of reservoir in acre feet: 0.56
12. Capacity of reservoir in acre feet from bottom of the outlet tube to the lowest point on the spillway:
N/a
13. Capacity of reservoir in acre feet from the bottom of the outlet tube to the lowest point in the reservoir:
N/a

14. Name and capacity of ditch or ditches leading to the reservoir, if applicable:

N/a

15. Name and capacity of ditch or ditches leading from the reservoir, if applicable:

N/a

16. Estimated cost of the reservoir: N/a

KLINGSMITH, RUSSELL & FRENCH

R C Kling
Attorney for Applicant

State of Colorado
County of Gunnison } ss.

Robert B. Willey, being first duly sworn upon oath, deposes and says that he has read the foregoing application, knows the contents thereof and that the same is true.

Robert B. Willey

Subscribed and sworn to before me this 27th day of April, 19⁷².

My commission expires 4-23-75.

Ila May Sherhart
Notary Public



Name and Address
of Applicant:

The Corporation of the Rocky Mountain
Biological Laboratory at Gothic,
P.O. Box 179
Gunnison, Colorado 81230

Name, Address, and Telephone No.
of Attorney for Applicant:

Klingsmith, Russell & French
110 East Virginia Avenue - Box 179,
Gunnison, Colorado 81230
Telephone: 641-1334

Map of
MEXICAN CUT NATURAL POND NO. 10
Garrison County, Colorado
WATER DIVISION NO. 5

True Meridian based on Magnetic Declination of 14° E.
SCALE 1 inch = 30 feet

TBM 'G'
60 D SPIKE IN 36"
DIAM. DOUBLE SPRUCE
ASSIGNED ELEVATION:
11095.00

N 75° 45' W
44.7
N 31° 03' W
71.0
S 29° 34' W
311.6
S 29° 37' E
75.9
AREA = 0.13 AC.
CAPACITY = 0.56
AC. FT.

NATURAL HIGH
WATER SURFACE
ELEVATION:
11090.9

S 26° 37' E
163.8
N 11° 51' W
147.3

S 57° 26' W
76.6

COR. NO. 1 'SETZ' M.S.
NO. 20384
(MARKED STONE IN PLACE)

PURITAN NO. 4
-M.S. 20325-

0 15 30

SETZ
-M.S. 20394-

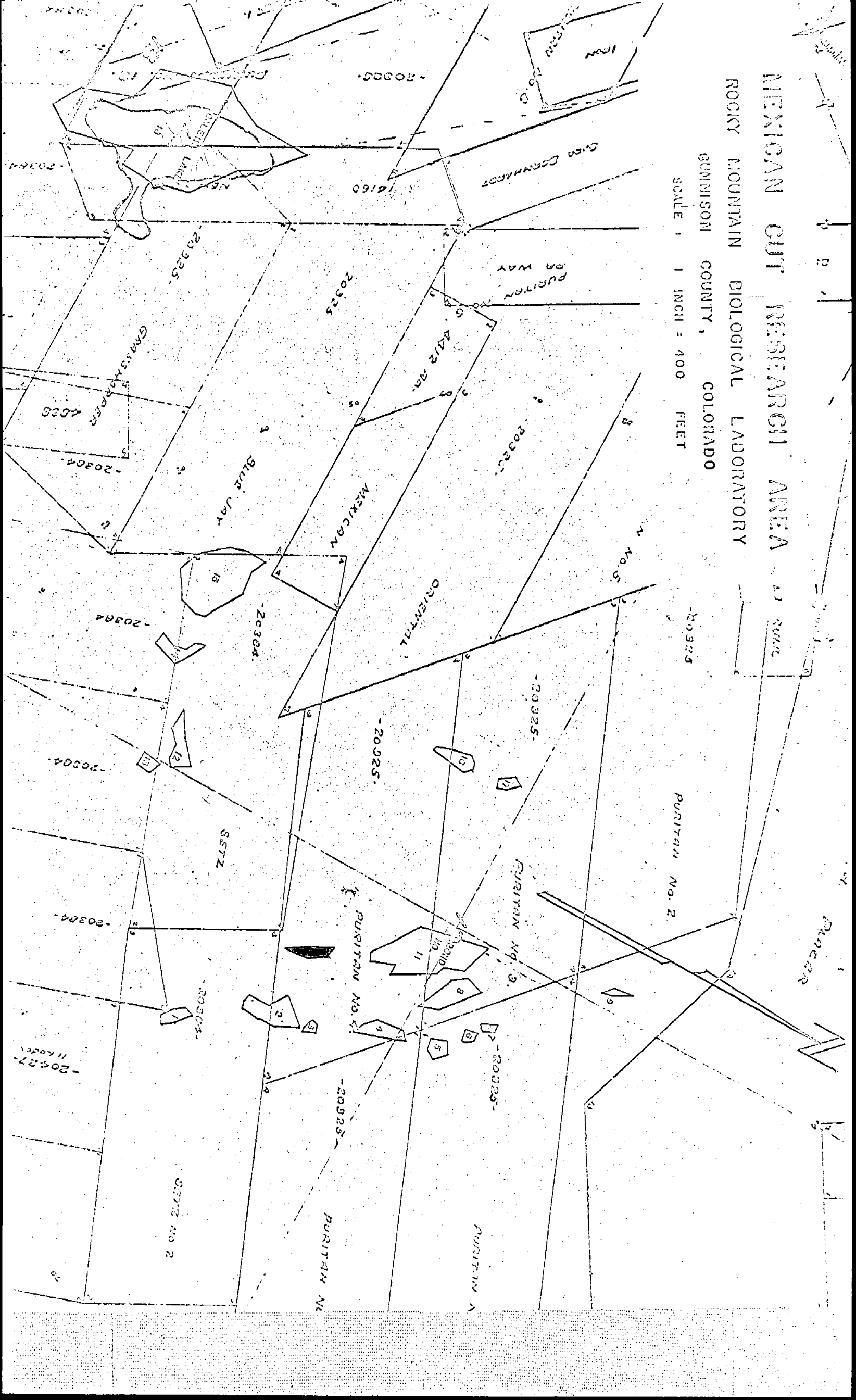
SETZ NO. 2
-M.S. 20384-

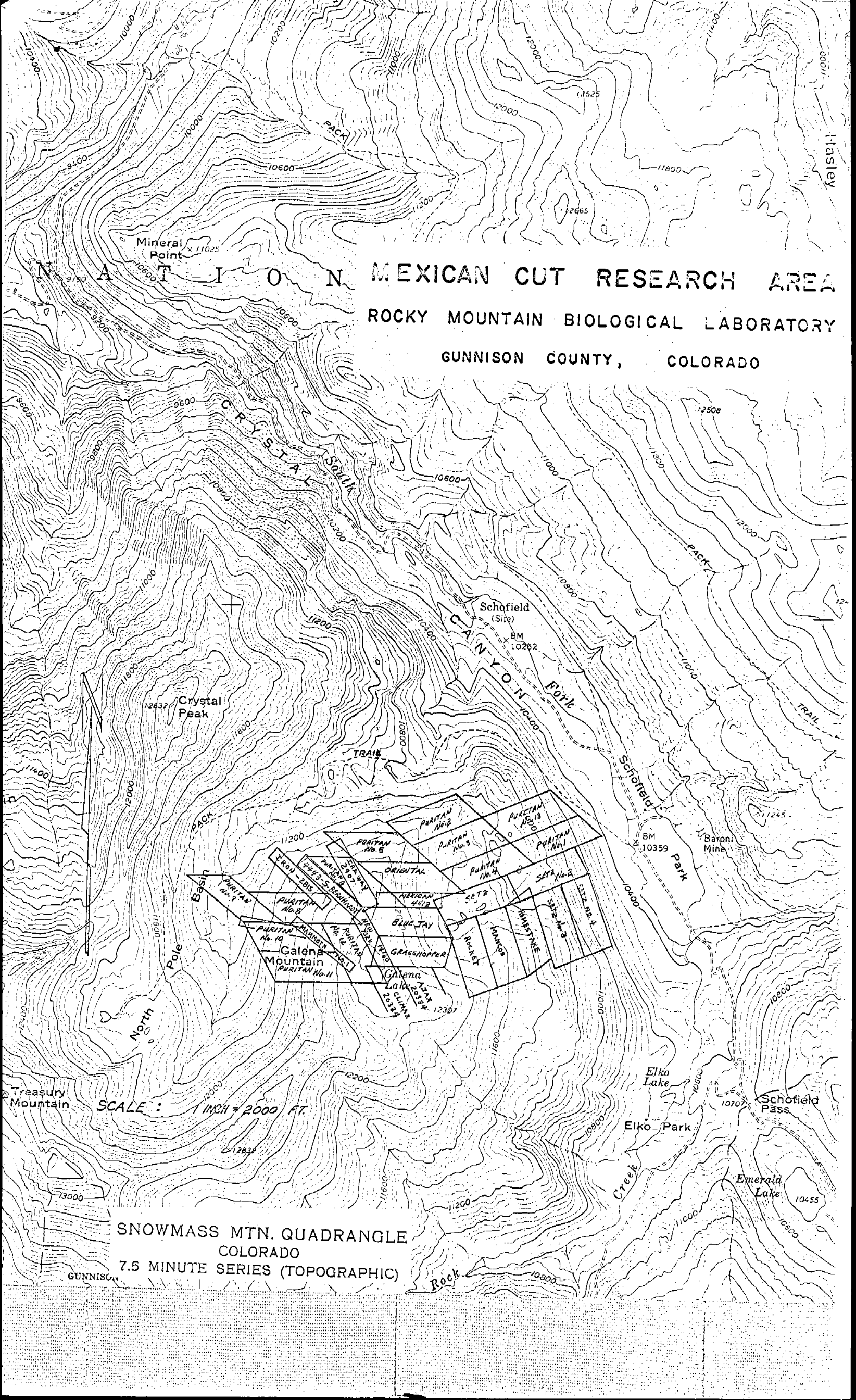
ROBERT R. HARRISON & ASSOCIATES, INC.
REGISTERED ENGINEER & LAND SURVEYOR
SALIDA, COLORADO

DATE Aug. 31, 1971 SCALE 1 IN. = 30 FT. APPROVED R.R.H.

MEXICAN CUT RESEARCH AREA
ROCKY MOUNTAIN BIOLOGICAL LABORATORY
GUNNISON COUNTY, COLORADO

SCALE : 1 INCH = 400 FEET

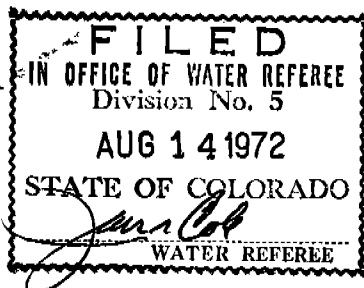




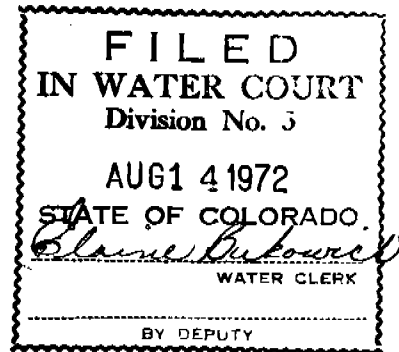
N A T I O N A L MEXICAN CUT RESEARCH AREA
ROCKY MOUNTAIN BIOLOGICAL LABORATORY
GUNNISON COUNTY, COLORADO

SCALE : 1 INCH = 2000 FT.

SNOWMASS MTN. QUADRANGLE
COLORADO
7.5 MINUTE SERIES (TOPOGRAPHIC)



IN THE DISTRICT COURT IN AND
FOR WATER DIVISION NO. 5
STATE OF COLORADO
Application No. W-574



IN THE MATTER OF THE APPLICATION)
FOR WATER RIGHTS OF THE CORPORATION)
OF THE ROCKY MOUNTAIN BIOLOGICAL)
LABORATORY AT GOTHIC, A CORPORATION)
IN THE CRYSTAL RIVER IN GUNNISON)
COUNTY)

RULING OF
REFEREE

The above entitled matter having been referred to the undersigned as Water Referee for Water Division No. 5, State of Colorado, by the Water Judge of said Court on the 28th day of April, 1972, in accordance with Article 21 of Chapter 148, Colorado Revised Statutes 1963, as amended (Chapter 373 S.L. Colo. 1969), known as The Water Rights Determination and Administration Act of 1969.

And the undersigned Referee having made such investigations as are necessary to determine whether or not the statements in the application are true and having become fully advised with respect to the subject matter of the application does hereby make the following determination and ruling as the Referee in this matter, to-wit:

1. The statements in the application are true.
2. The name of the structure is Mexican Cut Natural Pond No. 10.
3. The name of claimant and address is: The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a Corporation, P.O. Box 179, Gunnison, Colorado 81230.
4. The source of the water is snow melt, underground springs, surface drainage and overflow from Mexican Cut Natural Pond No. 11.
5. The pond is located in an unsurveyed area in Schofield Park on the South Fork of the Crystal River, within the boundaries of Puritan Lode No. 4, Survey No. 20325, at a point whence Corner No. 1 of Setz Lode, Survey No. 20384 bears S. 57°26' W. 76.6 feet.
6. The use of the water is piscatorial, biological research and teaching, wildlife procreation and natural heritage preservation.
7. The date of initiation of appropriation is July 1, 1932.
8. The total capacity of reservoir is 0.56 acre feet.
9. This is a natural pond having only natural inlets and outlets.
10. The water has been in use for the above purposes since July 1, 1932.
11. This is a non-consumptive use of water.

The Referee does therefore conclude that the above entitled application should be granted and that 0.56 acre foot of water hereby is awarded to the Mexican Cut Natural Pond No. 10 for piscatorial, biological research and teaching, wildlife procreation and natural heritage preservation uses, with appropriation date of the 1st day of July, 1932, absolutely and unconditionally; subject, however, to all earlier priority rights of others and to the integration and tabulation by the Division Engineer of such priorities and changes of rights in accordance with law as may be determined in pending supplemental general adjudication proceedings.

It is accordingly ORDERED that this ruling shall be filed with the Water Clerk and shall become effective upon such filing, subject to judicial review pursuant to Section 148-21-20 CRS 1963 as amended (1971).

It is further ORDERED that a copy of this ruling shall be filed with the appropriate Division Engineer and the State Engineer.

Done at the City of Glenwood Springs, Colorado, this 14th day of August, 1972.

BY THE REFEREE:

No protest was filed in this matter.
The foregoing ruling is confirmed
and approved, and is made the
Judgment and Decree of this court.

Dated: March 1, 1973
[Signature]
Water Judge

[Signature]
Water Referee
Water Division No. 5
State of Colorado

To Be Filed in Duplicate

IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 5

STATE OF COLORADO

CASE NO. W-575

FILED
IN WATER COURT
Division No. 5

APR 2 8 1972

STATE OF COLORADO
Elaine B. Burch
WATER CLERK

BY DEPUTY

IN THE MATTER OF THE
APPLICATION FOR
WATER RIGHTS OF THE CORPORATION OF
THE ROCKY MOUNTAIN BIOLOGICAL
LABORATORY AT GOTHIC, a corporation

APPLICATION FOR
WATER STORAGE RIGHT

NON-CONSUMPTIVE

IN GUNNISON COUNTY

1. Name of applicant: The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a corporation

Mailing address: P.O. Box 179, Gunnison, Colorado 81230

2. Name of reservoir: Mexican Cut Natural Pond No. 11

3. Legal description of reservoir survey at high water line:
Beginning at a point from which Corner No. 1 of Setz Lode, M.S. 20384, bears South 7°08' East 318.8 feet; thence North 18°05' West 101.0 feet; thence East 40.0 feet; thence North 27°07' West 185.6 feet; thence North 68°39' West 34.1 feet; thence North 17°26' West 84.2 feet; thence North 70°17' West 130.5 feet; thence South 8°33' East 149.7 feet; thence South 10°53' East 134.8 feet; thence South 56°14' East 144.0 feet; thence South 51°33' East 81.2 feet; thence North 64°12' East 28.0 feet to the point of beginning
Source of water: Snow melt, underground springs, surface drainage

5. Date of initiation of appropriation: 7-1-32

6. Date of approval of reservoir by State Engineer: N/a

State Engineer No.: N/a

7. Amount of water claimed in acre feet: 8.54

8. Use or proposed use of the water: Biological research and teaching, wildlife procreation and natural heritage preservation

9. Maximum height of dam in feet: N/a

10. Length of dam or proposed dam in feet: N/a

11. Total capacity of reservoir in acre feet: 8.54

12. Capacity of reservoir in acre feet from bottom of the outlet tube to the lowest point on the spillway:

N/a

13. Capacity of reservoir in acre feet from the bottom of the outlet tube to the lowest point in the reservoir:

N/a

14. Name and capacity of ditch or ditches leading to the reservoir, if applicable:

N/a

15. Name and capacity of ditch or ditches leading from the reservoir, if applicable:

N/a

16. Estimated cost of the reservoir:

N/a

KLINGSMITH, RUSSELL & FRENCH

PK Kling
Attorney for Applicant

State of Colorado
County of Gunnison

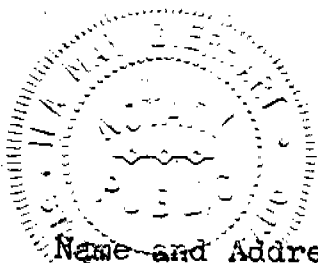
} ss.

Robert B. Wiley, being first duly sworn upon oath, deposes and says that he has read the foregoing application, knows the contents thereof and that the same is true.

Robert Wiley

Subscribed and sworn to before me this 27th day of April, 1972.

My commission expires 4-23-75.



Name and Address
of Applicant:

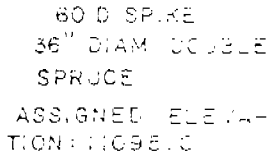
The Corporation of the Rocky Mountain
Biological Laboratory at Gothic,
P.O. Box 179
Gunnison, Colorado 81230

Harvey Gerhart
Notary Public

Name, Address, and Telephone No.
of Attorney for Applicant:

Klingsmith, Russell & French
110 East Virginia Avenue - Box 179
Gunnison, Colorado 81230
Telephone: 641-1334

SCALE 1 inch = 60 feet



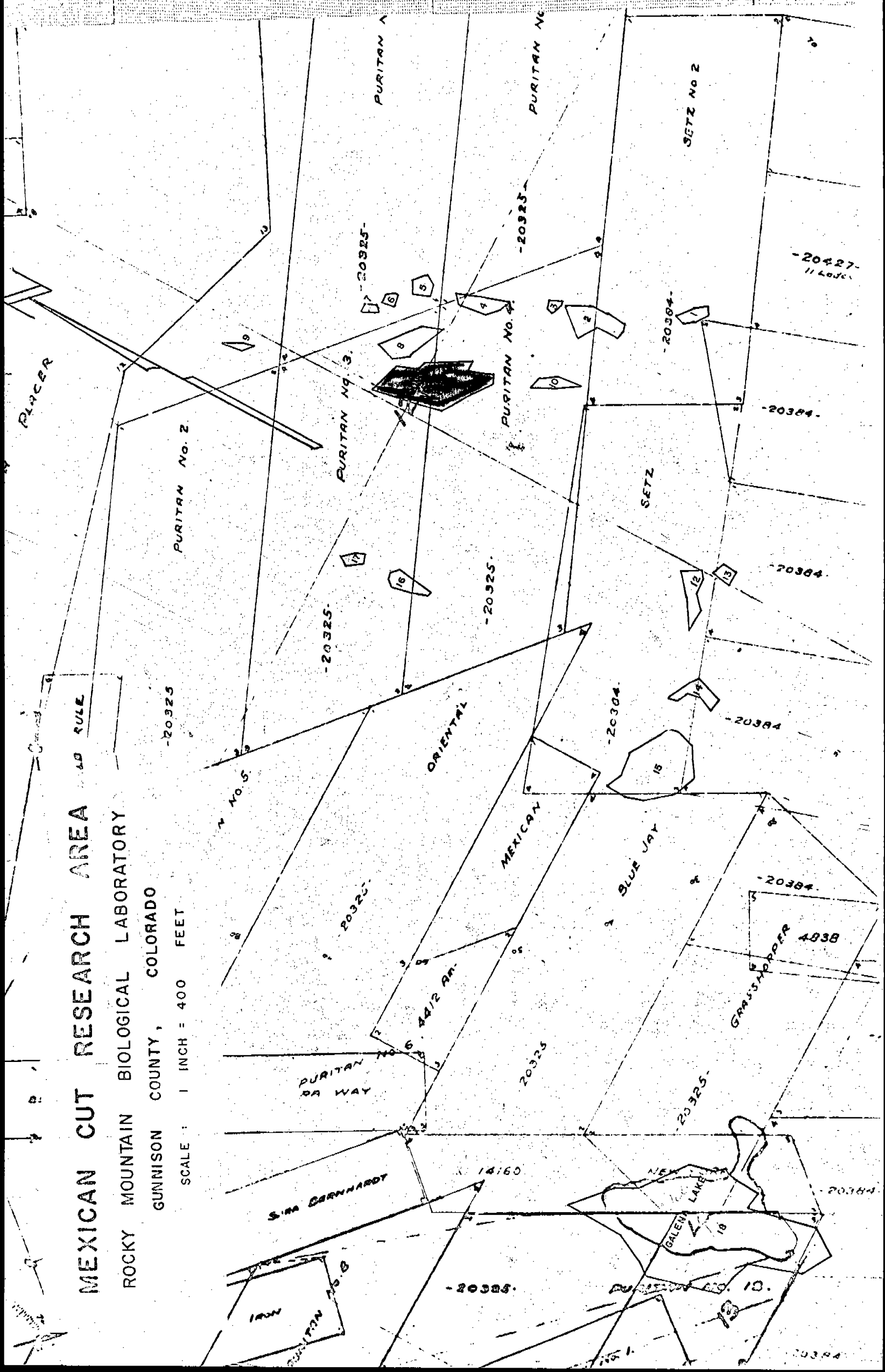
APR 11 1955

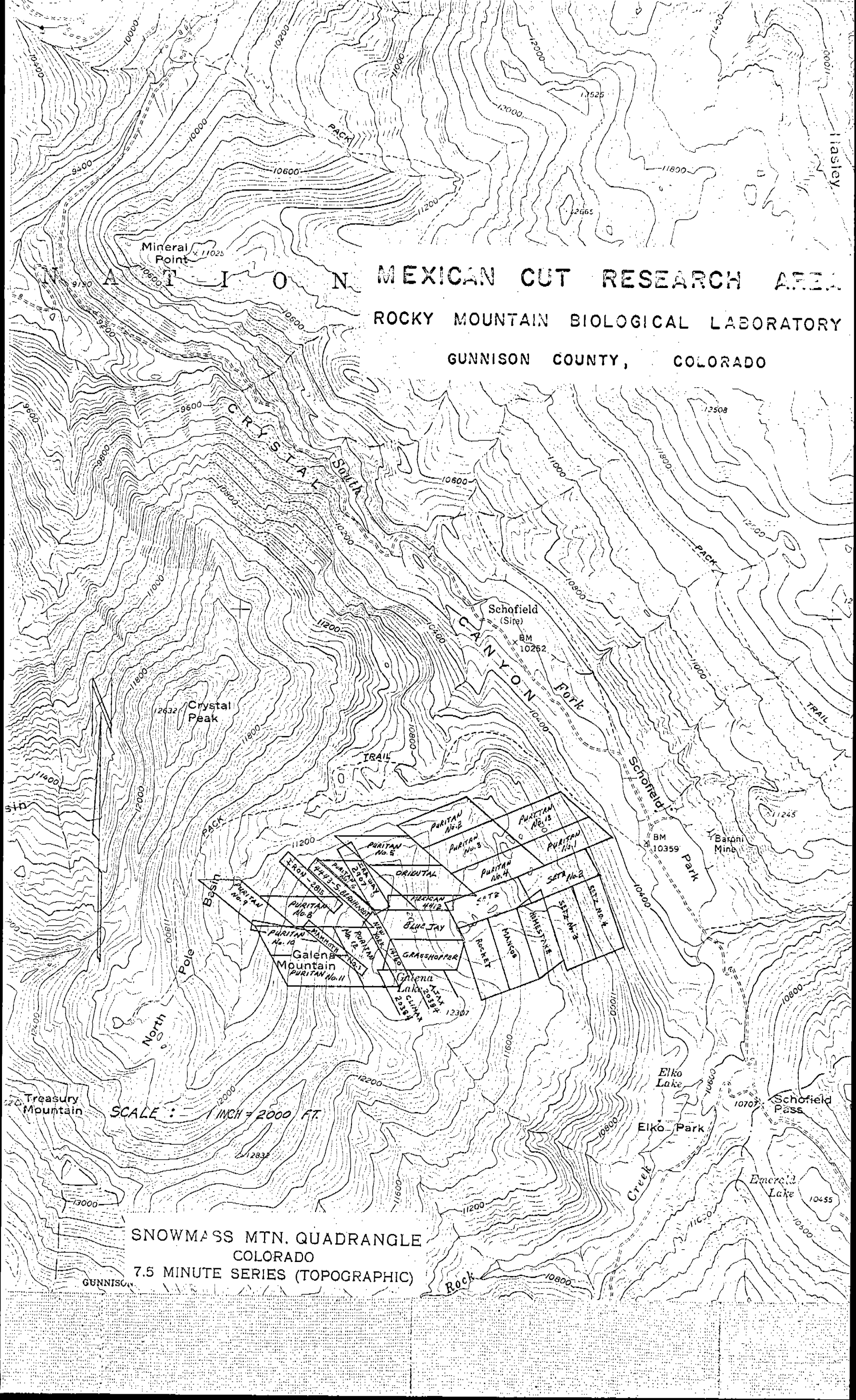
MEXICAN CUT RESEARCH AREA

ROCKY MOUNTAIN BIOLOGICAL LABORATORY

GUNNISON COUNTY, COLORADO

SCALE : 1 INCH = 400 FEET

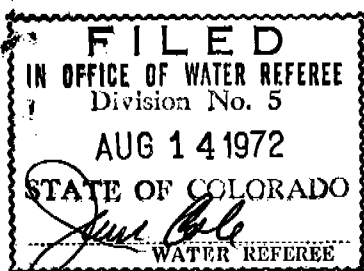




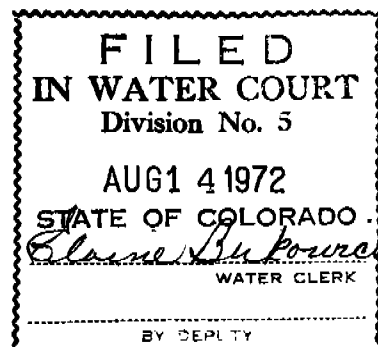
MEXICAN CUT RESEARCH AREA
ROCKY MOUNTAIN BIOLOGICAL LABORATORY
GUNNISON COUNTY, COLORADO

SCALE : 1 INCH = 2000 FT.

SNOWMASS MTN. QUADRANGLE
COLORADO
7.5 MINUTE SERIES (TOPOGRAPHIC)



IN THE DISTRICT COURT IN AND
FOR WATER DIVISION NO. 5
STATE OF COLORADO
Application No. W-575



IN THE MATTER OF THE APPLICATION)
FOR WATER RIGHTS OF THE CORPORATION)
OF THE ROCKY MOUNTAIN BIOLOGICAL)
LABORATORY AT GOTHIC, A CORPORATION)
IN THE CRYSTAL RIVER IN GUNNISON)
COUNTY)

RULING OF
REFEREE

The above entitled matter having been referred to the undersigned as Water Referee for Water Division No. 5, State of Colorado, by the Water Judge of said Court on the 28th day of April, 1972, in accordance with Article 21 of Chapter 148, Colorado Revised Statutes 1963, as amended (Chapter 373 S.L. Colo. 1969), known as The Water Rights Determination and Administration Act of 1969.

And the undersigned Referee having made such investigations as are necessary to determine whether or not the statements in the application are true and having become fully advised with respect to the subject matter of the application does hereby make the following determination and ruling as the Referee in this matter, to-wit:

1. The statements in the application are true.
2. The name of the structure is Mexican Cut Natural Pond No. 11.
3. The name of claimant and address is: The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a Corporation, P.O. Box 179, Gunnison, Colorado 81230.
4. The source of the water is snow melt, underground springs and surface drainage.
5. The pond is located in an unsurveyed area in Schofield Park on the South Fork of the Crystal River, within the boundaries of the Puritan Lode No. 3, Survey No. 20325, and the Puritan Lode No. 4, Survey No. 20325, at a point whence Corner No. 1 of Setz Lode, Survey No. 20384, bears S. 07°08' E. 318.8 feet.
6. The use of the water is piscatorial, biological research and teaching, wildlife procreation and natural heritage preservation.
7. The date of initiation of appropriation is July 1, 1932.
8. The total capacity of reservoir is 8.54 acre feet.
9. This is a natural pond having only natural inlets and outlets.
10. The water has been in use for the above purposes since July 1, 1932.
11. This is a non-consumptive use of water.

The Referee does therefore conclude that the above entitled application should be granted and that 8.54 acre feet of water hereby is awarded to the Mexican Cut Natural Pond No. 11 for piscatorial, biological research and teaching, wildlife procreation and natural heritage preservation uses, with appropriation date of the 1st day of July, 1932, absolutely and unconditionally; subject, however, to all earlier priority rights of others and to the integration and tabulation by the Division Engineer of such priorities and changes of rights in accordance with law as may be determined in pending supplemental general adjudication proceedings.

It is accordingly ORDERED that this ruling shall be filed with the Water Clerk and shall become effective upon such filing, subject to judicial review pursuant to Section 148-21-20 CRS 1963 as amended (1971).

It is further ORDERED that a copy of this ruling shall be filed with the appropriate Division Engineer and the State Engineer.

Done at the City of Glenwood Springs, Colorado, this 14th day of AUGUST, 1972.

BY THE REFEREE:

No protest was filed in this matter.
The foregoing ruling is confirmed
and approved, and is made the
Judgment and Decree of this court.

Dated: March 1, 1973

[Signature]
Water Judge

[Signature]
Water Referee
Water Division No. 5
State of Colorado

To Be Filed in Duplicate

IN THE DISTRICT COURT IN AND FOR
WATER DIVISION NO. 5

STATE OF COLORADO

CASE NO. W-576

FILED
IN WATER COURT
Division No. 5

APR 28 1972

STATE OF COLORADO

WATER CLERK

BY DEPUTY

IN THE MATTER OF THE
APPLICATION FOR
WATER RIGHTS OF THE CORPORATION OF
THE ROCKY MOUNTAIN BIOLOGICAL LABORATORY
AT GOTHIC, a corporation

APPLICATION FOR
WATER STORAGE RIGHT

NON-CONSUMPTIVE

IN GUNNISON COUNTY

1. Name of applicant: The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a corporation
Mailing address: P.O. Box 179, Gunnison, Colorado 81230
2. Name of reservoir: Mexican Cut Natural Pond No. 12
3. Legal description of reservoir survey at high water line:
Beginning at a point from which a witness corner to Corner No. 4 of Mancos Lode, M.S. 20384 bears South 39°24' West 165.9 feet; thence North 53°08' East 65.3 feet; thence North 88°00' East 55.7 feet; thence North 56°35' East 36.8 feet; thence North 30°17' West 83.1 feet; thence South 52°24' West 104.6 feet; thence South 58°54' West 120.3 feet; thence South 85°25' East 89.4 feet to the point of beginning
4. Source of water: Snow melt, underground springs, surface drainage and overflow from Galena Lake, Mexican Cut Natural Ponds No. 15 and 14
5. Date of initiation of appropriation: 7-1-32
6. Date of approval of reservoir by State Engineer: N/a
State Engineer No.: N/a
7. Amount of water claimed in acre feet: 0.68
8. Use or proposed use of the water: Biological research and teaching, wildlife procreation and natural heritage preservation
9. Maximum height of dam in feet: N/a
10. Length of dam or proposed dam in feet: N/a
11. Total capacity of reservoir in acre feet: 0.68
12. Capacity of reservoir in acre feet from bottom of the outlet tube to the lowest point on the spillway:
N/a
13. Capacity of reservoir in acre feet from the bottom of the outlet tube to the lowest point in the reservoir:
N/a

14. Name and capacity of ditch or ditches leading to the reservoir, if applicable:

N/a

15. Name and capacity of ditch or ditches leading from the reservoir, if applicable:

N/a

16. Estimated cost of the reservoir: N/a

KLINGSMITH, RUSSELL & FRENCH

R. C. Kling
Attorney for Applicant

State of Colorado
County of Gunnison

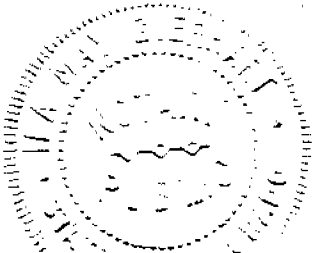
} ss.

Robert B. Willey, being first duly sworn upon oath, deposes and says that he has read the foregoing application, knows the contents thereof and that the same is true.

Robert B. Willey

Subscribed and sworn to before me this 27th day of April, 1972.

My commission expires 4-23-75.



Dea May Gierhart
Notary Public

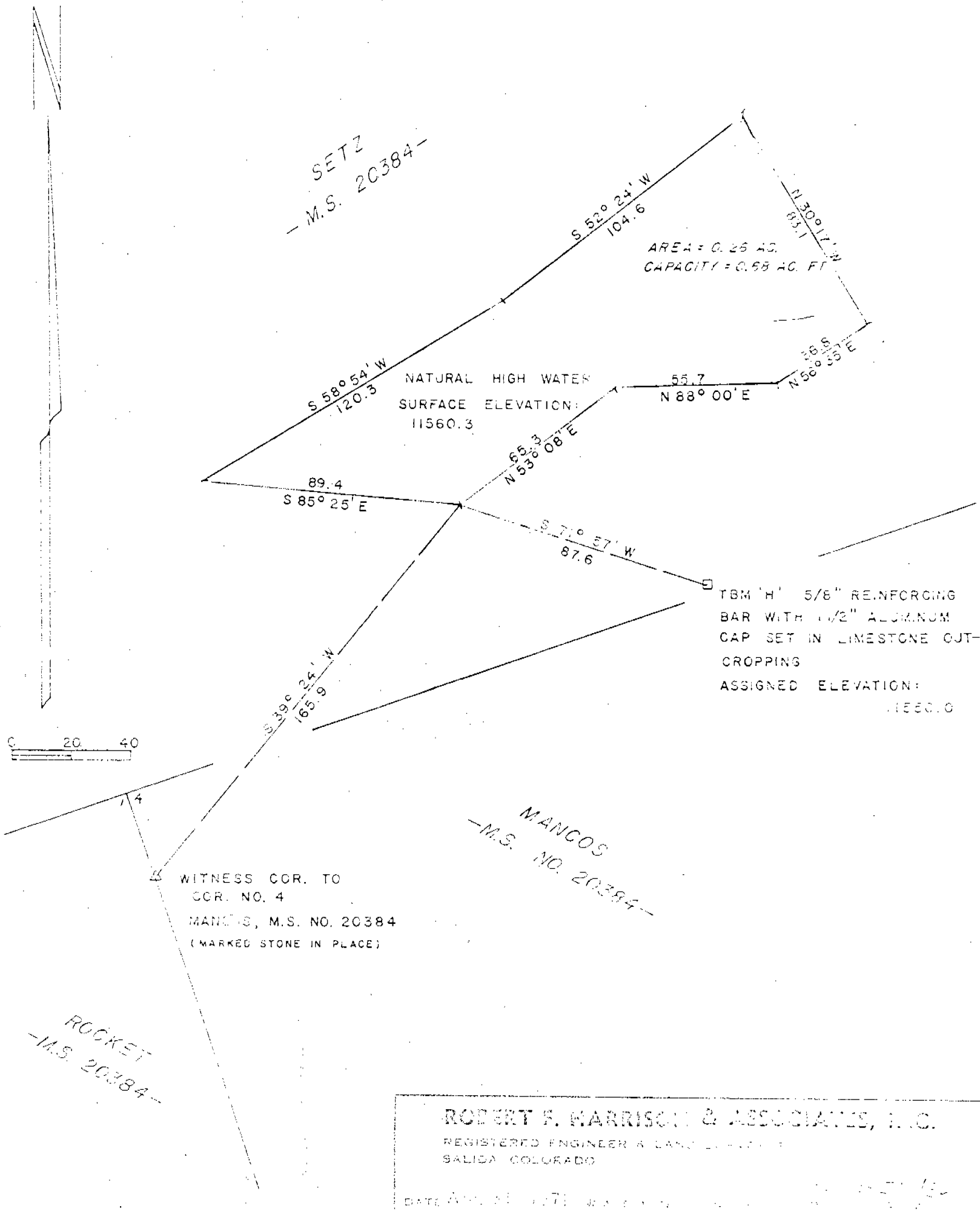
Name and Address
of Applicant:

The Corporation of the Rocky Mountain
Biological Laboratory at Gothic,
P.O. Box 179
Gunnison, Colorado 81230

Name, Address, and Telephone No.
of Attorney for Applicant:

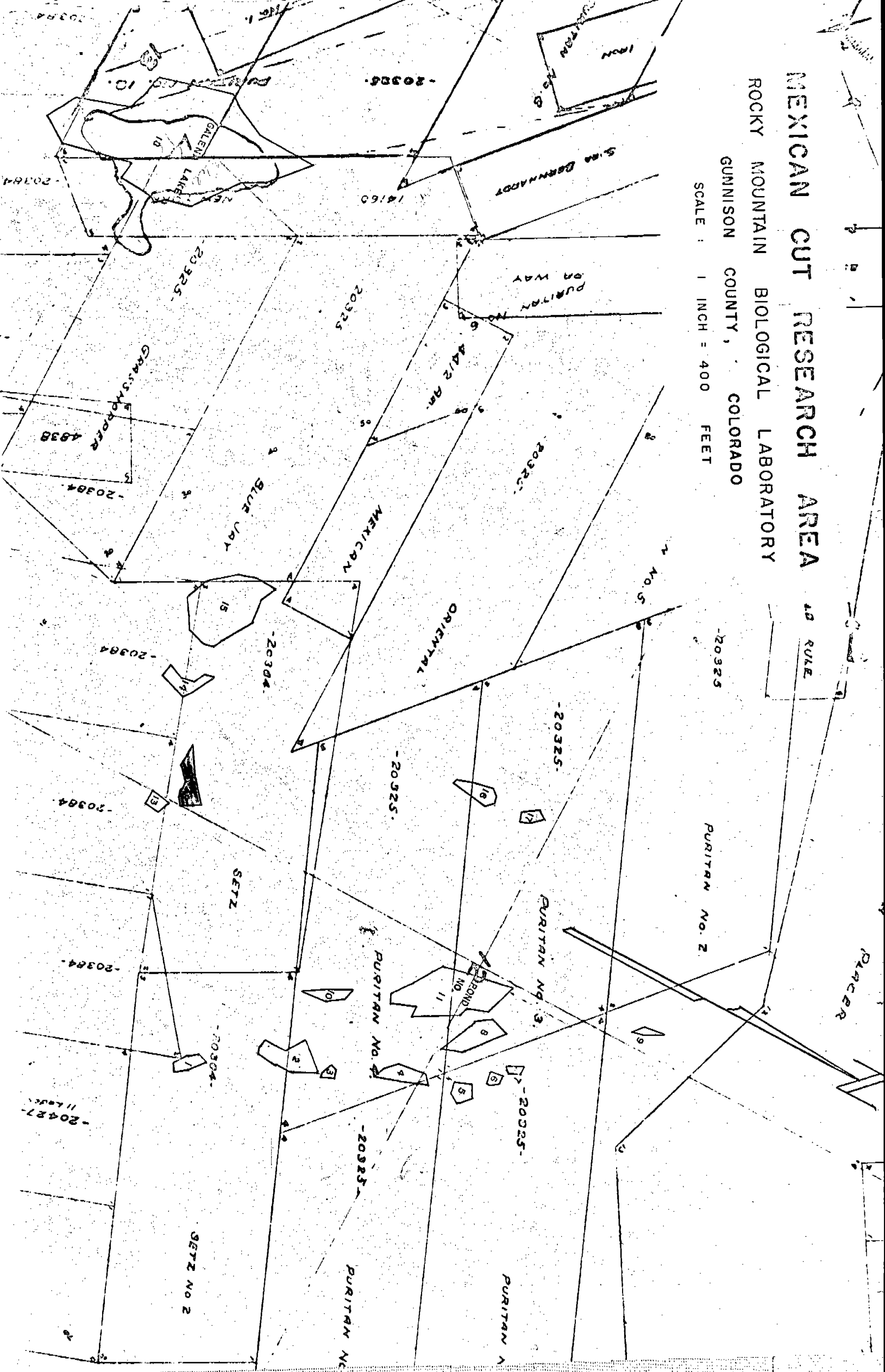
Klingsmith, Russell & French
110 East Virginia Avenue - Box 179,
Gunnison, Colorado 81230
Telephone: 641-1334

Map of
 MEXICAN CITT NATURAL POND NO. 12
 Gunnison County, Colorado
 WATER DIVISION NO. 5
 True Meridian based on Magnetic Declination of 14° 30'
 SCALE 1 inch = 40 feet

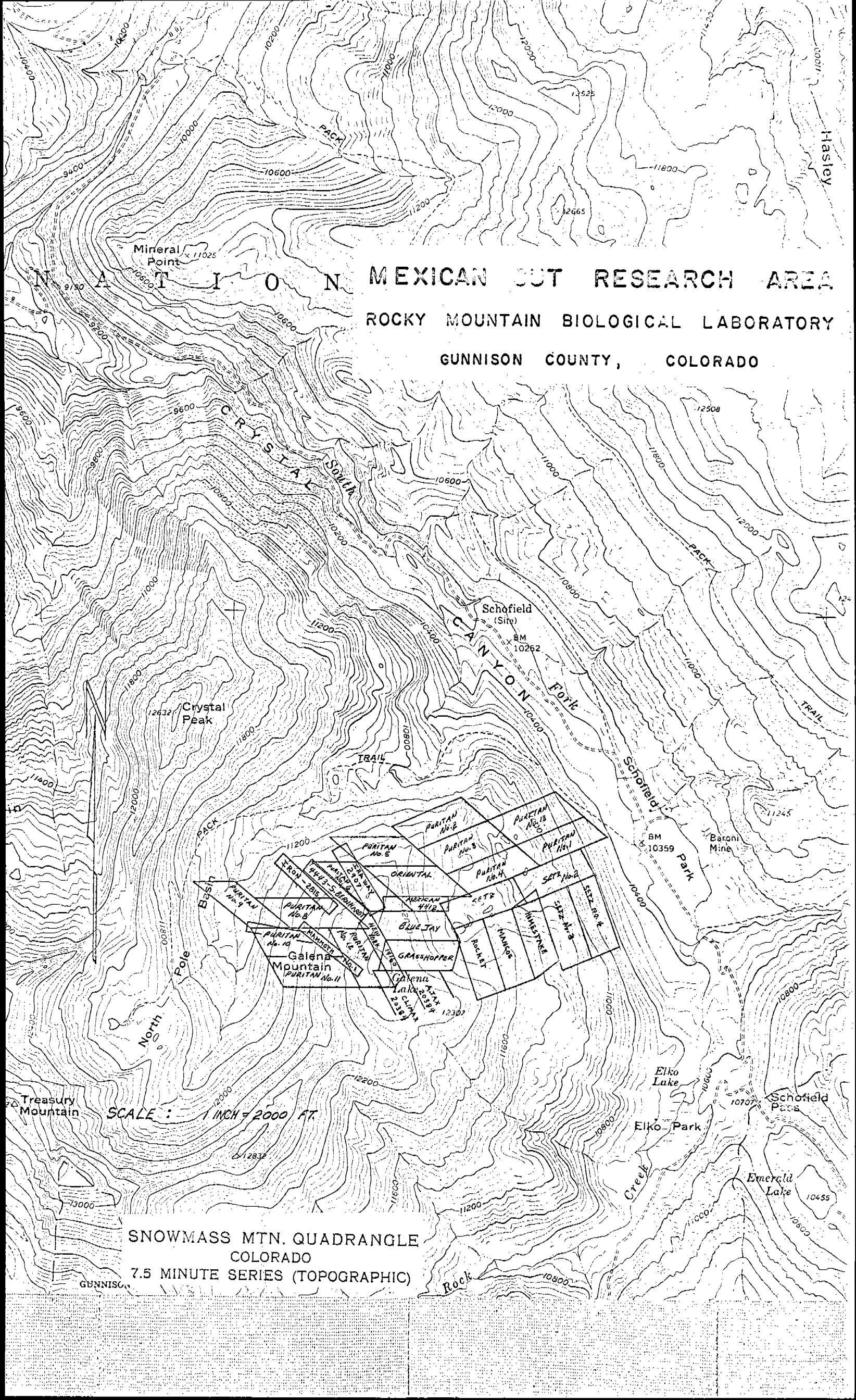


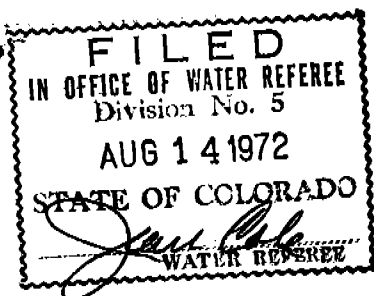
MEXICAN CUT RESEARCH AREA
ROCKY MOUNTAIN BIOLOGICAL LABORATORY
GUNNISON COUNTY, COLORADO

SCALE : 1 INCH = 400 FEET



GUNNISON COUNTY, COLORADO



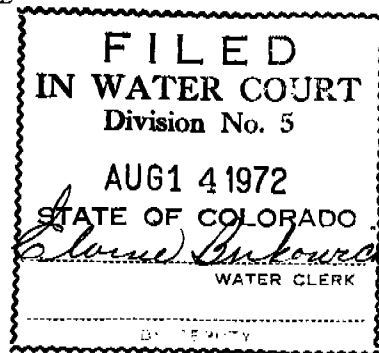


IN THE DISTRICT COURT IN AND

FOR WATER DIVISION NO. 5

STATE OF COLORADO

Application No. 576



IN THE MATTER OF THE APPLICATION)
FOR WATER RIGHTS OF THE CORPORATION)
OF THE ROCKY MOUNTAIN BIOLOGICAL)
LABORATORY AT GOTHIC, A CORPORATION)
IN THE CRYSTAL RIVER IN GUNNISON)
COUNTY)

RULING OF
REFEREE

The above entitled matter having been referred to the undersigned as Water Referee for Water Division No. 5, State of Colorado, by the Water Judge of said Court on the 28th day of April, 1972, in accordance with Article 21 of Chapter 148, Colorado Revised Statutes 1963, as amended (Chapter 373 S.L. Colo. 1969), known as The Water Rights Determination and Administration Act of 1969.

And the undersigned Referee having made such investigations as are necessary to determine whether or not the statements in the application are true and having become fully advised with respect to the subject matter of the application does hereby make the following determination and ruling as the Referee in this matter, to-wit:

1. The statements in the application are true.
2. The name of the structure is Mexican Cut Natural Pond No. 12.
3. The name of claimant and address is: The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a Corporation, P. O. Box 179, Gunnison, Colorado 81230.
4. The source of the water is snow melt, underground springs, surface drainage and overflow from Galena Lake, Mexican Cut Natural Ponds No. 15 and 14.
5. The pond is located in an unsurveyed area in Schofield Park on the South Fork of the Crystal River, within the boundaries of Setz Lode, Survey No. 20384, at a point whence the Witness Corner to Corner No. 4 of the Mancos Lode, Survey No. 20384, bears S. 39°24' W. 165.9 feet.
6. The use of the water is piscatorial, biological research and teaching, wildlife procreation and natural heritage preservation.
7. The date of initiation of appropriation is July 1, 1932.
8. The total capacity of the reservoir is 0.68 acre foot.
9. This is a natural pond having only natural inlets and outlets.
10. The water has been in use for the above purposes since July 1, 1932.
11. This is a non-consumptive use of water.

The Referee does therefore conclude that the above entitled application should be granted and that 0.68 acre foot of water hereby is awarded to the Mexican Cut Natural Pond No. 12 for piscatorial, biological research and teaching, wildlife procreation and natural heritage preservation uses, with appropriation date of the 1st day of July, 1932, absolutely and unconditionally; subject, however, to all earlier priority rights of others and to the integration and tabulation by the Division Engineer of such priorities and changes of rights in accordance with law as may be determined in pending supplemental general adjudication proceedings.

It is accordingly ORDERED that this ruling shall be filed with the Water Clerk and shall become effective upon such filing, subject to judicial review pursuant to Section 148-21-20 CRS 1963 as amended (1971).

It is further ORDERED that a copy of this ruling shall be filed with the appropriate Division Engineer and the State Engineer.

Done at the City of Glenwood Springs, Colorado, this 14th day of AUGUST, 1972.

BY THE REFEREE:

No protest was filed in this matter.
The foregoing ruling is confirmed
and approved, and is made the
Judgment and Decree of this court.

Dated: March 1, 1973

[Signature]
Water Judge

[Signature]
Water Referee
Water Division No. 5
State of Colorado

To Be Filed in Duplicate

IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 5

STATE OF COLORADO

CASE NO. W-577

FILED
IN WATER COURT
Division No. 5

APR 28 1972

STATE OF COLORADO
Clarence D. Ketchum
WATER CLERK

BY DEPUTY

IN THE MATTER OF THE
APPLICATION FOR
WATER RIGHTS OF THE CORPORATION OF
THE ROCKY MOUNTAIN BIOLOGICAL LABORATORY
AT GOTHIC, a corporation

APPLICATION FOR
WATER STORAGE RIGHT

NON-CONSUMPTIVE

IN GUNNISON COUNTY

1. Name of applicant: The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a corporation

Mailing address: P.O. Box 179, Gunnison, Colorado 81230

2. Name of reservoir: Mexican Cut Natural Pond No. 13

3. Legal description of reservoir survey at high water line:
Beginning at a point from which a witness corner to Corner No. 4 of Mancos Lode, M.S. 20384 bears South 62°15' West 248.5 feet; thence South 10°57' West 73.9 feet; thence South 87°16' East 59.6 feet; thence North 10°49' East 56.9 feet; thence North 70°53' West 59.4 feet to the point of beginning, with an area of 0.09 acres

4. Source of water: Snow melt, underground springs, surface drainage and overflow from Galena Lake, Mexican Cut Natural Ponds No. 15, 14 and 12

5. Date of initiation of appropriation: 7-1-32

6. Date of approval of reservoir by State Engineer: N/a

State Engineer No.: N/a

7. Amount of water claimed in acre feet: 0.25

8. Use or proposed use of the water: Biological research and teaching, wildlife procreation and natural heritage preservation

9. Maximum height of dam in feet: N/a

10. Length of dam or proposed dam in feet: N/a

11. Total capacity of reservoir in acre feet: 0.25

12. Capacity of reservoir in acre feet from bottom of the outlet tube to the lowest point on the spillway:

N/a

13. Capacity of reservoir in acre feet from the bottom of the outlet tube to the lowest point in the reservoir:

N/a

14. Name and capacity of ditch or ditches leading to the reservoir, if applicable:

N/a

15. Name and capacity of ditch or ditches leading from the reservoir, if applicable:

N/a

16. Estimated cost of the reservoir: N/a

KLINGSMITH, RUSSELL & FRENCH

RC Kling - T
Attorney for Applicant

State of Colorado } ss.
County of Gunnison

Robert B. Willey, being first duly sworn upon oath, deposes and says that he has read the foregoing application, knows the contents thereof and that the same is true.

Robert B. Willey

Subscribed and sworn to before me this 27th day of April, 1972.

My commission expires 4-23-75.

Dea May Gerhart
Notary Public

Name and Address
of Applicant:

The Corporation of the Rocky Mountain
Biological Laboratory at Gothic,
P.O. Box 179,
Gunnison, Colorado 81230

Name, Address, and Telephone No.
of Attorney for Applicant:

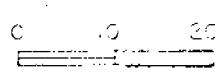
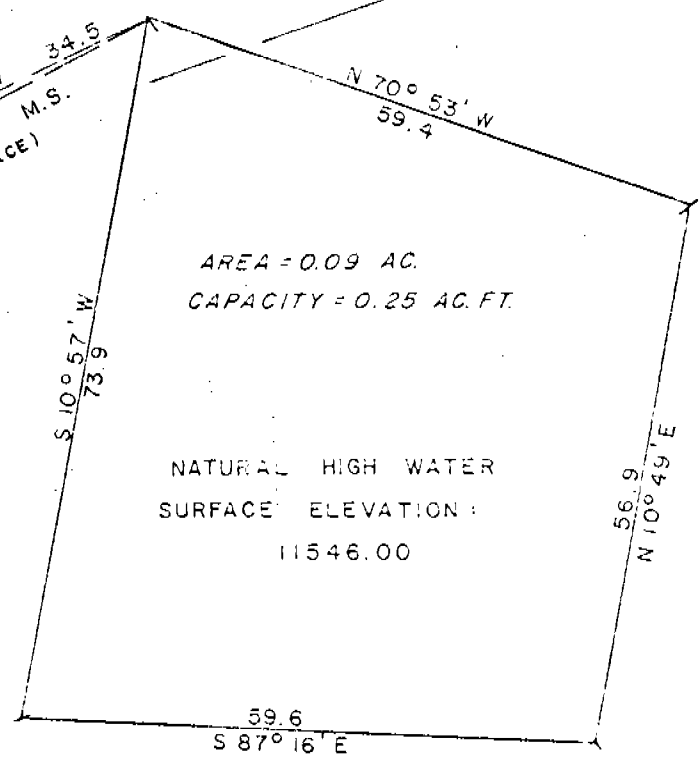
Klingsmith, Russell & French
110 East Virginia Avenue - Box 179
Gunnison, Colorado 81230
Telephone: 641-1334

Map of
 MEXICAN CUT NATURAL POND NO. 13
 (Gunnison County, Colorado)
 WATER DIVISION NO. 6
 True Meridian Based on Magnetic Declination of 14° 33'
 SCALE 1 inch = 20 feet

SETZ
 -M.S. NO. 20384-

TBM 'H' 5/8 REINFORCING BAR
 WITH 1 1/2" ALUMINUM CAP
 SET IN LIMESTONE CUT--
 CROPPING ASSIGNED
 ELEVATION: 11550.0

S 62° 15' W 248.5
 TO WITNESS COR. NO. 4
 NO. 20384 (MARKED STONE IN PLACE)
 S 64° 57' W 34.5
 MANCOS M.S.



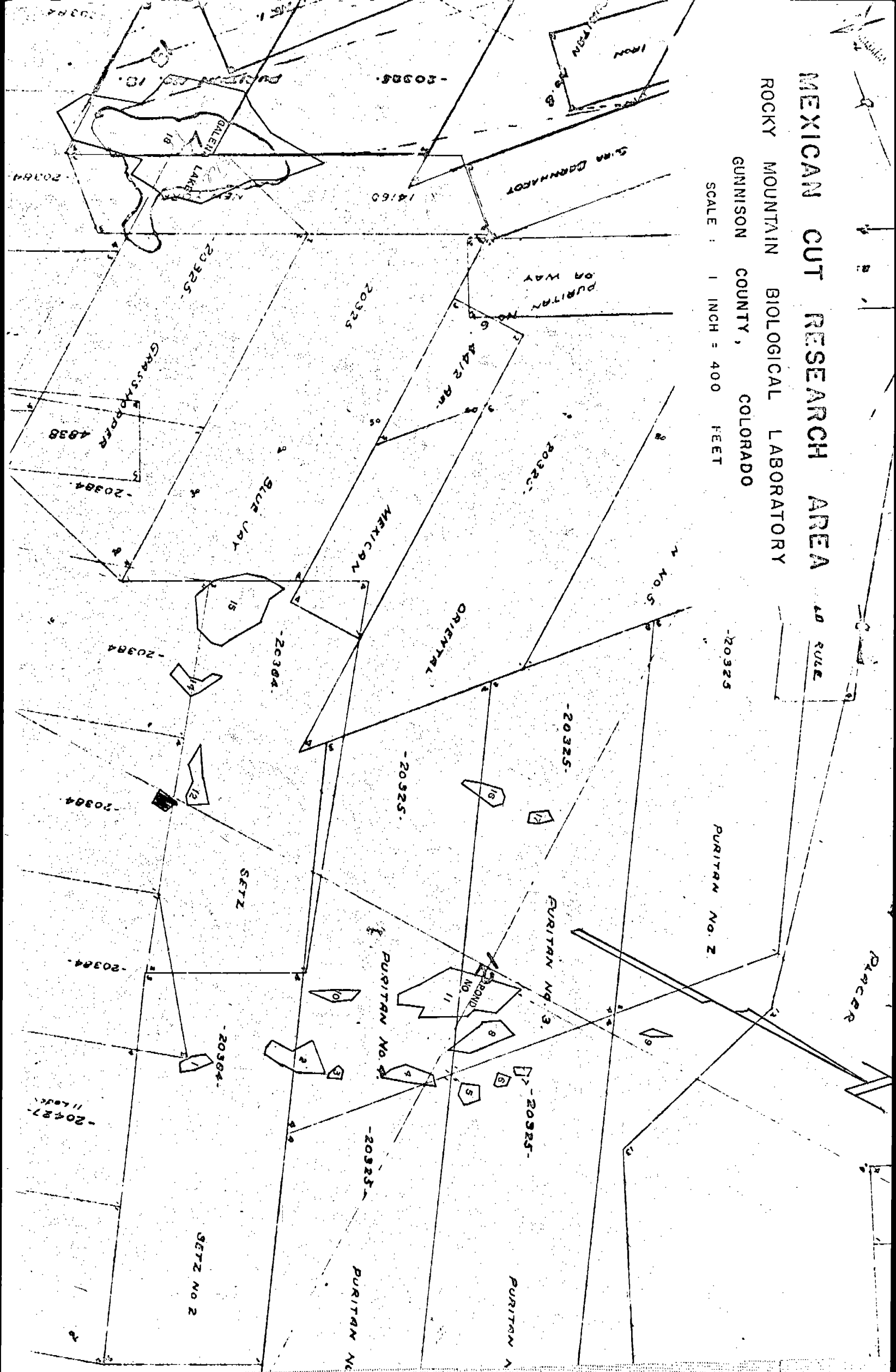
MANCOS
 -M.S. NO. 20384-

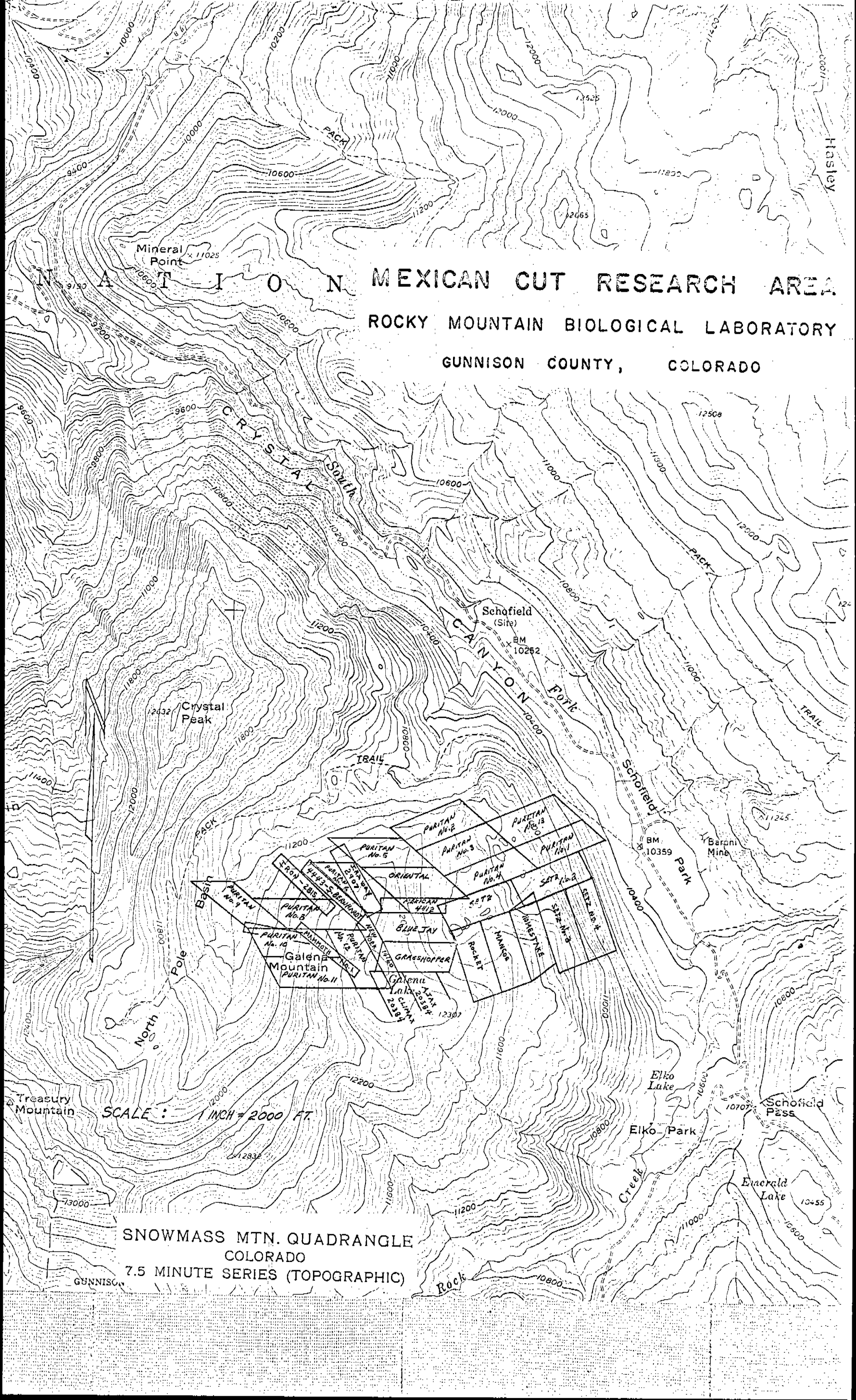
JOSEPH A. HARRISON & ASSOCIATES, INC.
 REGISTERED PROFESSIONAL LAND SURVEYORS
 COLORADO
 1971
 10/1/71

AD 846

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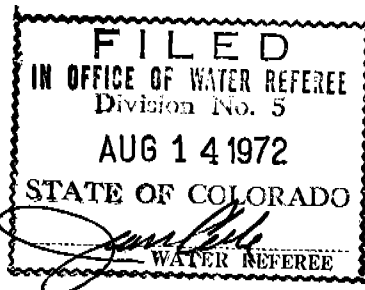




N A T I O N A L MEXICAN CUT RESEARCH AREA
ROCKY MOUNTAIN BIOLOGICAL LABORATORY
GUNNISON COUNTY, COLORADO

SCALE : 1 INCH = 2000 FT.

SNOWMASS MTN. QUADRANGLE
COLORADO
7.5 MINUTE SERIES (TOPOGRAPHIC)
GUNNISON

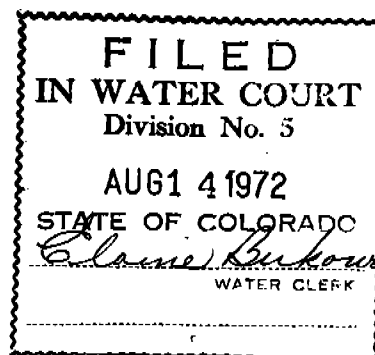


IN THE DISTRICT COURT IN AND

FOR WATER DIVISION NO. 5

STATE OF COLORADO

Application No. W-577



IN THE MATTER OF THE APPLICATION)
FOR WATER RIGHTS OF THE CORPORATION)
OF THE ROCKY MOUNTAIN BIOLOGICAL)
LABORATORY AT GOTHIC, A CORPORATION)
IN THE CRYSTAL RIVER IN GUNNISON)
COUNTY)

RULING OF
REFEREE

The above entitled matter having been referred to the undersigned as Water Referee for Water Division No. 5, State of Colorado, by the Water Judge of said Court on the 28th day of April, 1972, in accordance with Article 21 of Chapter 148, Colorado Revised Statutes 1963, as amended (Chapter 373 S.L. Colo. 1969), known as The Water Rights Determination and Administration Act of 1969.

And the undersigned Referee having made such investigations as are necessary to determine whether or not the statements in the application are true and having become fully advised with respect to the subject matter of the application does hereby make the following determination and ruling as the Referee in this matter, to-wit:

1. The statements in the application are true.
2. The name of the structure is Mexican Cut Natural Pond No. 13.
3. The name of claimant and address is: The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a Corporation, P. O. Box 179, Gunnison, Colorado 81230.
4. The source of the water is snow melt, underground springs, surface drainage and overflow from Galena Lake, and Mexican Cut Natural Ponds No. 15, 14 and 12.
5. The pond is located in an unsurveyed area in Schofield Park on the South Fork of the Crystal River, within the boundaries of Setz Lode, Survey No. 20384, and Mancos Lode, Survey No. 20384, at a point whence the Witness Corner to Corner No. 4 of the Mancos Lode, Survey No. 20384, bears S. 62°15' W. 248.5 feet.
6. The use of the water is piscatorial, biological research and teaching, wildlife procreation and natural heritage preservation.
7. The date of initiation of appropriation is July 1, 1932.
8. The total capacity of reservoir is 0.25 acre foot.
9. This is a natural pond having only natural inlets and outlets.
10. The water has been in use for the above purposes since July 1, 1932.
11. This is a non-consumptive use of water.

The Referee does therefore conclude that the above entitled application should be granted and that 0.25 acre foot of water hereby is awarded to the Mexican Cut Natural Pond No. 13 for piscatorial, biological research and teaching, wildlife procreation and natural heritage preservation uses, with appropriation date of the 1st day of July, 1932, absolutely and unconditionally; subject, however, to all earlier priority rights of others and to the integration and tabulation by the Division Engineer of such priorities and changes of rights in accordance with law as may be determined in pending supplemental general adjudication proceedings.

It is accordingly ORDERED that this ruling shall be filed with the Water Clerk and shall become effective upon such filing, subject to judicial review pursuant to Section 148-21-20 CRS 1963 as amended (1971).

It is further ORDERED that a copy of this ruling shall be filed with the appropriate Division Engineer and the State Engineer.

Done at the City of Glenwood Springs, Colorado, this 14th day of AUGUST, 1972.

BY THE REFEREE:

**No protest was filed in this matter.
The foregoing ruling is confirmed
and approved, and is made the
Judgment and Decree of this court.**

Dated: March 1, 1973
[Signature]
Water Judge

[Signature]
Water Referee
Water Division No. 5
State of Colorado

To Be Filed in Duplicate

IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 5

STATE OF COLORADO

CASE NO. W-578

FILED
IN WATER COURT
Division No. 5

APR 28 1972

STATE OF COLORADO

WATER CLERK

BY DEPUTY

IN THE MATTER OF THE
APPLICATION FOR
WATER RIGHTS OF THE CORPORATION OF
THE ROCKY MOUNTAIN BIOLOGICAL LABORATORY
AT GOTHIC, a corporation

APPLICATION FOR
WATER STORAGE RIGHT

NON-CONSUMPTIVE

IN GUNNISON COUNTY

1. Name of applicant: The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a corporation,

Mailing address: P.O. Box 179, Gunnison, Colorado 81230

2. Name of reservoir: Mexican Cut Natural Pond No. 14

3. Legal description of reservoir survey at high water line:
Beginning at a point from Corner No. 1 of Mexican Lode, M.S. 4412 A.M. bears North 59°27' West 104.0 feet; thence South 15°12' East 48.8 feet; thence South 59°39' East 35.1 feet; thence South 9°33' East 51.0 feet; thence South 26°22' West 68.1 feet; thence South 76°28' East 61.3 feet; thence North 19°49' East 118.5 feet; thence North 50°11' West 41.0 feet to the point of beginning, with an area of 0.23 acres

4. Source of water: Snow melt, underground springs, surface drainage and overflow from Galena Lake and Mexican Cut Natural Pond No. 15

5. Date of initiation of appropriation: 7-1-32

6. Date of approval of reservoir by State Engineer: N/a

State Engineer No.: N/a

7. Amount of water claimed in acre feet: 0.71

8. Use or proposed use of the water: Biological research and teaching, wildlife procreation and natural heritage preservation

9. Maximum height of dam in feet: N/a

10. Length of dam or proposed dam in feet: N/a

11. Total capacity of reservoir in acre feet: 0.71

12. Capacity of reservoir in acre feet from bottom of the outlet tube to the lowest point on the spillway:

N/a

13. Capacity of reservoir in acre feet from the bottom of the outlet tube to the lowest point in the reservoir:

N/a

14. Name and capacity of ditch or ditches leading to the reservoir, if applicable:

N/a

15. Name and capacity of ditch or ditches leading from the reservoir, if applicable:

N/a

16. Estimated cost of the reservoir: N/a

KLINGSMITH, RUSSELL & FRENCH

Robert B. Willey
Attorney for Applicant

State of Colorado }
County of Gunnison } ss.

Robert B. Willey, being first duly sworn upon oath, deposes and says that he has read the foregoing application, knows the contents thereof and that the same is true.

Robert B. Willey

Subscribed and sworn to before me this 27th day of April, 19 72.

My commission expires 4-23-75.

Ila May Gerhart
Notary Public

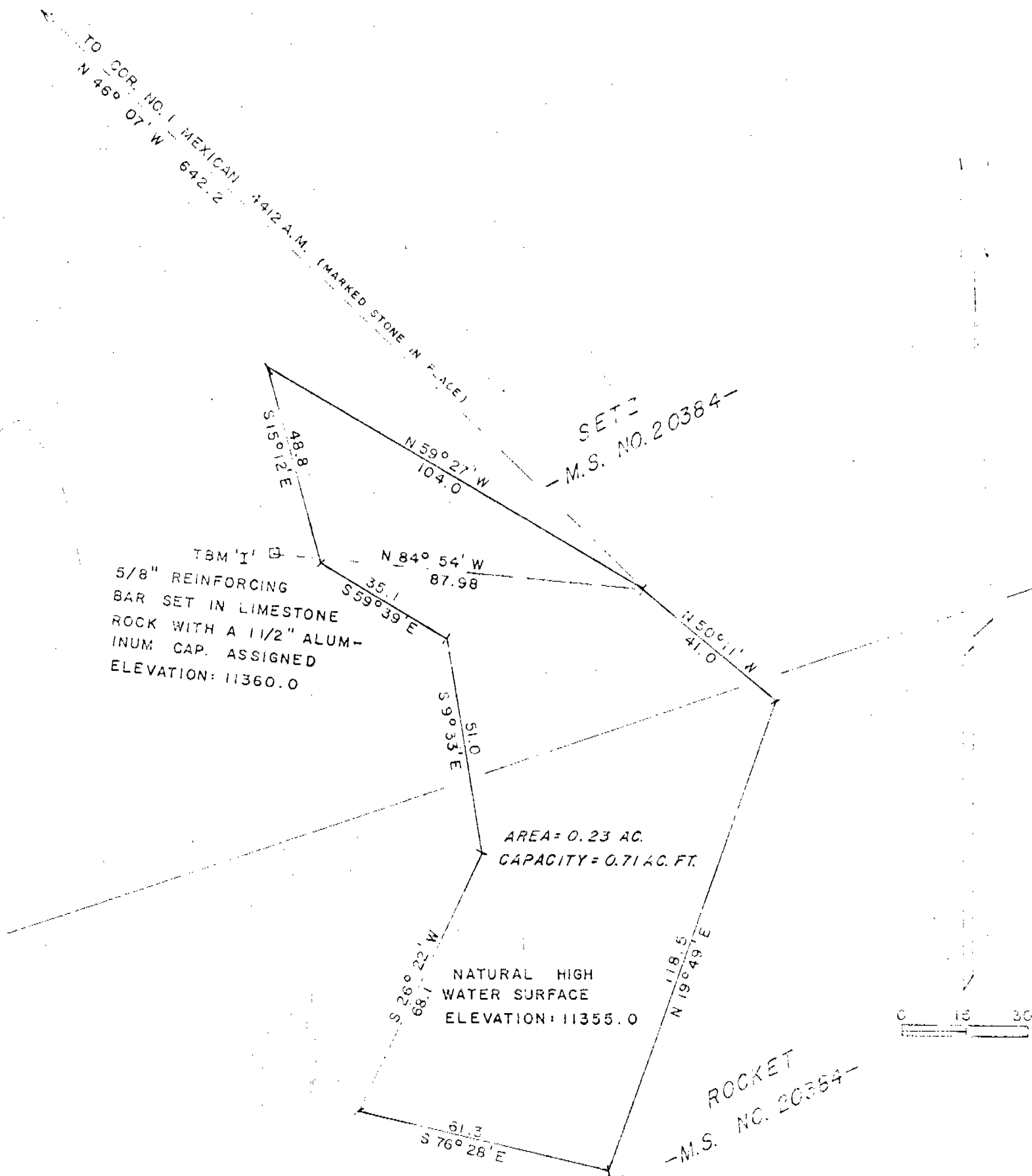
Name and Address of Applicant:

The Corporation of the Rocky Mountain
Biological Laboratory at Gothic
P.O. Box 179,
Gunnison, Colorado 81230

Name, Address, and Telephone No. of Attorney for Applicant:

Klingsmith, Russell & French
110 East Virginia Avenue - Box 179
Gunnison, Colorado 81230
Telephone: 641-1334

Map of
 MEXICAN CUT NATURAL POND NO. 14
 Gunnison County, Colorado
 WATER DIVISION NO. 5
 True Meridian based on Magnetic Declination of 14.30
 SCALE 1 inch = 30 feet



ROBERT A. RICH & ASSOCIATES, INC.

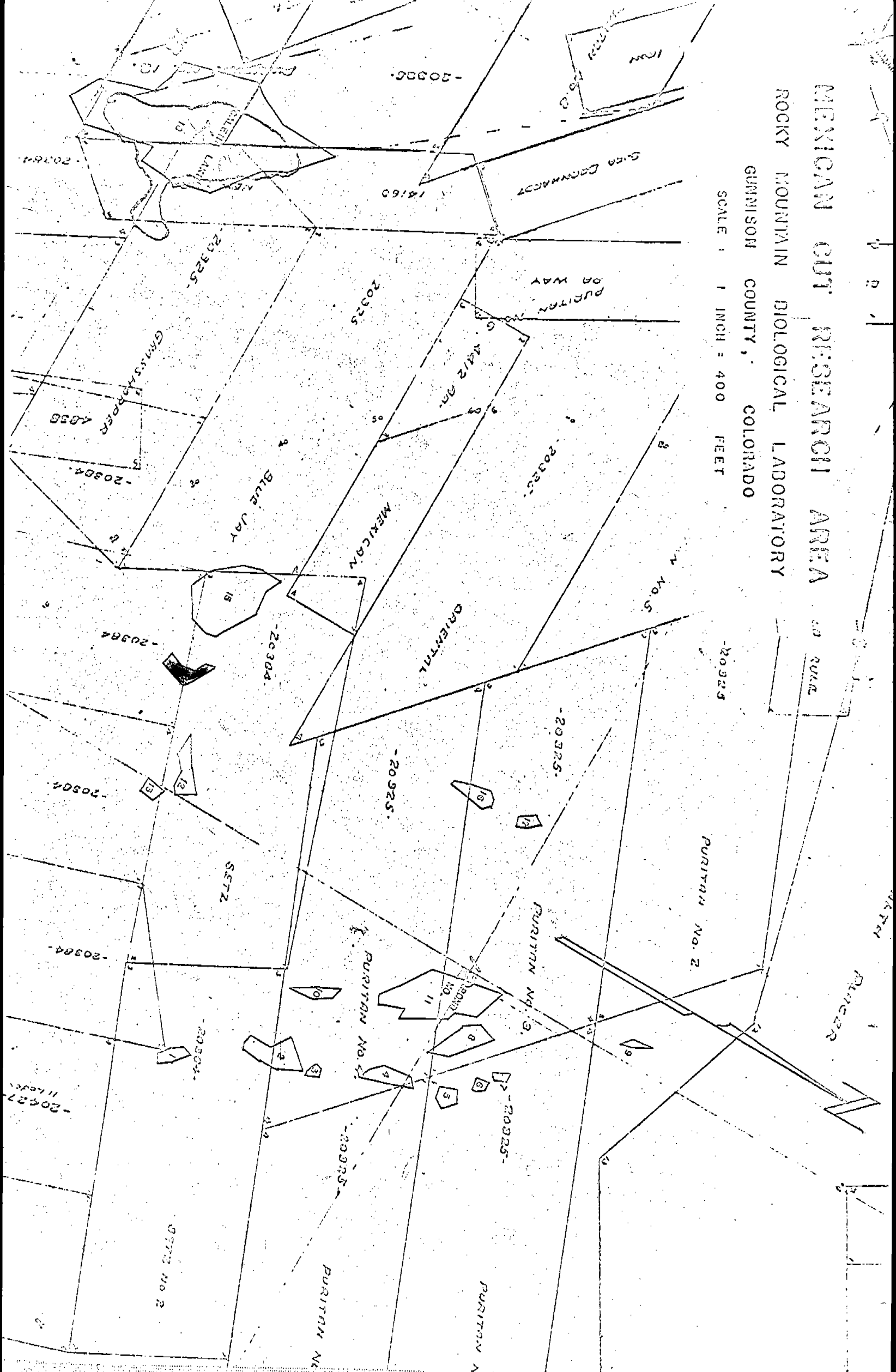
REGISTERED ENGINEER & LAND SURVEYOR
 SALIDA, COLORADO

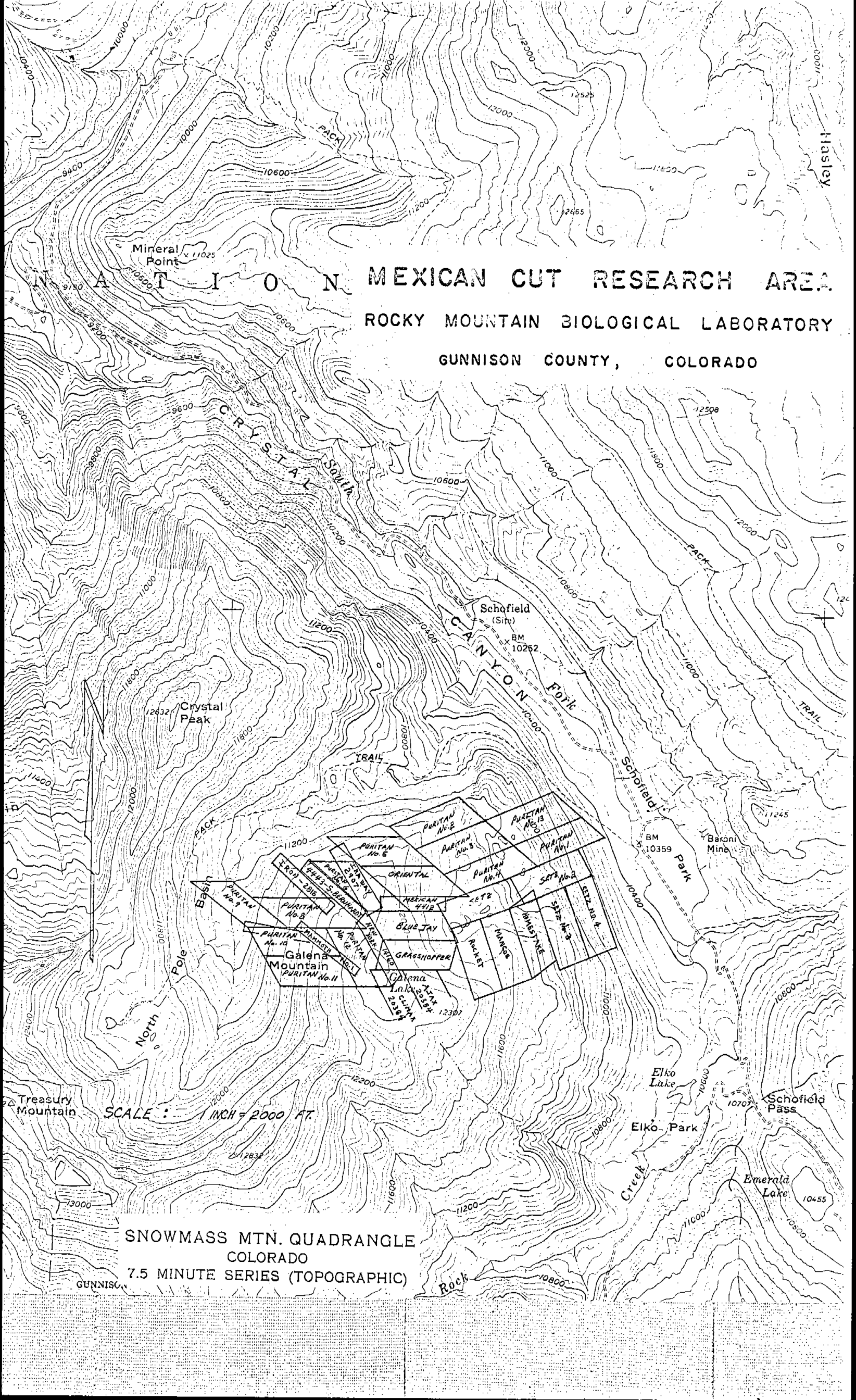
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APPROVED BY [Signature] 25.6

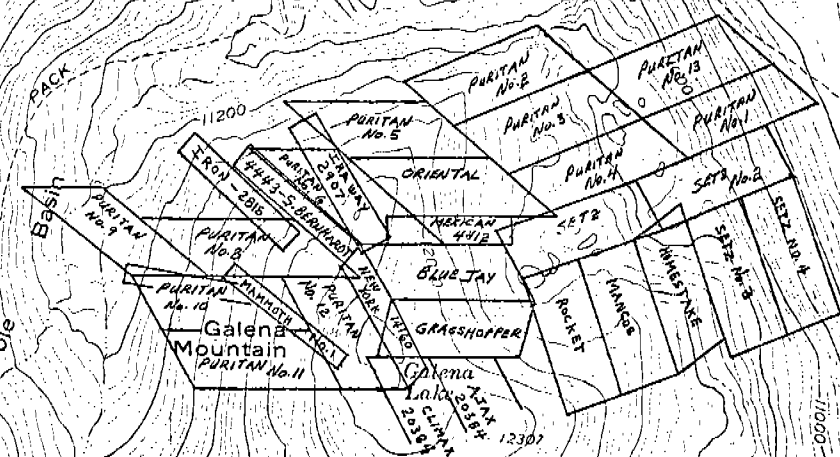
MEXICAN CUT RESEARCH AREA
ROCKY MOUNTAIN BIOLOGICAL LABORATORY
GUMNISON COUNTY, COLORADO

SCALE : 1 INCH = 400 FEET



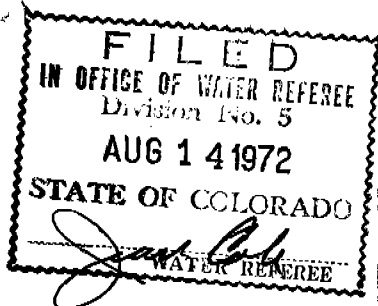


ATLANTIC MEXICAN CUT RESEARCH AREA
ROCKY MOUNTAIN BIOLOGICAL LABORATORY
GUNNISON COUNTY, COLORADO

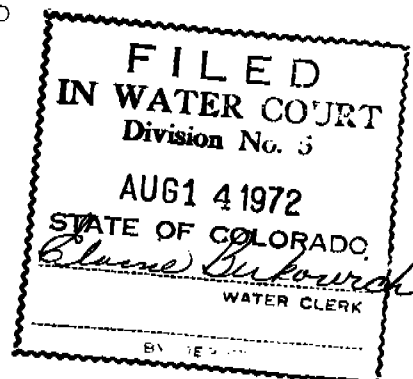


SCALE : 1 INCH = 2000 FT.

SNOWMASS MTN. QUADRANGLE
COLORADO
7.5 MINUTE SERIES (TOPOGRAPHIC)
GUNNISON



IN THE DISTRICT COURT IN AND
FOR WATER DIVISION NO. 5
STATE OF COLORADO
Application No. W-578



IN THE MATTER OF THE APPLICATION)
FOR WATER RIGHTS OF THE CORPORATION)
OF THE ROCKY MOUNTAIN BIOLOGICAL)
LABORATORY AT GOTHIC, A CORPORATION)
IN THE CRYSTAL RIVER IN GUNNISON)
COUNTY)

RULING OF
REFEREE

The above entitled matter having been referred to the undersigned
as Water Referee for Water Division No. 5, State of Colorado, by the Water Judge
of said Court on the 28th day of April, 1972, in accordance with Article 21 of
Chapter 148, Colorado Revised Statutes 1963, as amended (Chapter 373 S.L. Colo.
1969), known as The Water Rights Determination and Administration Act of 1969.

And the undersigned Referee having made such investigations as are
necessary to determine whether or not the statements in the application are true
and having become fully advised with respect to the subject matter of the
application does hereby make the following determination and ruling as the
Referee in this matter, to-wit:

1. The statements in the application are true.
2. The name of the structure is Mexican Cut Natural Pond No. 14.
3. The name of claimant and address is: The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a Corporation, P. O. Box 179, Gunnison, Colorado 81230.
4. The source of the water is snow melt, underground springs, surface drainage and overflow from Galena Lake and Mexican Cut Natural Pond No. 15.
5. The pond is located in an unsurveyed area in Schofield Park on the South Fork of the Crystal River, within the boundaries of Setz Lode, Survey No. 20384, and Rocket Lode, Survey No. 20384, at a point whence Corner No. 1 of Mexican Lode, Survey No. 4412 A.M., bears N. 46°07' W. 642.2 feet.
6. The use of the water is piscatorial, biological research and teaching, wildlife procreation and natural heritage preservation.
7. The date of initiation of appropriation is July 1, 1932.
8. The total capacity of reservoir is 0.71 acre foot.
9. This is a natural pond having only natural inlets and outlets.
10. The water has been in use for the above purposes since July 1, 1932.
11. This is a non-consumptive use of water.

The Referee does therefore conclude that the above entitled application should be granted and that 0.71 acre foot of water hereby is awarded to the Mexican Cut Natural Pond No. 14, for piscatorial, biological research and teaching, wildlife procreation and natural heritage preservation uses, with appropriation date of the 1st day of July, 1932, absolutely and unconditionally; subject, however, to all earlier priority rights of others and to the integration and tabulation by the Division Engineer of such priorities and changes of rights in accordance with law as may be determined in pending supplemental general adjudication proceedings.

It is accordingly ORDERED that this ruling shall be filed with the Water Clerk and shall become effective upon such filing, subject to judicial review pursuant to Section 148-21-20 CRS 1963 as amended (1971).

It is further ORDERED that a copy of this ruling shall be filed with the appropriate Division Engineer and the State Engineer.

Done at the City of Glenwood Springs, Colorado, this 14th day of AUGUST, 1972.

BY THE REFEREE:

No protest was filed in this matter
The foregoing ruling is confirmed
and approved, and is made the
Judgment and Decree of this court.

Dated: March 1, 1973

[Signature]
Water Judge

[Signature]
Water Referee
Water Division No.5
State of Colorado

To Be Filed in Duplicate

IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 5

STATE OF COLORADO

CASE NO. W- 579

FILED
IN WATER COURT
Division No. 5

APR 28 1972

STATE OF COLORADO

Blaine Dubouché
WATER CLERK

BY DEPUTY

IN THE MATTER OF THE
APPLICATION FOR
WATER RIGHTS OF THE CORPORATION OF
THE ROCKY MOUNTAIN BIOLOGICAL
LABORATORY AT GOTHIC, a corporation

APPLICATION FOR
WATER STORAGE RIGHT

NON-CONSUMPTIVE

IN GUNNISON COUNTY

1. Name of applicant: The Corporation of the Rocky Mountain Biological
Laboratory at Gothic, a corporation

Mailing address: P.O. Box 179, Gunnison, Colorado 81230

2. Name of reservoir: Mexican Cut Natural Pond No. 15

3. Legal description of reservoir survey at high water line:

Beginning at a point from which a witness corner to Corner No. 4 of Rocket Lode, M.S. 20384 bears North 62°18' West 48.0 feet; thence North 56°54' West 131.1 feet; thence South 85°26' West 87.6 feet; thence North 63°08' West 72.5 feet; thence South 3°40' West 80.0 feet; thence South 15°40' East 81.7 feet; thence South 37°12' East 125.4 feet; thence South 65°10' East 91.0 feet; thence North 59°10' East 78.5 feet; thence North 64°03' East 52.0 feet; thence North 18°59' East 77.6 feet; thence North 14°29' West 41.9 feet to the point of beginning, area of pond 1.37 acres. Source of water: Snow melt, underground springs, surface drainage and overflow from Galena Lake

5. Date of initiation of appropriation: 7-1-32

6. Date of approval of reservoir by State Engineer: N/a

State Engineer No.: N/a

7. Amount of water claimed in acre feet: 7.12

8. Use or proposed use of the water: Biological research and teaching,
wildlife procreation and natural heritage preservation

9. Maximum height of dam in feet: N/a

10. Length of dam or proposed dam in feet: N/a

11. Total capacity of reservoir in acre feet: 7.12

12. Capacity of reservoir in acre feet from bottom of the outlet tube to the lowest point on the spillway:

N/a

13. Capacity of reservoir in acre feet from the bottom of the outlet tube to the lowest point in the reservoir:

N/a

14. Name and capacity of ditch or ditches leading to the reservoir, if applicable:

N/a

15. Name and capacity of ditch or ditches leading from the reservoir, if applicable:

N/a

16. Estimated cost of the reservoir: N/a

KLINGSMITH, RUSSELL & FRENCH

PKing t
Attorney for Applicant

State of Colorado } ss.
County of Gunnison

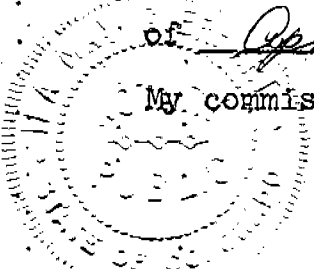
Robert B. Willey, being first duly sworn upon oath, deposes and says that he has read the foregoing application, knows the contents thereof and that the same is true.

Robert Willey

Subscribed and sworn to before me this 27 day

of April, 1972.

My commission expires 4-23-75.



St. Mary's Parish
Notary Public

Name and Address
of Applicant:

The Corporation of the Rocky Mountain
Biological Laboratory at Gothic,
P.O. Box 179,
Gunnison, Colorado 81230

Name, Address, and Telephone No.
of Attorney for Applicant:

Klingsmith, Russell & French
110 East Virginia Avenue - Box 179
Gunnison, Colorado 81230
Telephone: 641-1334

Map of
 MEXICAN CUT NATURAL POND NO. 15
 Gunnison County, Colorado
 WATER DIVISION NO. 5
 True Meridian based on Magnetic Declination of 14°30'
 SCALE 1 inch = 60 feet

SETZ
 -M.S. NO. 20384-

5/8" REINFORCING
 BAR SET IN LIME-
 STONE ROCK WITH
 1 1/2" ALUM. NUM.
 CAP. ASSIGNED
 ELEVATION:
 11360.0

TBM 11
 N 110° 50' E
 176.2

WITNESS COR. TO COR.
 NO. 4 ROCKET M.S. NO.
 20384
 (MARKED STONE IN PLACE)

AREA = 1.37 AC.
 CAPACITY = 7.12 AC. FT.

NATURAL HIGH WATER
 SURFACE ELEVATION: 11362.4

BLUE JAY
 -M.S. NO. 20325-

ROCKET
 -M.S. NO. 20384-

ROBERT F. GARRISON & ASSOCIATES, INC.
 REGISTERED PROFESSIONAL LAND SURVEYOR
 SALIDA, COLORADO

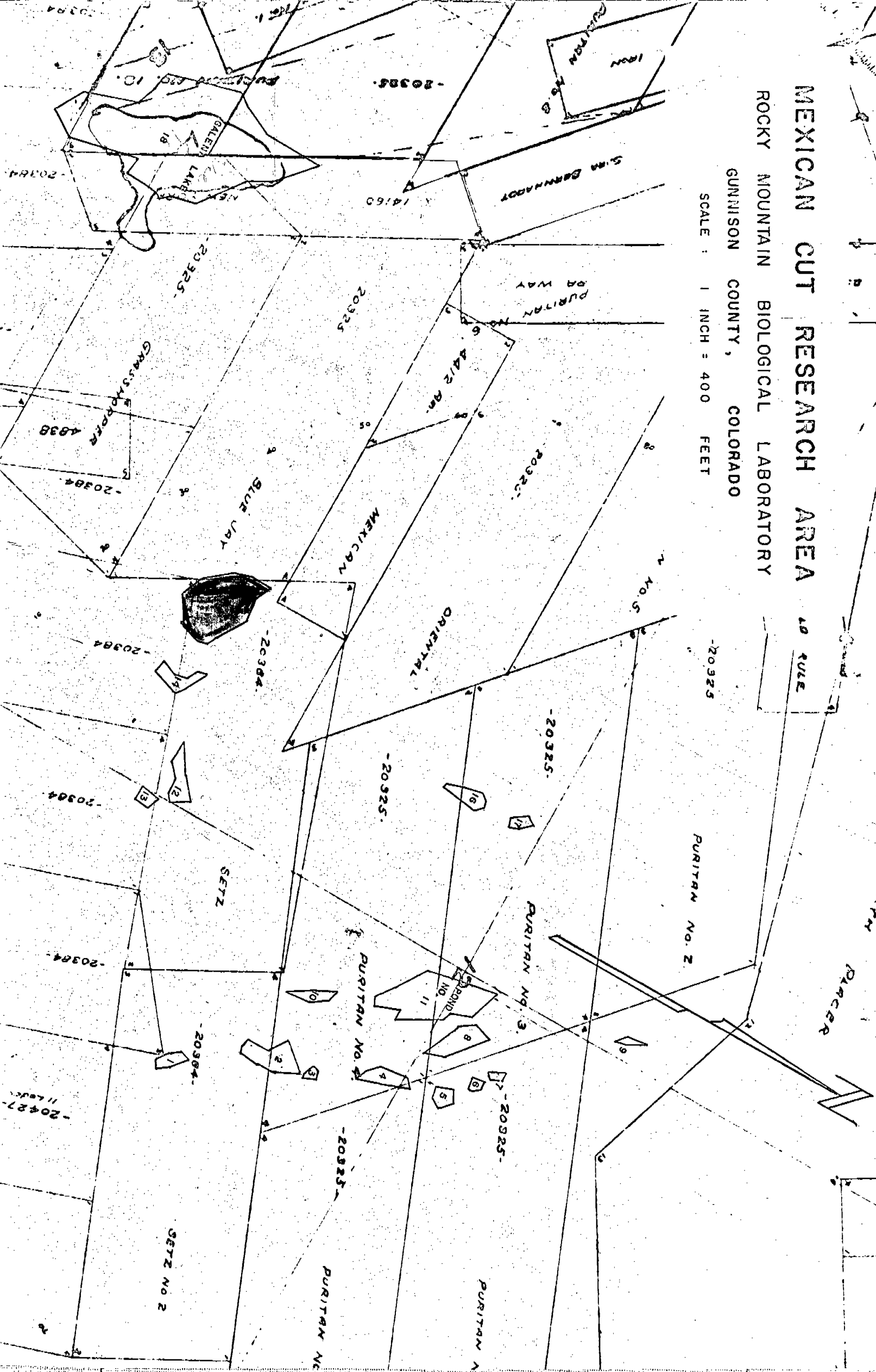
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 CHECKED: R.S.

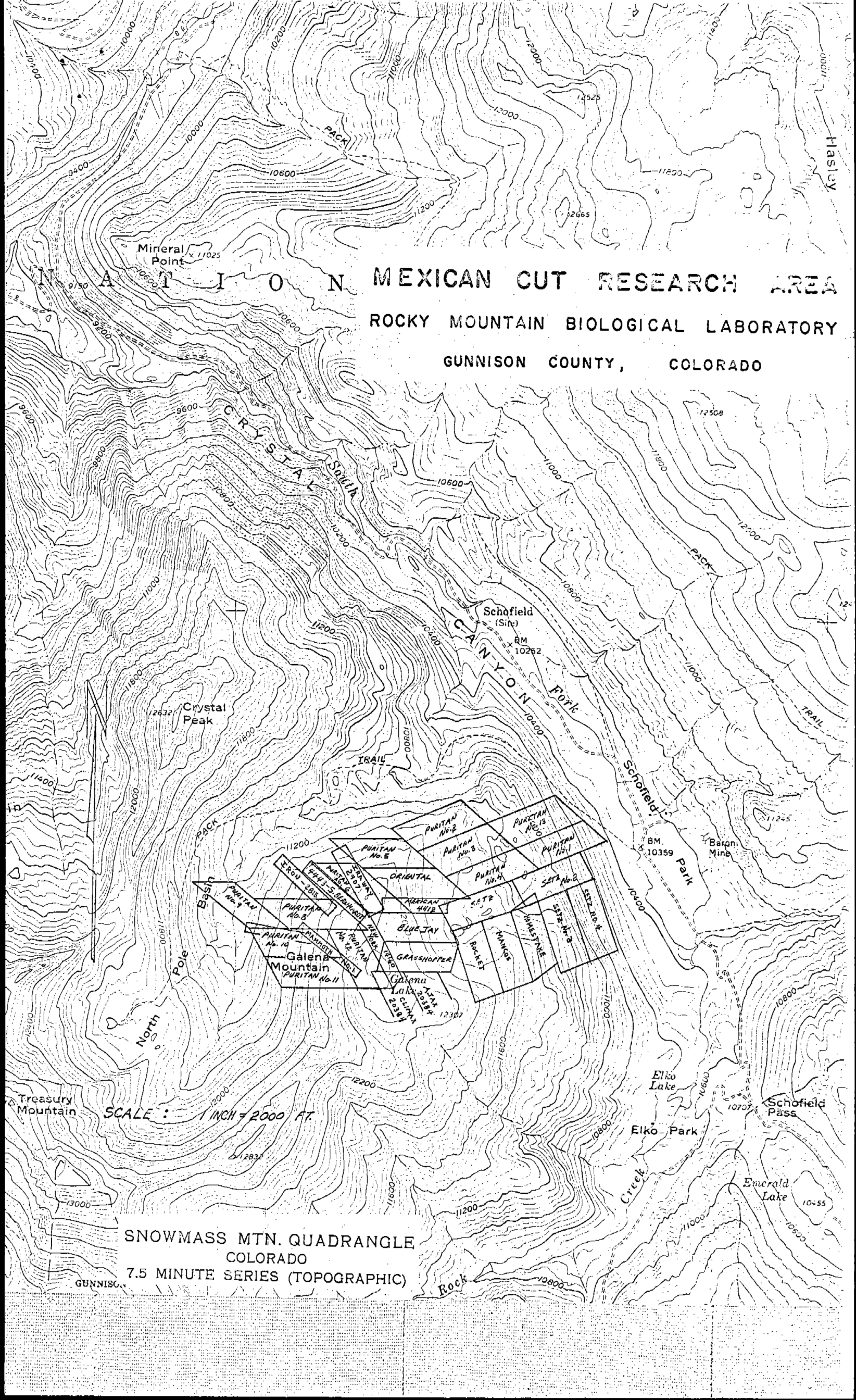
MEXICAN CUT RESEARCH AREA 10 MILE

ROCKY MOUNTAIN BIOLOGICAL LABORATORY

GUNNISON COUNTY, COLORADO

SCALE : 1 INCH = 400 FEET



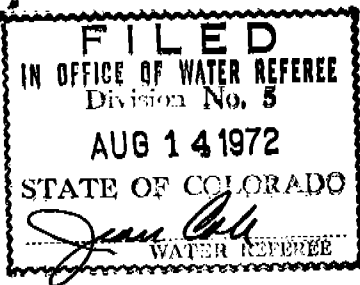


MEXICAN CUT RESEARCH AREA
ROCKY MOUNTAIN BIOLOGICAL LABORATORY
GUNNISON COUNTY, COLORADO

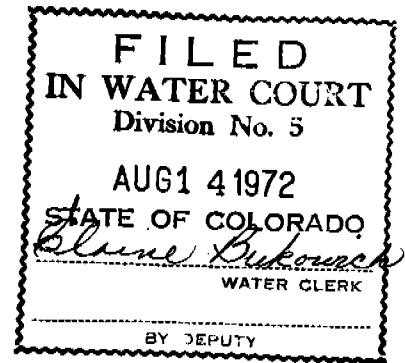
SCALE : 1 INCH = 2000 FT.

SNOWMASS MTN. QUADRANGLE
COLORADO
7.5 MINUTE SERIES (TOPOGRAPHIC)

GUNNISON



IN THE DISTRICT COURT IN AND
FOR WATER DIVISION NO. 5
STATE OF COLORADO
Application No. W-579



IN THE MATTER OF THE APPLICATION)
FOR WATER RIGHTS OF THE CORPORATION)
OF THE ROCKY MOUNTAIN BIOLOGICAL)
LABORATORY AT GOTHIC, A CORPORATION)
IN THE CRYSTAL RIVER IN GUNNISON)
COUNTY)

RULING OF
REFEREE

The above entitled matter having been referred to the undersigned as Water Referee for Water Division No. 5, State of Colorado, by the Water Judge of said Court on the 28th day of April, 1972, in accordance with Article 21 of Chapter 148, Colorado Revised Statutes 1963, as amended (Chapter 373 S.L. Colo. 1969), known as The Water Rights Determination and Administration Act of 1969.

And the undersigned Referee having made such investigations as are necessary to determine whether or not the statements in the application are true and having become fully advised with respect to the subject matter of the application does hereby make the following determination and ruling as the Referee in this matter, to-wit:

1. The statements in the application are true.
2. The name of the structure is Mexican Cut Natural Pond No. 15.
3. The name of claimant and address is: The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a Corporation, P. O. Box 179, Gunnison, Colorado 81230.
4. The source of the water is snow melt, underground springs, surface drainage and overflow from Galena Lake.
5. The pond is located in an unsurveyed area in Schofield Park on the South Fork of the Crystal River, within the boundaries of Setz Lode, Survey No. 20384, Blue Jay Lode, Survey No. 20325, and Rocket Lode, Survey No. 20384, at a point whence the Witness Corner to Corner No. 4 of Rocket Lode, Survey No. 20384, bears N. 33°13' W. 88.0 feet.
6. The use of the water is piscatorial, biological research and teaching, wildlife procreation and natural heritage preservation.
7. The date of initiation of appropriation is July 1, 1932.
8. The total capacity of reservoir is 7.12 acre feet.
9. This is a natural pond having only natural inlets and outlets.
10. The water has been in use for the above purposes since July 1, 1932.
11. This is a non-consumptive use of water.

The Referee does therefore conclude that the above entitled application should be granted and that 7.12 acre feet of water hereby is awarded to the Mexican Cut Natural Pond No. 15, for piscatorial, biological research and teaching, wildlife procreation and natural heritage preservation uses, with appropriation date of the 1st day of July, 1932, absolutely and unconditionally; subject, however, to all earlier priority rights of others and to the integration and tabulation by the Division Engineer of such priorities and changes of rights in accordance with law as may be determined in pending supplemental general adjudication proceedings.

It is accordingly ORDERED that this ruling shall be filed with the Water Clerk and shall become effective upon such filing, subject to judicial review pursuant to Section 148-21-20 CRS 1963 as amended (1971).

It is further ORDERED that a copy of this ruling shall be filed with the appropriate Division Engineer and the State Engineer.

Done at the City of Glenwood Springs, Colorado, this 14th day of AUGUST, 1972.

BY THE REFEREE:

No protest was filed in this matter.
The foregoing ruling is confirmed
and approved, and is made the
Judgment and Decree of this court.

Dated: March 1, 1973

[Signature]
Water Judge

[Signature]
Water Referee
Water Division No. 5
State of Colorado

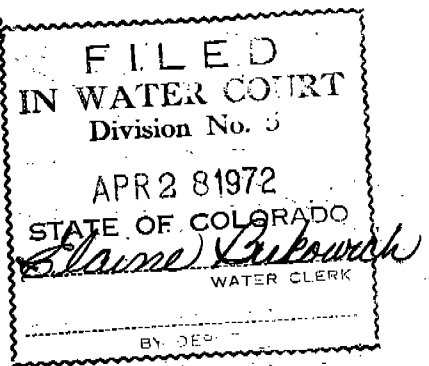
To Be Filed in Duplicate

IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 5

STATE OF COLORADO

CASE NO. W-680



IN THE MATTER OF THE
APPLICATION FOR
WATER RIGHTS OF THE CORPORATION OF
THE ROCKY MOUNTAIN BIOLOGICAL LABORATORY
AT GOTHIC, a corporation

APPLICATION FOR
WATER STORAGE RIGHT

NON-CONSUMPTIVE

IN GUNNISON COUNTY

1. Name of applicant: The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a corporation
Mailing address: P.O. Box 179, Gunnison, Colorado 81230
2. Name of reservoir: Mexican Cut Natural Pond No. 16
3. Legal description of reservoir survey at high water line:
Beginning at a point from which Corner No. 1 of Oriental Lode, M.S. 20325, bears South 71°20' West 498.3 feet; thence South 36°18' West 40.4 feet; thence South 11°42' East 71.9 feet; thence South 16°26' East 59.0 feet; thence South 77°40' East 18.1 feet; thence North 9°24' East 138.2 feet; thence North 41°41' West 41.8 feet; thence South 78°18' West 20.3 feet to the point of beginning, with an area of 0.17 acres
4. Source of water: Snow melt, underground springs and surface drainage
5. Date of initiation of appropriation: 7-1-32
6. Date of approval of reservoir by State Engineer: N/A
State Engineer No.: N/a
7. Amount of water claimed in acre feet: 0.54
8. Use or proposed use of the water: Biological research and teaching, wildlife procreation and natural heritage preservation
N/a
9. Maximum height of dam in feet: N/a
10. Length of dam or proposed dam in feet: N/a
11. Total capacity of reservoir in acre feet: 0.54
12. Capacity of reservoir in acre feet from bottom of the outlet tube to the lowest point on the spillway:
N/a
13. Capacity of reservoir in acre feet from the bottom of the outlet tube to the lowest point in the reservoir:
N/a

14. Name and capacity of ditch or ditches leading to the reservoir, if applicable:

N/a

15. Name and capacity of ditch or ditches leading from the reservoir, if applicable:

N/a

16. Estimated cost of the reservoir: N/a

KLINGSMITH, RUSSELL & FRENCH

Robert B. Willey
Attorney for Applicant

State of Colorado } ss.
County of Gunnison

Robert B. Willey, being first duly sworn upon oath, deposes and says that he has read the foregoing application, knows the contents thereof and that the same is true.

Robert B. Willey

Subscribed and sworn to before me this 27th day of April, 1972.

My commission expires 4-23-75.

Ila May Liebert
Notary Public

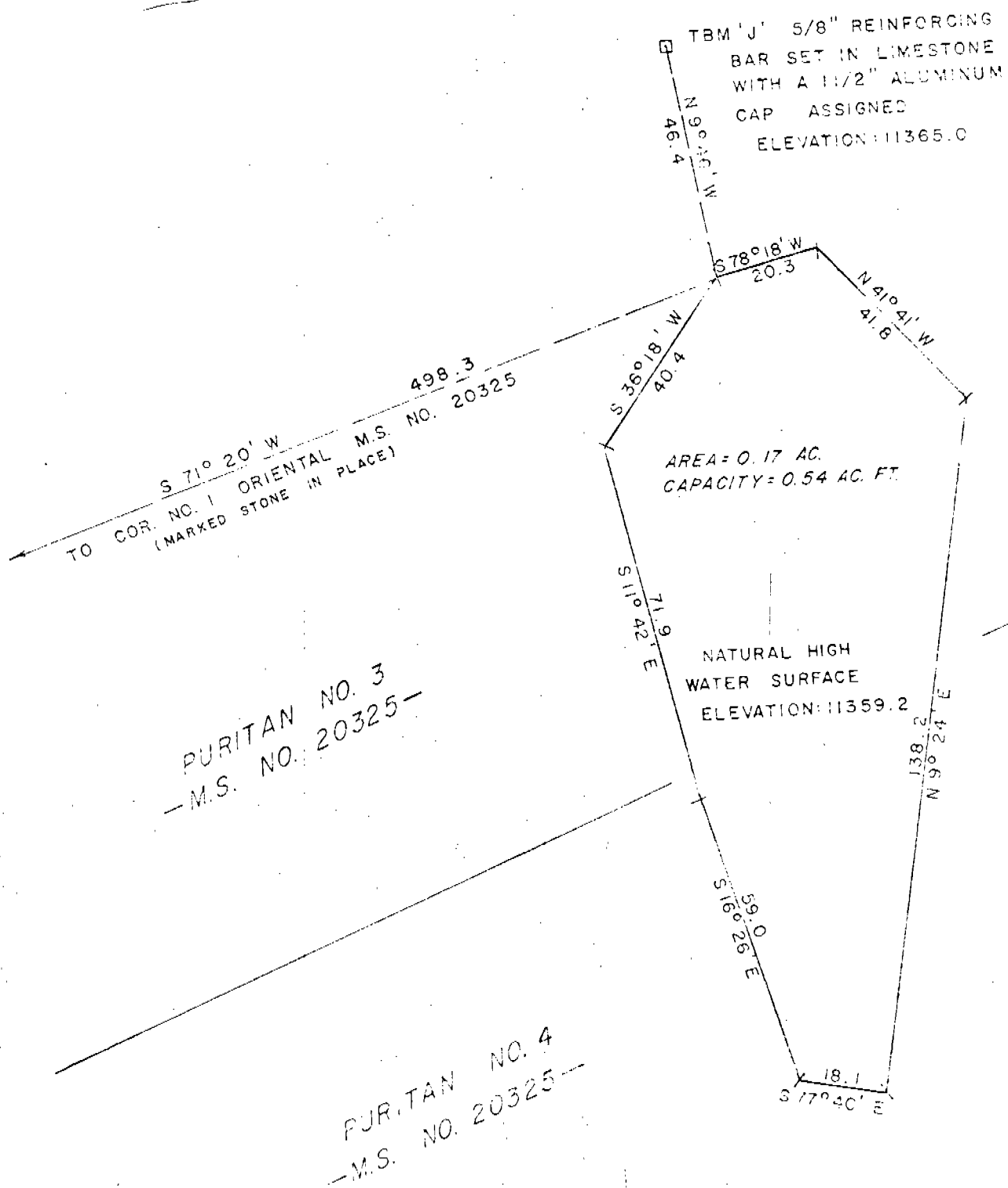
Name and Address
of Applicant:

The Corporation of the Rocky Mountain
Biological Laboratory at Gothic,
P.O. Box 179
Gunnison, Colorado 81230

Name, Address, and Telephone No.
of Attorney for Applicant:

Klingsmith, Russell & French
110 East Virginia Avenue - Box 179
Gunnison, Colorado 81230
Telephone: 641-1334

Map of
 MEXICAN CUP NATURAL POND NO. 10
 Gunnison County, Colorado
 WATER DIVISION NO. 7
 True Meridian based on Magnetic Declination of 14°30'
 SCALE 1 inch = 50 feet



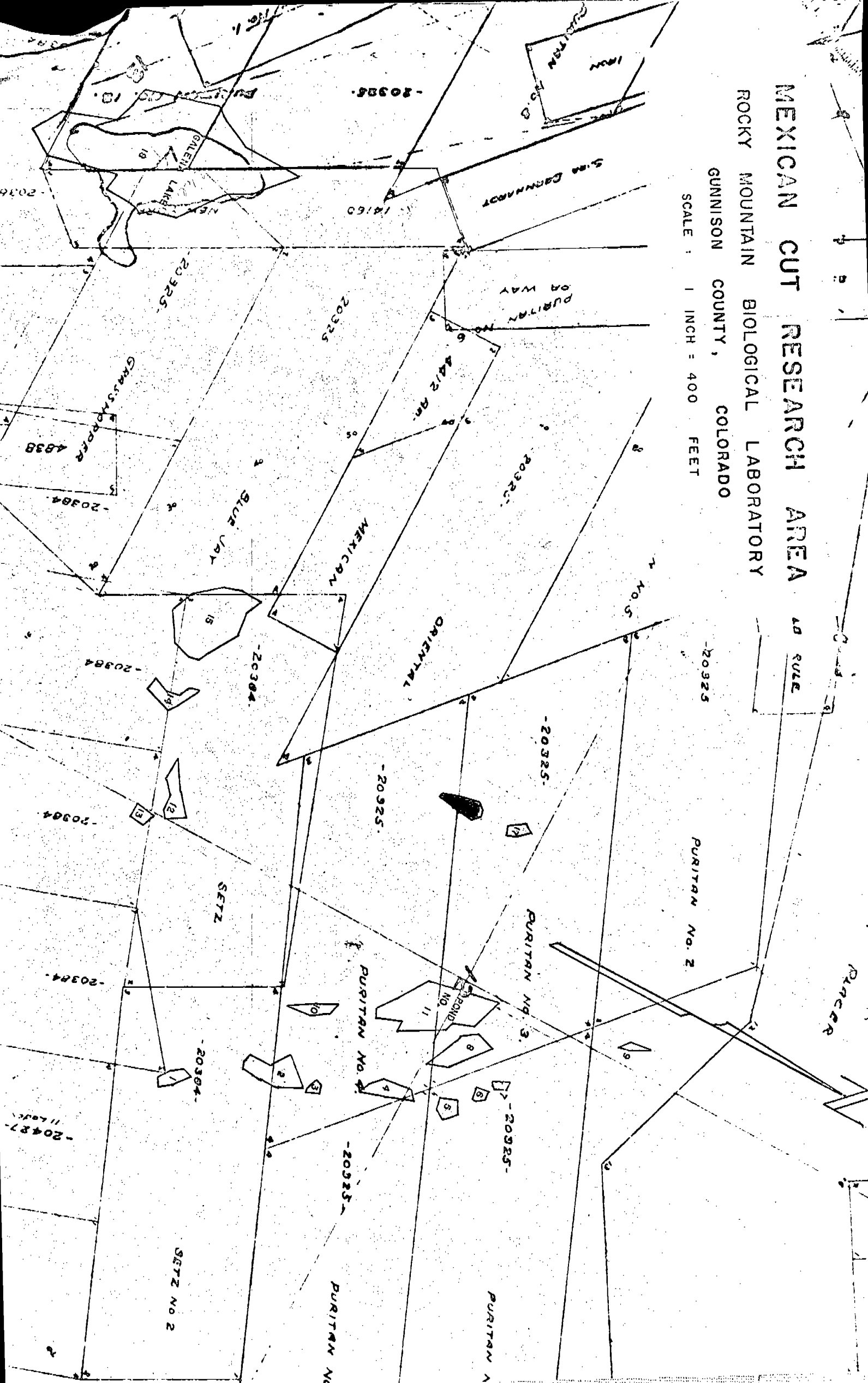
ROBERT F. HARRISON & ASSOCIATES, INC.
 REGISTERED ENGINEERS AND SURVEYORS
 COLORADO

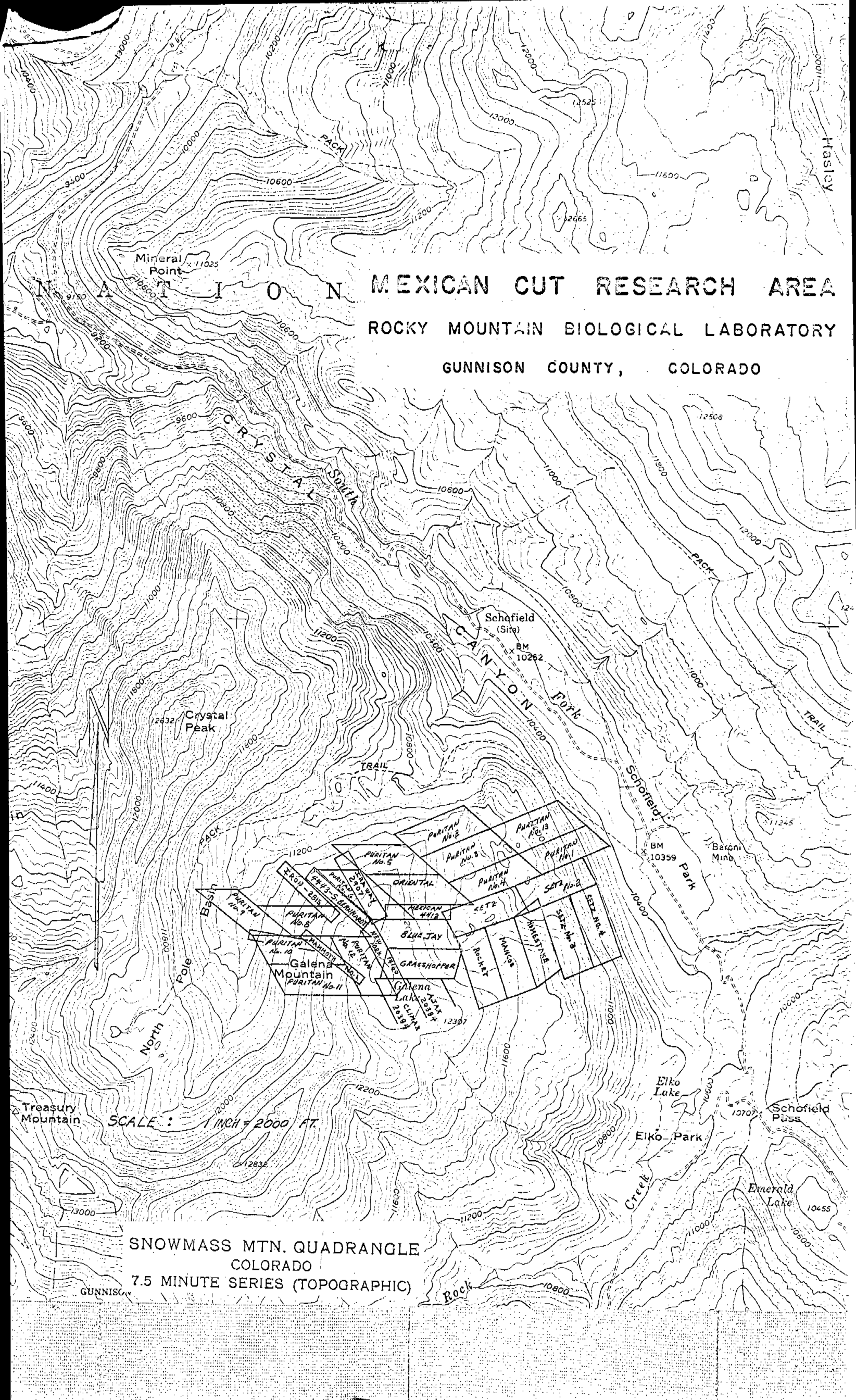
AD 2015

BIOLOGICAL LABORATORY

COLORADO

1 INCH = 400 FEET





MEXICAN CUT RESEARCH AREA

ROCKY MOUNTAIN BIOLOGICAL LABORATORY

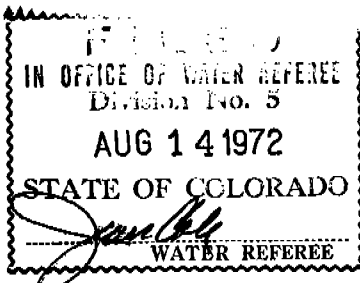
GUNNISON COUNTY, COLORADO

SCALE : 1 INCH = 2000 FT.

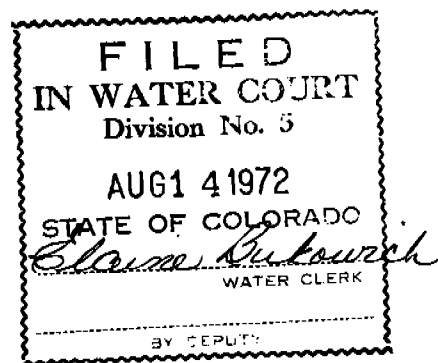
SNOWMASS MTN. QUADRANGLE
COLORADO

7.5 MINUTE SERIES (TOPOGRAPHIC)

GUNNISON



IN THE DISTRICT COURT IN AND
FOR WATER DIVISION NO. 5
STATE OF COLORADO
Application No. W-580



IN THE MATTER OF THE APPLICATION)
FOR WATER RIGHTS OF THE CORPORATION)
OF THE ROCKY MOUNTAIN BIOLOGICAL)
LABORATORY AT GOTHIC, A CORPORATION)
IN THE CRYSTAL RIVER IN GUNNISON)
COUNTY)

RULING OF
REFEREE

The above entitled matter having been referred to the undersigned as Water Referee for Water Division No. 5, State of Colorado, by the Water Judge of said Court on the 28th day of April, 1972, in accordance with Article 21 of Chapter 148, Colorado Revised Statutes 1963, as amended (Chapter 373 S.L. Colo. 1969), known as The Water Rights Determination and Administration Act of 1969.

And the undersigned Referee having made such investigations as are necessary to determine whether or not the statements in the application are true and having become fully advised with respect to the subject matter of the application does hereby make the following determination and ruling as the Referee in this matter, to-wit:

1. The statements in the application are true.
2. The name of the structure is Mexican Cut Natural Pond No. 16.
3. The name of claimant and address is: The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a Corporation, P. O. Box 179, Gunnison, Colorado 81230.
4. The source of the water is snow melt, underground springs and surface drainage.
5. The pond is located in an unsurveyed area in Schofield Park on the South Fork of the Crystal River, within the boundaries of Puritan Lode No. 3, Survey No. 20325, and Puritan Lode No. 4, Survey No. 20325, at a point whence Corner No. 1 of Oriental Lode, Survey No. 20325, bears S. 71°20' W. 498.3 feet.
6. The use of the water is piscatorial, biological research and teaching, wildlife procreation and natural heritage preservation.
7. The date of initiation of appropriation is July 1, 1932.
8. The total capacity of reservoir is 0.54 acre foot.
9. This is a natural pond having only natural inlets and outlets.
10. The water has been in use for the above purposes since July 1, 1932.
11. This is a non-consumptive use of water.

The Referee does therefore conclude that the above entitled application should be granted and that 0.54 acre foot of water hereby is awarded to the Mexican Cut Natural Pond No. 16, for piscatorial, biological research and teaching, wildlife procreation and natural heritage preservation uses, with appropriation date of the 1st day of July, 1932, absolutely and unconditonally; subject, however, to all earlier priority rights of others and to the integration and tabulation by the Division Engineer of such priorities and changes of rights in accordance with law as may be determined in pending supplemental general adjudication proceedings.

It is accordingly ORDERED that this ruling shall be filed with the Water Clerk and shall become effective upon such filing, subject to judicial review pursuant to Section 148-21-20 CRS 1963 as amended (1971).

It is further ORDERED that a copy of this ruling shall be filed with the appropriate Division Engineer and the State Engineer.

Done at the City of Glenwood Springs, Colorado, this 14th day of AUGUST, 1972.

BY THE REFEREE:

No protest was filed in this matter and the foregoing ruling is confirmed and approved, and is made the Judgment and Decree of this court.

Dated: September 21, 1972

Charles J. Amundson
Water Judge

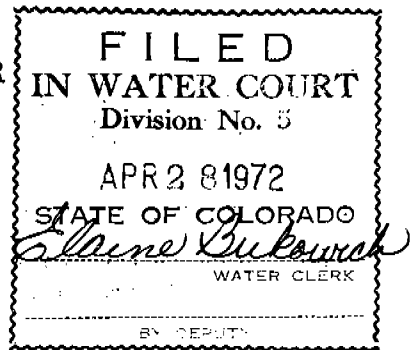
James Cole
Water Referee
Water Division No. 5
State of Colorado

To Be Filed in Duplicate

IN THE DISTRICT COURT IN AND FOR
WATER DIVISION NO. 5

STATE OF COLORADO

CASE NO. W-581



IN THE MATTER OF THE
APPLICATION FOR
WATER RIGHTS OF THE CORPORATION OF
THE ROCKY MOUNTAIN BIOLOGICAL LABORATORY
AT GOTHIC, a corporation

APPLICATION FOR
WATER STORAGE RIGHT

NON-CONSUMPTIVE

IN GUNNISON COUNTY

1. Name of applicant: The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a corporation
Mailing address: P.O. Box 179, Gunnison, Colorado 81230

2. Name of reservoir: Mexican Cut Natural Pond No. 17

3. Legal description of reservoir survey at high water line:

Beginning at a point from which Corner No. 1 of Oriental Lode, M.S. 20325, bears South 59°08' West 544.2 feet; thence North 69°12' East 39.6 feet; thence North 22°56' West 37.6 feet; thence North 42°46' West 60.4 feet; thence South 26°16' West 39.1 feet; thence South 31°47' East 68.2 feet to the point of beginning, with an area of 0.08 acres.

4. Source of water: Snow melt, underground springs and surface drainage

5. Date of initiation of appropriation: 7-1-32

6. Date of approval of reservoir by State Engineer: N/a

State Engineer No.: N/a

7. Amount of water claimed in acre feet: 0.17

8. Use or proposed use of the water: Biological research and teaching, wildlife procreation and natural heritage preservation

9. Maximum height of dam in feet: N/a

10. Length of dam or proposed dam in feet: N/a

11. Total capacity of reservoir in acre feet: 0.17

12. Capacity of reservoir in acre feet from bottom of the outlet tube to the lowest point on the spillway:
N/a

13. Capacity of reservoir in acre feet from the bottom of the outlet tube to the lowest point in the reservoir:

N/a

14. Name and capacity of ditch or ditches leading to the reservoir, if applicable:

N/a

15. Name and capacity of ditch or ditches leading from the reservoir, if applicable:

N/a

16. Estimated cost of the reservoir:

N/a

KLINGSMITH, RUSSELL & FRENCH

PKLg - t
Attorney for Applicant

State of Colorado
County of

Gunnison

} ss.

Robert B. Willey, being first duly sworn upon oath, deposes and says that he has read the foregoing application, knows the contents thereof and that the same is true.

Robert B. Willey

Subscribed and sworn to before me this 27 day of April, 1972.

My commission expires 4-23-75.

Jo May Bickart
Notary Public

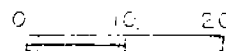
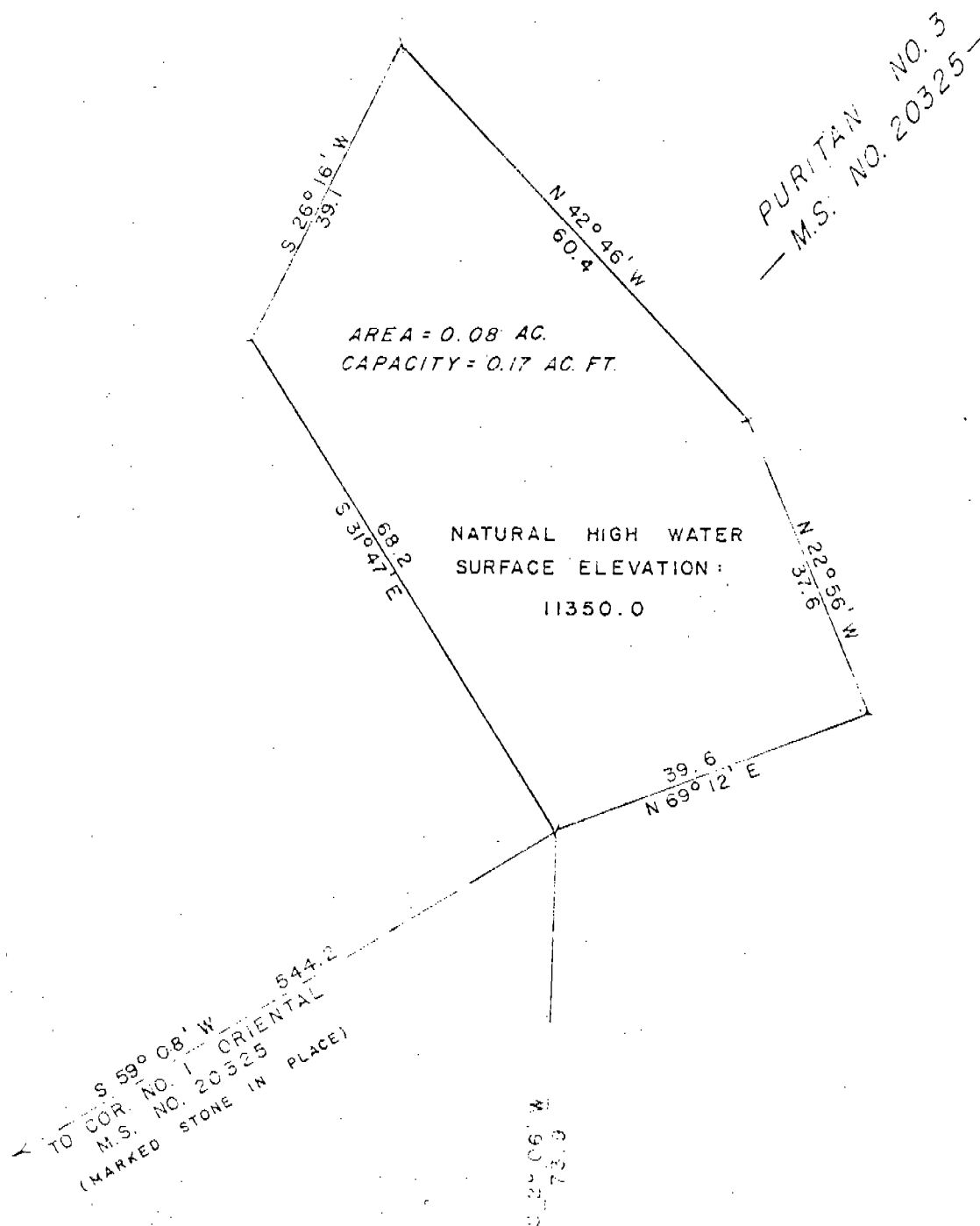
Name and Address
of Applicant:

The Corporation of the Rocky Mountain
Biological Laboratory at Gothic
P.O. Box 179
Gunnison, Colorado 81230

Name, Address, and Telephone No.
of Attorney for Applicant:

Klingsmith, Russell & French
110 East Virginia Avenue - Box 179
Gunnison, Colorado 81230
Telephone: 641-1334

Map of
 MEXICAN CUT NATURAL POND NO. 17
 Gunnison County, Colorado
 WATER DIVISION NO. 5
 True Meridian based on Magnetic Declination of 14° 30'
 SCALE 1 inch = 20 feet



ROBERT A. JOHNSON & ASSOCIATES, INC.

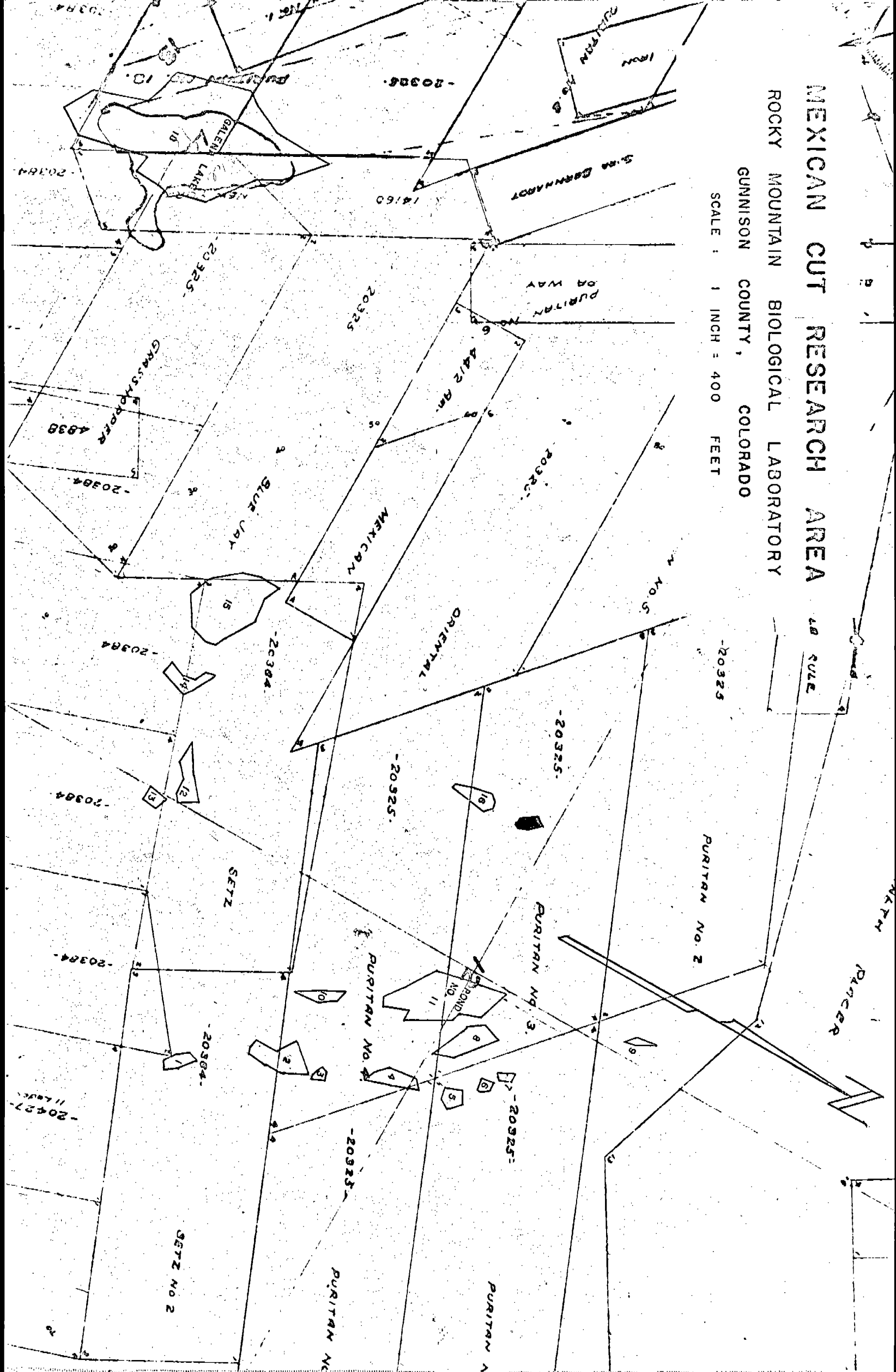
REGISTERED ENGINEER & LAND SURVEYOR
 COLORADO

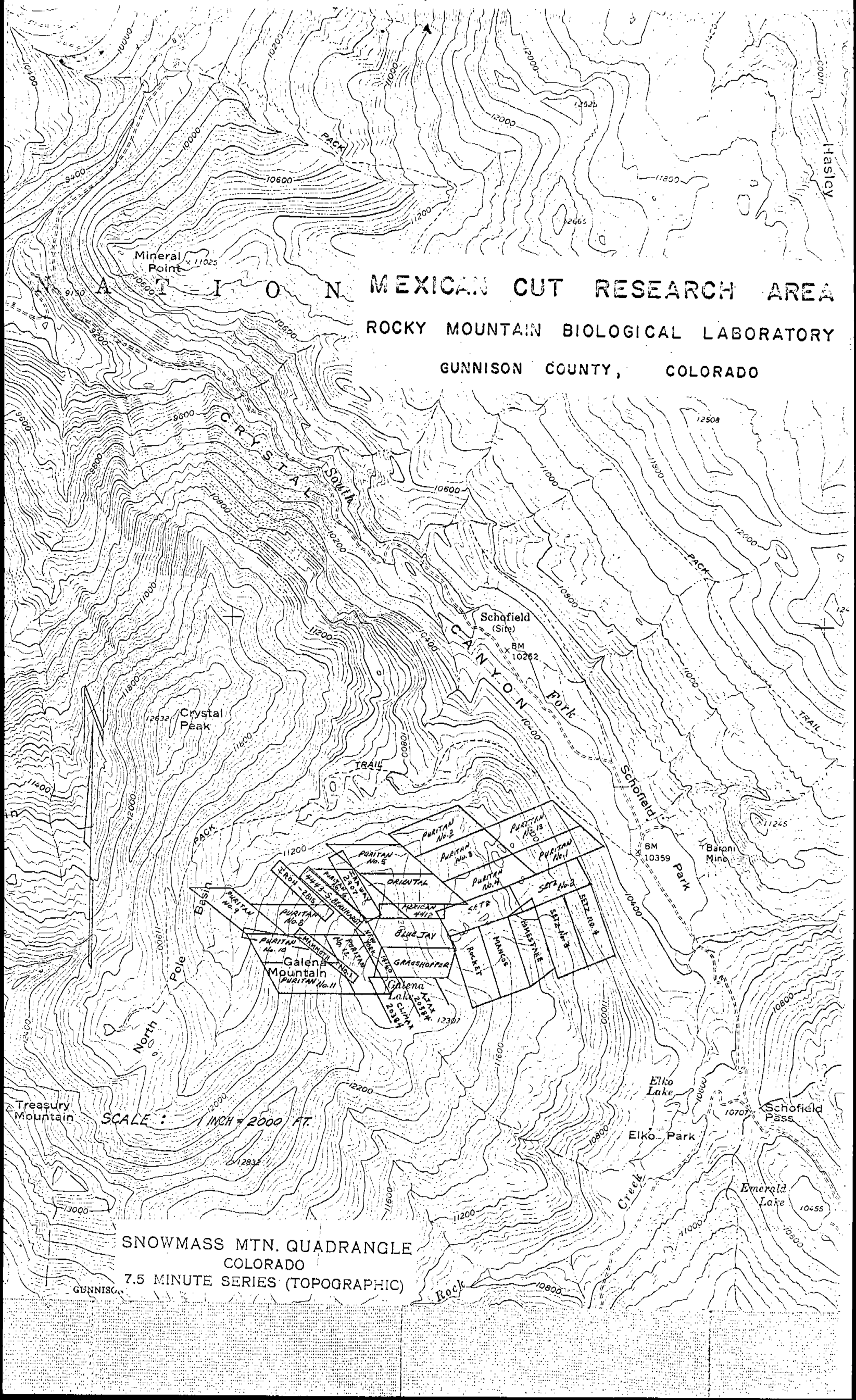
DRAWN BY J. H. JOHNSON

APPROVED

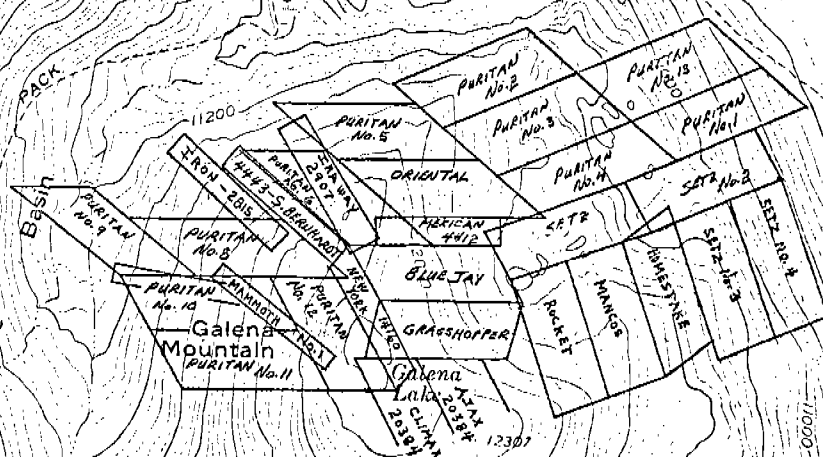
MEXICAN CUT RESEARCH AREA
ROCKY MOUNTAIN BIOLOGICAL LABORATORY
GUNNISON COUNTY, COLORADO

SCALE : 1 INCH = 400 FEET



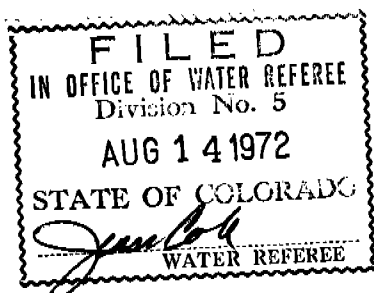


ATKINSON MEXICAN CUT RESEARCH AREA
ROCKY MOUNTAIN BIOLOGICAL LABORATORY
GUNNISON COUNTY, COLORADO

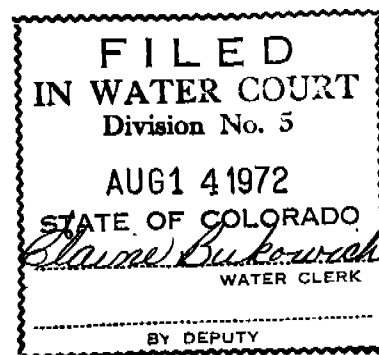


SCALE : 1 INCH = 2000 FT.

SNOWMASS MTN. QUADRANGLE
COLORADO
7.5 MINUTE SERIES (TOPOGRAPHIC)
GUNNISON



IN THE DISTRICT COURT IN AND
FOR WATER DIVISION NO. 5
STATE OF COLORADO
Application No. W-581



IN THE MATTER OF THE APPLICATION)
FOR WATER RIGHTS OF THE CORPORATION)
OF THE ROCKY MOUNTAIN BIOLOGICAL)
LABORATORY AT GOTHIC, A CORPORATION)
IN THE CRYSTAL RIVER IN GUNNISON)
COUNTY)

RULING OF
REFEREE

The above entitled matter having been referred to the undersigned as Water Referee for Water Division No. 5, State of Colorado, by the Water Judge of said Court on the 28th day of April, 1972, in accordance with Article 21 of Chapter 148, Colorado Revised Statutes 1963, as amended (Chapter 373 S.L. Colo. 1969), known as The Water Rights Determination and Administration Act of 1969.

And the undersigned Referee having made such investigations as are necessary to determine whether or not the statements in the application are true and having become fully advised with respect to the subject matter of the application does hereby make the following determination and ruling as the Referee in this matter, to-wit:

1. The statements in the application are true.
2. The name of the structure is Mexican Cut Natural Pond No. 17.
3. The name of claimant and address is: The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a Corporation, P. O. Box 179, Gunnison, Colorado 81230.
4. The source of the water is snow melt, underground springs and surface drainage.
5. The pond is located in an unsurveyed area in Schofield Park on the South Fork of the Crystal River, within the boundaries of Puritan Lode No. 3, Survey No. 20325, at a point whence Corner No. 1 of Oriental Lode, Survey No. 20325, bears S. 59°08' W. 544.2 feet.
6. The use of the water is piscatorial, biological research and teaching; wildlife procreation and natural heritage preservation.
7. The date of initiation of appropriation is July 1, 1932.
8. The total capacity of reservoir is 0.17 acre foot.
9. This is a natural pond having only natural inlets and outlets.
10. The water has been in use for the above purposes since July 1, 1932.
11. This is a non-consumptive use of water.

The Referee does therefore conclude that the above entitled application should be granted and that 0.17 acre foot of water hereby is awarded to the Mexican Cut Natural Pond No. 17 for piscatorial, biological research and teaching, wildlife procreation and natural heritage preservation uses, with appropriation date of the 1st day of July, 1932, absolutely and unconditionally; subject, however, to all earlier priority rights of others and to the integration and tabulation by the Division Engineer of such priorities and changes of rights in accordance with law as may be determined in pending supplemental general adjudication proceedings.

It is accordingly ORDERED that this ruling shall be filed with the Water Clerk and shall become effective upon such filing, subject to judicial review pursuant to Section 148-21-20 CRS 1963 as amended (1971).

It is further ORDERED that a copy of this ruling shall be filed with the appropriate Division Engineer and the State Engineer.

Done at the City of Glenwood Springs, Colorado, this 14th day of AUGUST, 1972.

BY THE REFEREE:

No protest was filed in this matter. The foregoing ruling is confirmed and approved, and is made the Judgment and Decree of this court.

Dated: September 21, 1972
[Signature]
Water Judge

[Signature]
Water Referee
Water Division No. 5
State of Colorado

To Be Filed in Duplicate

IN THE DISTRICT COURT IN AND FOR

WATER DIVISION NO. 5

STATE OF COLORADO

CASE NO. W-582

FILED
IN WATER COURT

Division No. 5

APR 28 1972

STATE OF COLORADO

WATER CLERK

BY DEPUTY

IN THE MATTER OF THE
APPLICATION FOR
WATER RIGHTS OF THE CORPORATION OF
THE ROCKY MOUNTAIN BIOLOGICAL
LABORATORY AT GOTHIC, a corporation

APPLICATION FOR
WATER STORAGE RIGHT

NON-CONSUMPTIVE

IN GUNNISON COUNTY

1. Name of applicant: The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a corporation
Mailing address: P.O. Box 179, Gunnison, Colorado 81230
2. Name of reservoir: Galena Lake
3. Legal description of reservoir survey at high water line:
See attached
4. Source of water: Snow melt, underground springs and surface drainage
5. Date of initiation of appropriation: 7-1-32
6. Date of approval of reservoir by State Engineer: N/a
State Engineer No.: N/a
7. Amount of water claimed in acre feet: 119.69
8. Use or proposed use of the water: Biological Research and teaching, wildlife procreation and natural heritage preservation
9. Maximum height of dam in feet: N/a
10. Length of dam or proposed dam in feet: N/a
11. Total capacity of reservoir in acre feet: 119.69
12. Capacity of reservoir in acre feet from bottom of the outlet tube to the lowest point on the spillway:
N/a
13. Capacity of reservoir in acre feet from the bottom of the outlet tube to the lowest point in the reservoir:
N/a

14. Name and capacity of ditch or ditches leading to the reservoir, if applicable:

N/a

15. Name and capacity of ditch or ditches leading from the reservoir, if applicable:

N/a

16. Estimated cost of the reservoir: N/a

KLINGSMITH, RUSSELL & FRENCH

PC Kling - F
Attorney for Applicant

State of Colorado
County of Gunnison } ss.

Robert B. Willey, being first duly sworn upon oath, deposes and says that he has read the foregoing application, knows the contents thereof and that the same is true.

Robert B. Willey

Subscribed and sworn to before me this 27 day of April, 19 72.

My commission expires 4-23-75.

Stacy Greshart
Notary Public

Name and Address
of Applicant:

The Corporation of the Rocky Mountain
Biological Laboratory at Gothic,
P.O. Box 179,
Gunnison, Colorado 81230

Name, Address, and Telephone No.
of Attorney for Applicant:

Klingsmith, Russell & French
110 East Virginia Avenue, Box 179
Gunnison, Colorado 81230
Telephone: 641-1334

3. Galena Lake

Beginning at a point from which Corner No. 3 of Puritan Lode No. 12, M.S. 20325 bears South $21^{\circ}40'$ East 286.73 feet; thence South $81^{\circ}30'$ East 68.7 feet; thence North $2^{\circ}35'$ East 110.0 feet; thence North $8^{\circ}59'$ East 29.4 feet; thence North $35^{\circ}37'$ East 20.6 feet; thence North $36^{\circ}18'$ West 43.9 feet; thence North $14^{\circ}29'$ West 97.4 feet; thence North $53^{\circ}02'$ West 207.5 feet; thence North $27^{\circ}50'$ West 99.3 feet; thence North $48^{\circ}53'$ West 187.8 feet; thence South $3^{\circ}33'$ West 234.7 feet; thence South $27^{\circ}12'$ West 120.9 feet; thence South $14^{\circ}07'$ East 227.6 feet; thence South $75^{\circ}46'$ East 80.2 feet; thence South $68^{\circ}01'$ East 88.7 feet; thence South $17^{\circ}27'$ East 207.4 feet; thence South $57^{\circ}34'$ East 134.1 feet; thence North $34^{\circ}19'$ East 127.2 feet; thence North $10^{\circ}42'$ West 222.9 feet to the point of beginning, with an area of 5.77 acres

Map of
GALENA LAKE
(a natural lake)
Gunnison County, Colorado
WATER DIVISION NO. 5
True Meridian based on Magnetic Declination
of 14° 30'
SCALE 1 inch = 100 feet

GRASSHOPPER
— M.S. NO. 20325 —

AREA = 5.77 AC.
CAPACITY = 119.69 AC. FT.

NATURAL HIGH
WATER ELEVATION
12069.1

NEW YORK
— M.S. NO. 14160 —

PURITAN NO. 12
— M.S. NO. 20325 —

TBM 'K'
5/8" REINFORCING BAR
SET IN LIMESTONE WITH
1 1/2" ALUMINUM CAP.
ASSIGNED ELEVATION 12070.0

COR. NO. 3 PURITAN NO. 12
M.S. NO. 20325
(MARKED STONE IN PLACE)

LOOKOUT
— M.S. NO. 20384 —

CLIMAX
— M.S. NO. 20394 —

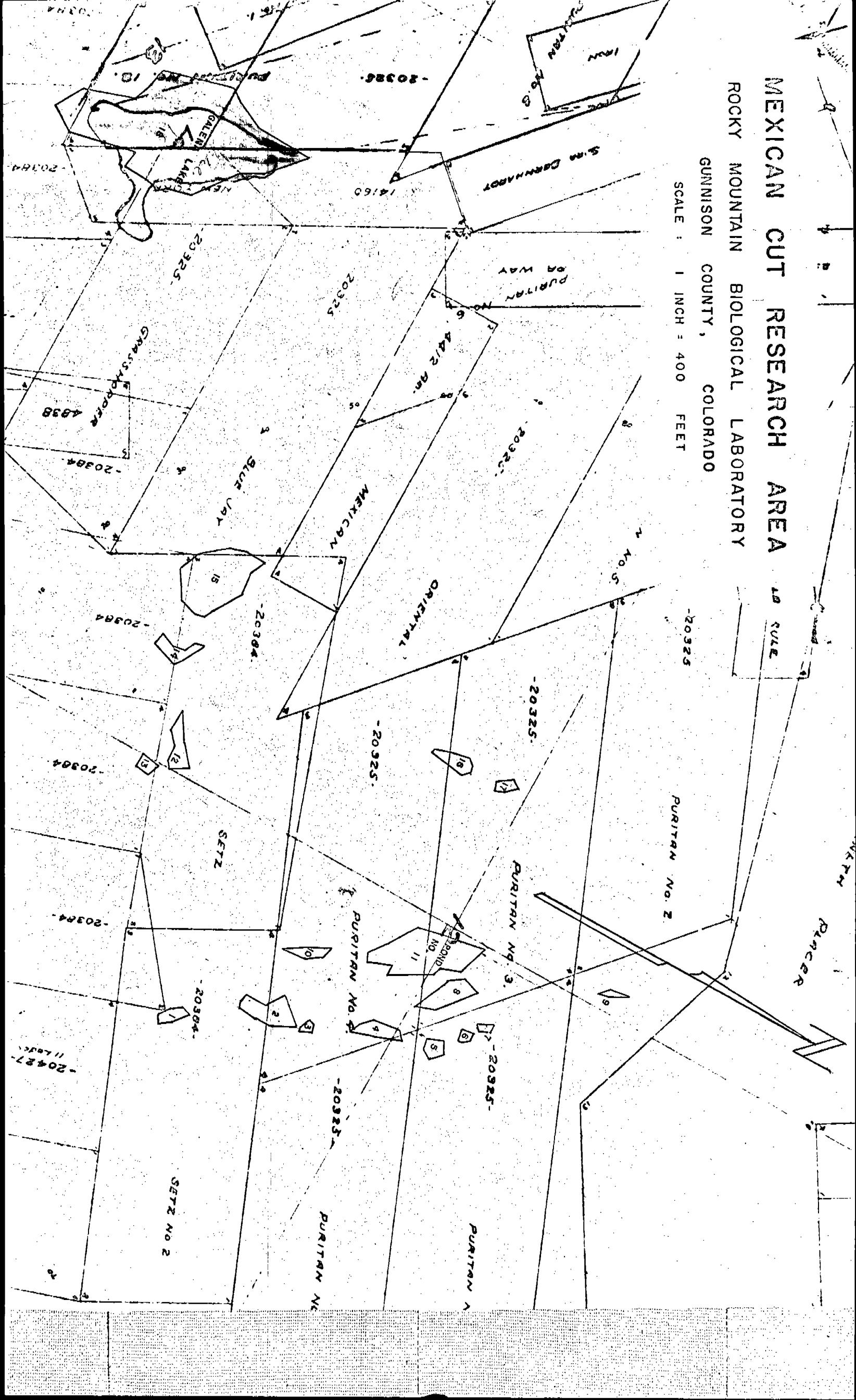
ROBERT E. LEE & ASSOCIATES, INC.

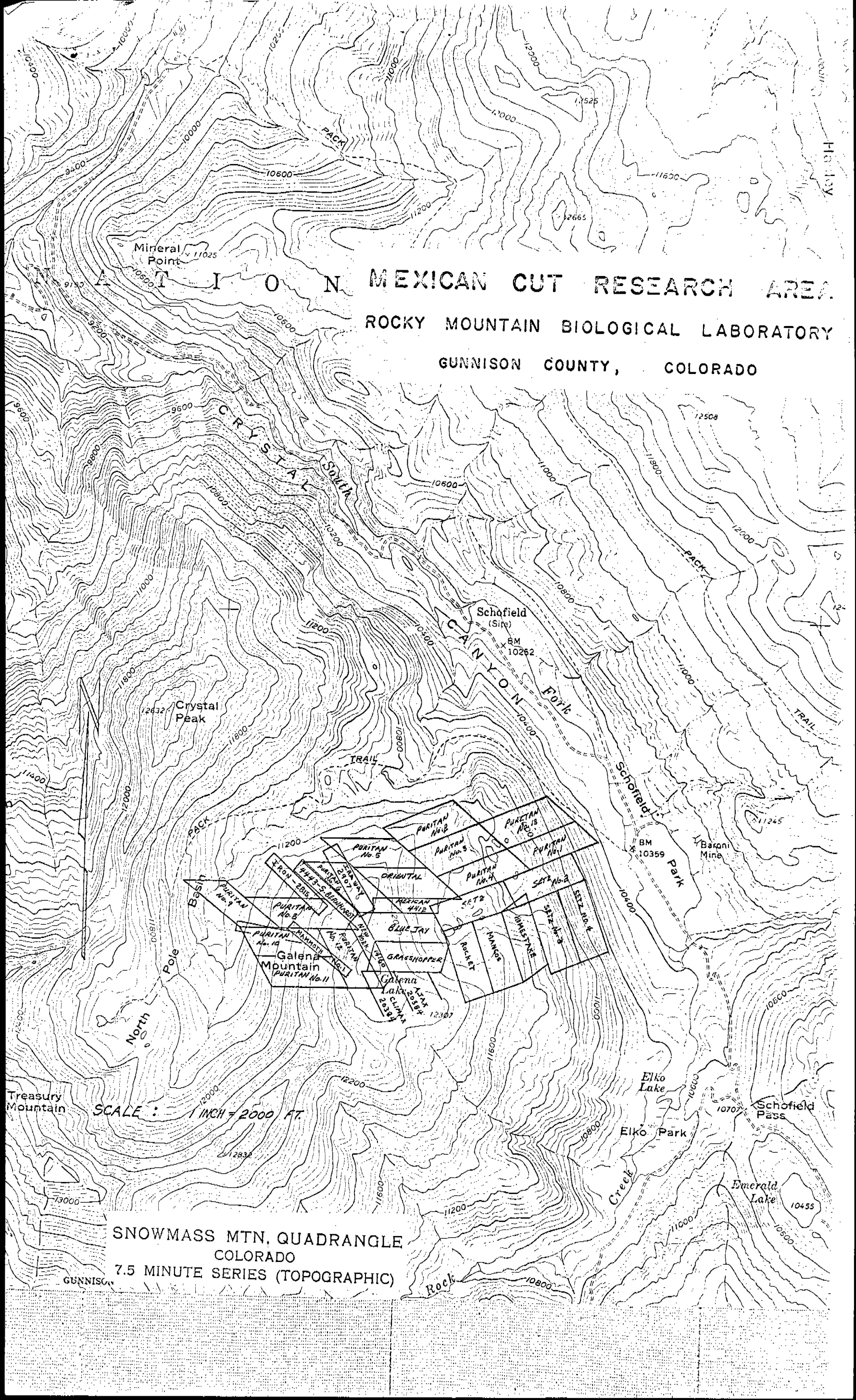
REGISTERED PROFESSIONAL LAND SURVEYOR
SPECIAL LICENSE NO. 111

DRAWN BY T.M.B.S.
APPROVED BY R.E.L.

MEXICAN CUT RESEARCH AREA
ROCKY MOUNTAIN BIOLOGICAL LABORATORY
GUNNISON COUNTY, COLORADO

SCALE : 1 INCH = 400 FEET





MEXICAN CUT RESEARCH AREA

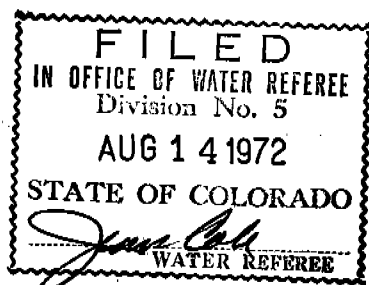
ROCKY MOUNTAIN BIOLOGICAL LABORATORY

GUNNISON COUNTY, COLORADO

SCALE : 1 INCH = 2000 FT.

SNOWMASS MTN. QUADRANGLE
COLORADO
7.5 MINUTE SERIES (TOPOGRAPHIC)

GUNNISON

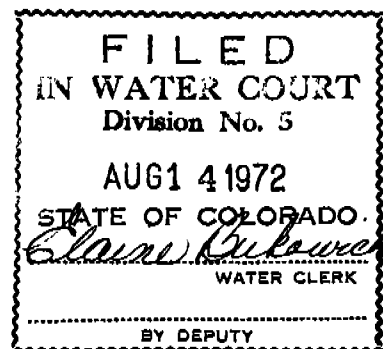


IN THE DISTRICT COURT IN AND

FOR WATER DIVISION NO. 5

STATE OF COLORADO

Application No. W-582



IN THE MATTER OF THE APPLICATION)
FOR WATER RIGHTS OF THE CORPORATION)
OF THE ROCKY MOUNTAIN BIOLOGICAL)
LABORATORY AT GOTHIC, A CORPORATION)
IN THE CRYSTAL RIVER IN GUNNISON)
COUNTY)

RULING OF
REFEREE

The above entitled matter having been referred to the undersigned as Water Referee for Water Division No. 5, State of Colorado, by the Water Judge of said Court on the 28th day of April, 1972, in accordance with Article 21 of Chapter 148, Colorado Revised Statutes 1963, as amended (Chapter 373 S.L. Colo. 1969), known as The Water Rights Determination and Administration Act of 1969.

And the undersigned Referee having made such investigations as are necessary to determine whether or not the statements in the application are true and having become fully advised with respect to the subject matter of the application does hereby make the following determination and ruling as the Referee in this matter, to-wit:

1. The statements in the application are true.
2. The name of the structure is Galena Lake.
3. The name of claimant and address is: The Corporation of the Rocky Mountain Biological Laboratory at Gothic, a Corporation, P. O. Box 179, Gunnison, Colorado 81230.
4. The source of the water is snow melt, underground springs and surface drainage.
5. Galena Lake is located in an unsurveyed area on the East slope of Galena Mountain in the drainage of the South Fork of the Crystal River, within the boundaries of New York Lode, Survey No. 14160, Puritan Lode No. 12, Survey No. 20325, Climax Lode, Survey No. 20384, Lookout Lode, Survey No. 20384, at a point whence Corner No. 3 of Puritan Lode No. 12, Survey No. 20325, bears S. 21°40' E. 286.73 feet.
6. The use of the water is piscatorial, biological research and teaching, wildlife procreation and natural heritage preservation.
7. The date of initiation of appropriation is July 1, 1932.
8. The total capacity of reservoir is 119.69 acre feet.
9. This is a natural pond having only natural inlets and outlets.
10. The water has been in use for the above purposes since July 1, 1932.
11. This is a non-consumptive use of water.

The Referee does therefore conclude that the above entitled application should be granted and that 119.69 acre feet of water is awarded to Galena Lake for piscatorial, biological research and teaching, wildlife procreation and natural heritage preservation uses, with appropriation date of the 1st day of July, 1932, absolutely and unconditionally; subject, however, to all earlier priority rights of others and to the integration and tabulation by the Division Engineer of such priorities and changes of rights in accordance with law as may be determined in pending supplemental general adjudication proceedings.

It is accordingly ORDERED that this ruling shall be filed with the Water Clerk and shall become effective upon such filing, subject to judicial review pursuant to Section 148-21-20 CRS 1963 as amended (1971).

It is further ORDERED that a copy of this ruling shall be filed with the appropriate Division Engineer and the State Engineer.

Done at the City of Glenwood Springs, Colorado, this 14th day of AUGUST, 1972.

BY THE REFEREE:

No protest was filed in this matter.
The foregoing ruling is confirmed
and approved, and is made the
Judgment and Decree of this court.

Dated: September 21, 1972

Charles J. Thomas
Water Judge

John Cole
Water Referee
Water Division No. 5
State of Colorado

FILED
IN THE DISTRICT COURT
WATER DISTRICT #4

MAY 1 8 1980

Kay Phillips
WATER CLERK

By _____
DEPUTY

IN THE DISTRICT COURT IN AND FOR
WATER DIVISION NO. 4

STATE OF COLORADO

Case No. 80CW83

WD-59

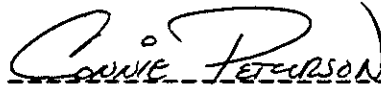
IN THE MATTER OF THE APPLICA)
TION FOR WATER RIGHTS OF)
THE COLORADO WATER CONSER-)
VATION BOARD ON BEHALF OF)
THE PEOPLE OF THE STATE OF)
COLORADO)
IN COPPER CREEK)
A NATURAL STREAM)
IN THE WATERSHED OF THE)
GUNNISON RIVER)
IN GUNNISON COUNTY.)

APPLICATION FOR WATER
RIGHTS TO PROTECT THE
NATURAL ENVIRONMENT

1. Name of applicant: Colorado Water Conservation Board
Address of applicant: 1313 Sherman Street, 8th Floor
Denver, Colorado 80203
2. Name of natural stream: Copper Creek
3. Legal description of stream: (If unsurveyed, longitude
and latitude are acceptable.)
 - A. (Stream only) Legal description of beginning and
end points of minimum stream flow claimed: The
natural stream channel from natural lake in vicin-
ity of 1st 39 deg 00'42" north long 106 deg 56'59"
west as the upstream terminus and NW/4 SE/4 sec.
3, T13S R86W 6th PM as the downstream terminus,
being a distance of approximately 5.9 miles.
This segment can be located on the Maroon Bells,
Gothic U.S.G.S. quadrangle.
 - B. (Lake only) Legal description of location of outlet
of natural lake: N/A
4. Date of initiation of appropriation: March 17, 1980
5. Amount of water claimed:
 - A. (Lake only) Volume in acre feet and elevation of
the minimum lake surface level: N/A
 - B. (Stream only) Flow in C.F.S.: 7 cfs.

6. Remarks: This appropriation is made pursuant to the provisions of C.R.S. 1973, 37-92-102(3) and 37-92-103(3)(4) and (10) known as Senate bill 97. The purpose of this appropriation by the state of Colorado is to insure the preservation of a minimum stream level to protect the natural environment to a reasonable degree.

FOR THE ATTORNEY GENERAL



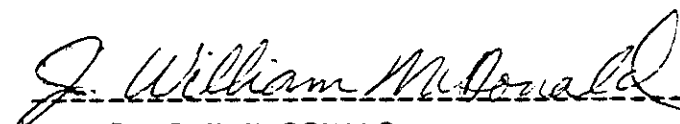
CONNIE PETERSON, 7604
Assistant Attorney General
Natural Resources Section

Attorneys for Applicant

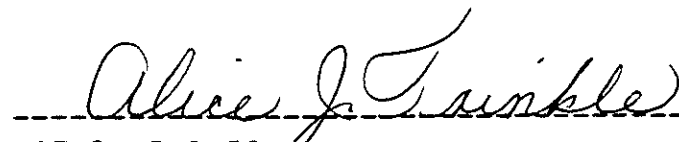
1525 Sherman Street, 3d Floor
Denver, Colorado 80203
Telephone: 839-3611
AG Alpha No. NR WC IAATZ
AG File No. CNR/444/2WP

STATE OF COLORADO)
) ss.
CITY AND COUNTY OF DENVER)

J. William McDonald, being first duly sworn on his oath, deposes and says that he is the director of the Colorado Water Conservation Board, that he has read the above and foregoing application, and knows the contents thereof, and that the statements therein contained are true.


J. WILLIAM McDONALD

Subscribed and sworn to before me this 29 day of
April 1980.


NOTARY PUBLIC

My commission expires:

My Commission Expires Aug. 22, 1982

DATE OF MAILING

9/29/83

Filed In The District Court
Water Division Four

SEP 29 1983

Key Phillips, Clerk _____

DISTRICT COURT, WATER DIVISION NO. 4, STATE OF COLORADO

Case No. 80 CW 89

RULING OF REFEREE, JUDGMENT AND DECREE

CONCERNING THE APPLICATION FOR WATER RIGHTS OF
THE COLORADO WATER CONSERVATION BOARD
IN COPPER CREEK
IN GUNNISON COUNTY

The court being fully advised as to the matter of the application herein, hereby makes the following ruling:

All notices required by law of the filing of the application herein have been fulfilled and the court has jurisdiction over the subject matter and over all parties hereto.

The United States of America timely filed a statement of opposition. A stipulation has been reached between the United States and the applicant herein and such stipulation is made part of and incorporated into this proposed ruling, the terms of which are as follows:

1. Applicant's rights are subject to all senior rights of the United States of America in the subject source, including properly decreed reserved rights, as are now or will hereafter be determined by law.

2. Applicant shall apply for any special use permits or rights-of-way, as the case may be, if the same are required by law for the use of public resources contemplated by the subject application and shall abide by the conditions set forth therein.

Mt. Emmons Mining Company also timely filed a statement of opposition and has subsequently withdrawn said opposition.

All matters contained in the application having been reviewed, and testimony having been taken where such testimony is necessary, and such corrections made as are indicated by the evidence presented herein, IT IS HEREBY THE RULING OF THE WATER REFEREE:

Name and address of claimant:

Colorado Water Conservation Board
1313 Sherman Street, Room 823
Denver, CO 80203

WATER RIGHT

Name of natural stream: Copper Creek

Location: Legal description of beginning and end points of minimum stream flow claimed:

The natural stream channel from natural lake in vicinity of lat. 39 deg. 00'42" N, long. 106 deg. 56'59"W as the upstream terminus and NW/4 SE/4 S3 T31S R86W 6th P.M. as the downstream terminus being a distance of approximately 5.9 miles. This segment can be located on the Maroon Bells and Gothic U.S.G.S. quadrangles.

Priority date: March 17, 1930

Amount of water: 7 c.f.s.

IT IS FURTHER ORDERED that the applicant shall install and maintain such water measurement devices, recording devices, content gauges, and inlet and outlet measurement and recording devices, as the case may be, as are deemed essential by the Office of the State Engineer, and the same shall be installed and operated in accordance with instructions from said office.

DATED this 29th day of September, 1983.

Aaron R. Clay
AARON CLAY
Water Referee
Division No. 4

THE COURT DOOTH FIND: No protest was filed in this matter.

The foregoing ruling is confirmed and approved and is hereby made the judgment and decree of this court.

DATED this 4th day of Nov., 1983.

BY THE COURT:

Robert A. Brown

ROBERT A. BROWN
Water Judge
Division No. 4

AG Alpha No. NR WC IAAUX
AG File No. CNR8303236/242

SEP 13 1982

Key Phillips, Clerk

DISTRICT COURT, WATER DIVISION NO. 4, STATE OF COLORADO

Case No. **82CW255**

APPLICATION FOR WATER RIGHTS TO PROTECT THE NATURAL ENVIRONMENT

IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF THE
COLORADO WATER CONSERVATION BOARD ON BEHALF OF THE PEOPLE OF
THE STATE OF COLORADO

IN EAST RIVER, A NATURAL STREAM

IN THE WATERSHED OF THE GUNNISON

IN GUNNISON COUNTY.

1. Name of applicant: Colorado Water Conservation Board
Address of applicant: 1313 Sherman Street, 8th Floor
Denver, Colorado 80203
2. Name of natural stream: East River
3. Legal description of stream: (If unsurveyed, longitude
and latitude are acceptable.)
 - A. (Stream only) Legal description of beginning and
end points of minimum stream flow claimed: The
natural stream channel from headwaters at lake at
lat. 39 degrees 00' 29" N long. 107 degrees 02'
26" W as the upstream terminus and confluence Cop-
per Creek in NW/4 SE/4 S3 T13S R86W 6P.M. as the
downstream terminus, being a distance of approxi-
mately 8.0 miles. This segment can be located on
the Snowmass Mtn, Oh-Be-Joyful, Gothic U.S.G.S.
quadrangle.
 - B. (Lake only) Legal description of location of outlet
of natural lake: N/A
4. Date of initiation of appropriation: June 3, 1982, by
final approval by the Colorado Water Conservation Board

at its regular meeting subsequent to field investigation and stream measurements conducted by the Division of Wildlife.

5. Amount of water claimed: (S - May 1 through September 30; W - October 1 through April 30)
 - A. (Lake only) Volume in acre feet and elevation of the minimum lake surface level: N/A
 - B. (Stream only) Flow in C.F.S.: S 15 W 8 cfs. absolute. Water was first applied to beneficial use on June 3, 1982 pursuant to C.R.S. 1973, 37-92-103(4).
6. Remarks: This appropriation is made pursuant to the provisions of C.R.S. 1973, 37-92-102(3) and 37-92-103(3)(4) and (10). The purpose of this appropriation by the State of Colorado is to insure the preservation of a minimum stream flow to protect the natural environment to a reasonable degree.
 - A. The appropriation herein shall be subject to the present uses or exchanges of water being made by other water users pursuant to appropriation or practices in existence on EAST RIVER on June 3, 1982, whether or not previously confirmed by court order or decree.
 - B. The Board has made the determination that the natural environment will be preserved to a reasonable degree by the water available for the appropriation to be made; that there is a natural environment that can be preserved to a reasonable degree with the Board's water right herein, if granted; and that such environment can exist without material injury to water rights.

DATE OF MAILING

5-8-85

Filed In The District Court
Water Division Four

MAY 8 1985

DISTRICT COURT, WATER DIVISION 4, COLORADO

Kay Phillips, Clerk _____

Case No. 82CW255

WD 59

RULING OF REFEREE, JUDGMENT AND DECREE

CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE COLORADO WATER
CONSERVATION BOARD ON BEHALF OF THE PEOPLE OF THE STATE OF
COLORADO

IN EAST RIVER, A NATURAL STREAM

IN THE WATERSHED OF THE GUNNISON RIVER

IN GUNNISON COUNTY

THIS MATTER, having come on before the court on the appli-
cation of the Colorado Water Conservation Board and the court
being fully advised as to the matter of the application herein,
hereby makes the following findings:

The application herein was filed with the water clerk,
Water Division 4, on September 16, 1982. On July 15, 1983 the
court entered an order granting relief from strict conformity
with local court rule 2-4(1) by allowing the applicant to
describe stream segments in unsurveyed areas by longitude and
latitude. On July 21, 1983, the applicant filed a first supple-
ment to the application reflecting the incorporation by reference
of an informational map showing the relative location of the
instream flow segment claimed in the application. All notices
required by law for the filing of this application have been ful-
filled, and the court has jurisdiction over the application.

No statements of opposition were filed to this application.

All matters contained in the application have been reviewed
and testimony taken where such testimony is necessary and the
court finds that the statements contained in the application are
true and that applicant is entitled to the water right requested
in the application.

cc B Dreyer

IT IS THEREFORE ORDERED AND DECREED:

Name and address of claimant:

The Colorado Water Conservation Board
1313 Sherman Street, Room 823
Denver, CO 80203

WATER RIGHT

Name of natural stream: East River

Location: Legal description of beginning and end points of minimum stream flow claimed: The natural stream channel from headwaters at a lake at lat. 39 deg. 00'29"N, long. 107 deg. 02'26"W as the upstream terminus and the confluence with Copper Creek in NW/4 SE/4 S3, T13S, R86W, 6th P.M. as the downstream terminus being a distance of approximately 8.0 miles. This segment can be located on the Snowmass Mtn., Oh-Be-Joyful, Gothic U.S.G.S. quadrangle(s).

Priority date: June 3, 1982 provided, however, that this right shall be junior to all priorities awarded in cases filed prior to 1982, and otherwise junior as provided in section 37-92-306, C.R.S. (1973).

Amount of water: Flow in c.f.s.: 15.0 c.f.s. (Summer - May 1 through Sep 30); 8.0 c.f.s. (Winter - Oct 1 through Apr 30)

Use of water: To maintain such minimum flows as are required to preserve the natural environment to a reasonable degree pursuant to sections 37-92-102 and 103, C.R.S. (1984 Cum. Supp.). No diversion of the water right herein will be made from the natural stream channel.

IT IS FURTHER ORDERED that the applicant shall install and maintain such water measurement devices, recording devices, content gauges and inlet and outlet measurement and recording devices, as the case may be, as are deemed essential by the Office of the State Engineer, and the same shall be installed and operated in accordance with instructions from said office.

DATED this 8th day of May 1985.

Aaron R. Clay
AARON R. CLAY
Water Referee
Water Division 4

No protest was filed in this matter. The foregoing ruling is confirmed and approved, and is made the judgment and decree of this court.

DONE this 30th day of May 1985.

Robert A. Brown
ROBERT A. BROWN
Water Judge
Water Division 4

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

Dated 6-5-85

SW
Kay Philips, Water Clerk



DIVISION OF WATER RESOURCES

RALPH V. KELLING, JR. P.E.
IRRIGATION DIVISION ENGINEER
P. O. BOX 456
MONTROSE, COLORADO 81401
OFFICE: 249-6622 HOME: 249-3823

February 16, 1984

MEMORANDUM

TO: Aaron Clay, Water Referee

FROM: Thomas A. Kelly, Assistant Division Engineer

SUBJECT: Amendment to Consultation 82CW255

After visiting with the representative of the Colorado Water Conservation Board, it is recommended that the original amount of 15 cfs for summer and 8 cfs for winter be approved and the recommendation of our original consultation be amended to reflect these changes.

Tom Kelly
TAK:jk

DEC 31 1984

Kay Phillips, Clerk

DISTRICT COURT, WATER DIVISION 4, COLORADO

Case No. 84CW372

WD59

APPLICATION FOR WATER RIGHTS TO PROTECT THE NATURAL ENVIRONMENT
TO A REASONABLE DEGREE

IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF THE
COLORADO WATER CONSERVATION BOARD ON BEHALF OF THE PEOPLE OF
THE STATE OF COLORADO

IN RUSTLER GULCH, A NATURAL STREAM

IN THE WATERSHED OF THE GUNNISON RIVER

IN GUNNISON COUNTY

1. Name of applicant: Colorado Water Conservation Board
Address of applicant: 1313 Sherman Street, Suite 721
Denver, Colorado 80203
(303) 866-3441

2. Name of natural stream: Rustler Gulch.

3. Location:

Legal description of the stream segment through which an instream flow is claimed: The natural stream channel from headwaters in the vicinity of lat. 39 deg. 01'18"N, long. 107 deg. 00'13"W as the upstream terminus and extending to the confluence with the East River at lat. 38 deg. 59'18"N, long. 107 deg. 00'26"W as the downstream terminus, being a distance of approximately 2.5 miles. This segment can be located on the Snowmass, Maroon Bells, Oh-Be-Joyful U.S.G.S. quadrangle(s).

4. A. Date of initiation of appropriation: May 4, 1984.

B. Date water applied to beneficial use: water was first applied to beneficial use on May 4, 1984 pursuant to section 37-92-103(4), C.R.S. (1973).

C. How appropriation was initiated: By approval of the staff's final recommendations by the Colorado Water Conservation Board, at its regular meeting subsequent to requesting and considering recommendations from the Division of Wildlife and Division of Parks and Outdoor Recreation, among other things.

5. Amount of water claimed:

Flow in c.f.s.: 4.5 c.f.s. absolute

6. Remarks: This appropriation is made pursuant to the provisions of sections 37-92-102(3) and 37-92-103(3), (4), and (10), C.R.S. (1981). The purpose of this appropriation by the State of Colorado is to preserve the natural environment to a reasonable degree. The board has made the determination that the natural environment will be preserved to a reasonable degree by the water available for the appropriation to be made; that there is a natural environment that can be preserved to a reasonable degree with the board's water right herein, if granted; and that such environment can exist without material injury to water rights.

7. Administration: The stream segment for which an instream flow is requested in this application is not entirely located within an area which has been officially surveyed by the United States government. Thus, the legal description of the location of the instream flow termini in section 3 of the application incorporate references to latitude and longitude. For administrative purposes only, the division engineer for Water Division 4 has translated such legal descriptions into approximate protracted section, township, and range locations from U.S.F.S. Planimetric (1:31,680) mapping as follows:

Upstream terminus in SW/4, SE/4, SW/4, S9, T12S, R86W, 6th P.M. approximately 3750 ft. West of East Line; 185 ft. North of South Line. OK

Downstream terminus in NW/4, SW/4, NW/4, S28, T12S, R86W, 6th P.M. approximately 4960 ft. West of East Line; 1452 ft. South of North Line.

FOR THE ATTORNEY GENERAL

Barry H. For

STEVEN J. SHUPE, 12523
Assistant Attorney General
Natural Resources Section

Attorneys for Applicant

1525 Sherman Street, 3d Floor
Denver, Colorado 80203
Telephone: 866-3611
AG Alpha No. NR WC IAATZ
AG File No. DNR8404740/6KH

J. William McDonald, being first duly sworn on his oath, deposes and says that he is the director of the Colorado Water Conservation Board, that he has read the above and foregoing application, and believes the contents thereof, and that the statements therein contained are true to the best of his knowledge.


J. WILLIAM McDONALD

Subscribed and sworn to before me in the County of
____Denver_____, State of Colorado, this 21st day of
____December____ 1934.


NOTARY PUBLIC

My Commission expires:
____June 27, 1988____

DATE OF MAILING

9-24-86

Filed in The District Court
Water Division Four

SEP 24 1986

DISTRICT COURT, WATER DIVISION 4, COLORADO

Kay Phillips, Clerk _____

Case No. 84CW372

----- WDS9 -----

RULING OF REFEREE, JUDGMENT AND DECREE

CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE COLORADO WATER
CONSERVATION BOARD ON BEHALF OF THE PEOPLE OF THE STATE OF
COLORADO

IN RUSTLER GULCH, A NATURAL STREAM

IN THE WATERSHED OF THE GUNNISON RIVER

IN GUNNISON COUNTY

THIS MATTER, having come on before the court on the appli-
cation of the Colorado Water Conservation Board and the court
being fully advised as to the matter of the application herein,
hereby makes the following findings:

The application herein was filed with the water clerk,
Water Division 4 on December 31, 1984. All notices required by
law for the filing of this application have been fulfilled, and
the court has jurisdiction over the application.

No statements of opposition were filed to this application.

All matters contained in the application have been reviewed
and testimony taken where such testimony is necessary and the
court finds that the statements contained in the application are
true and that applicant is entitled to the water right requested
in the application.

IT IS THEREFORE ORDERED AND DECREED:

Name and address of claimant:

The Colorado Water Conservation Board
1313 Sherman Street, Room 721
Denver, CO 80203

WATER RIGHT

Name of natural stream: Rustler Gulch

Location: Legal description of beginning and end points of minimum stream flow claimed: The natural stream channel from headwaters in the vicinity of lat. 39 deg. 01'18"N, long. 107 deg. 00'13"W as the upstream terminus and the confluence with the East River at lat. 38 deg. 59'18"N, long. 107 deg. 00'26"W as the downstream terminus being a distance of approximately 2.5 miles. This segment can be located on the Snowmass, Maroon Bells, Oh-Be-Joyful U.S.G.S. quadrangle(s).

Administration: For the stream segment(s) in an unsurveyed area, the division engineer has determined for administrative purposes that the approximate legal description of the instream flow termini as protracted from U.S.F.S. Planimetric (1:31,680) mapping is as follows: Upstream terminus in SW/4 SE/4 SW/4 S9 T12S R86W 6th P.M. approximately 3750 ft. West of East Line; 185 ft. North of South Line; downstream terminus in NW/4 SW/4 NW/4 S28 T12S R86W 6th P.M. approximately 4960 ft. West of East Line; 1452 ft. South of North Line.

Priority date: May 4, 1984 provided, however, that this right shall be junior to all priorities awarded in cases filed prior to 1984, and otherwise junior as provided in section 37-92-306, C.R.S. (1973).

Instream flow amount: 4.5 c.f.s. absolute

Use of water: To maintain such minimum flows as are required to preserve the natural environment to a reasonable degree pursuant to sections 37-92-102 and 103, C.R.S. (1985)

Supp.)). No diversion of the water right herein will be made from the natural stream channel.

IT IS FURTHER ORDERED that the applicant shall install and maintain such water measurement devices, recording devices, content gauges and inlet and outlet measurement and recording devices, as the case may be, as are deemed essential by the Office of the State Engineer, and the same shall be installed and operated in accordance with instructions from said office.

DATED this 24th day of September 1986.

Aaron R. Clay

AARON R. CLAY
Water Referee
Water Division 4

No protest was filed in this matter. The foregoing ruling is confirmed and approved, and is made the judgment and decree of this court.

DONE this 16th day of October 1986.

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

Dated 10-21-86

SW
Kay Phillips, Water Clerk

Robert A. Brown

ROBERT A. BROWN
Water Judge
Water Division 4

AG Alpha No. NR WC IAAZT
AG File EWAGUNN/R50



DIVISION OF WATER RESOURCES

RALPH V. KELLING, JR. P.E.
IRRIGATION DIVISION ENGINEER
P. O. BOX 456
MONTROSE, COLORADO 81401
OFFICE: 249-6622 HOME: 249-3823

DISTRICT COURT, WATER DIVISION NO. IV, STATE OF COLORADO

Case No. 84CW372

RESPONSE OF DIVISION ENGINEER TO CONSULTATION WITH REFEREE PURSUANT TO CRS 37-92-302(4)
AS AMENDED

IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF:
COLORADO WATER CONSERVATION BOARD

-----12/31/84-----
DATE OF APPLICATION:

DATE OF FIELD INSPECTION: Ongoing

DATE OF CONSULTATION WITH REFEREE: 3/29/85

RESPONSE BY DIVISION ENGINEER TO CONSULTATION BY REFEREE

COMMENTS: This is an application by the Colorado Water Conservation Board for appropriation pursuant to the provisions of Sections 37-92-102(3) and 37-92-103(3), (4), and (10), C.R.S. (1981). The purpose of this appropriation by the State of Colorado is to preserve the natural environment to a reasonable degree. Field inspection by the staff of Irrigation Division 4 has verified the location, found the requested amount to be reasonable, and also found the date of initiation of appropriation to be acceptable. Approval is recommended.

1. X Recommend approval of application.
2. Recommend approval of application with conditions (see comments).
3. Recommend denial of application (see comments).
4. X Other (see comments)
5. This application will require construction of a well.
 - a. The application has not been supplemented by a permit to construct a well or evidence of its denial by the State Engineer pursuant to Section 37-90-137 or evidence of the State Engineer's failure to grant or deny such permit within six months after application to the State Engineer.
 - b. The application has been supplemented by a denial of a permit to construct a well by the State Engineer. The application should be disapproved on the basis of the State Engineer's denial of the permit to construct a well.
 - c. The application has been supplemented by a permit to construct a well which contains conditions for drilling, casing and equipping wells and other diversion facilities as are reasonably necessary to prevent waste, pollution, or material injury to existing rights. The application should be approved, but subject to the conditions set forth in the permit.
6. The well is located within the boundaries of a designated ground water basin. The application should be dismissed until the Colorado Ground Water Commission determines that a water matter is involved.
7. The application involves a change in water right.
 - a. The change should be limited to the actual historical use of the water right (see comments reference historical use).
 - b. The water right, or a portion thereof, has been abandoned (see comments).
 - c. Conditions should be imposed to prevent injury (see comments).
8. New surface water application (absolute).
 - a. Recommend approval.
 - b. Recommend denial. No evidence of a) diversion or b) beneficial use (see comments).
9. New conditional water right.
 - a. Recommend approval.
 - b. Recommend denial. No evidence of first step to appropriate (see comments).

Thomas A. Kelly

Assistant Division Engineer
Division of Water Resources
P.O. Box 456, Montrose, CO 81402
Telephone 249-6622

4-5-85

Date

Agency No. 34-04-00
Contract Routine No. 17302
Fund No. 1001 - No. 5021X
Amount \$10/yr for 99 yrs
Contract Encumbrance No. NOC

CYC 81-51

WATER RIGHTS LEASE

THIS LEASE made and entered into this 31st day of December, 1980, between the Rocky Mountain Biological Laboratory at Gothic, Colorado, hereinafter termed "RMBL", and the State of Colorado by and through the Department of Natural Resources hereinafter termed "the department," and the Colorado Water Conservation Board hereinafter termed "the board," both located at 1313 Sherman Street, Denver, Colorado 80203.

WHEREAS, RMBL owns water rights to certain ponds located in what is commonly known as the Mexican Cut area of Gunnison County, Colorado, being in Township 12 South, Range 87 West, of the 6th Principal Meridian, more particularly described on the attached exhibit "A" which were decreed by the Water Court, Water Division No. 5, November 6, 1972 with an appropriation date of July 1, 1932 in case No. W566 through W583; and

WHEREAS, RMBL desires to lease said water rights to the board on a long term basis, in order to allow the board to manage said rights and to file on said water rights for minimum lake level decrees, for the purposes herein described, pursuant to C.R.S. 1973, 37-92-102 and 103; and

WHEREAS, the department is authorized to identify and protect certain natural areas in Colorado which serve as examples of the native condition in studies relating to air, water and soil quality and habitat productivity; and

WHEREAS, the board is authorized to make applications for water rights to preserve the natural environment to a reasonable degree; and

WHEREAS, the parties desire to promote the continued use of the subject sources for piscatorial, non-manipulative biological research and teaching, wildlife procreation and

petd 11/13/81

natural heritage preservation, and preservation of the natural environment, but not to include the introduction of non-indigenous species or any other use inimical to the uses stated herein.

NOW, THEREFORE, it is hereby agreed between the parties that:

1. Term of the Lease. RMBL will lease to the board the above-described water rights for a period of ninety-nine years, commencing January 1, 1981 and ending December 31, 2080.

2. Duties of the Board. The board agrees to make application with the water court for minimum lake level decrees in the subject sources as soon as practicable and to defend ^{Now RDS} and protect the water rights owned by RMBL which were decreed by the Water Court, Water Division No. 5, November 6, 1972 with an appropriation date of July 1, 1932 in cases No. W566 through W583, as described in Exhibit "A" hereto; and to maintain and protect the continued use of the water covered by said decrees for the purposes described above; and to prevent, by whatever means necessary, the deterioration or destruction of the present water quantity and quality.

3. Access by RMBL. The board shall allow and RMBL shall retain for its employees, authorized researchers and students the right of access to all of the subject sources for research, ^{RDS Now} and teaching ^{and maintenance} purposes. ^{RDS Now} RMBL shall attempt to obtain written approval by the landowner of the state's application for water rights in any ponds which are located partially ^{RDS Now} outside boundaries of the natural area, or totally ^{RDS} within private lands.

4. Rent. The rent for the term of this lease shall be \$10.00 per year of the lease period.

5. Termination of the Lease. This lease shall

terminate and become void upon the expiration of the ninety-nine year period listed in paragraph 1 herein, or RMBL shall have the option to terminate this lease upon the occurrence of one of the following events or situations prior to the natural expiration of the lease, whichever is earlier, to wit:

a. Failure or refusal by the board to make application in water court for minimum lake level decrees for the ponds totally located within the boundaries of the state natural areas within six months of the signing of this lease or the ponds outside and partially outside the boundaries of the state natural areas as soon as practical, subsequent to written access approval by the landowner; ^{RMBL}

b. Failure or refusal by the board to defend ^{RDS} the validity and priority of the water rights owned by RMBL which are the subject of the lease herein in whatever way is necessary;

c. Loss of interest by the board in protecting the purposes for which the decrees were filed or its refusal or failure to protect this water from deterioration in quality or quantity; or

d. Prevention of access by RMBL personnel to the subject sources by the board.

6. Assignment. This lease is assignable only with the written consent of both parties hereto.

7. Amendment or Modification. The terms of this lease may be amended or modified with the written agreement of both parties.

IN WITNESS WHEREOF, the parties hereto have executed this lease the day and year above written.

ROCKY MOUNTAIN BIOLOGICAL
LABORATORY

Robert B. Willey
President

Virginia E. Dodson
Secretary
Virginia E. Dodson

Attest

STATE OF COLORADO
RICHARD D. LAMM
Governor

by

Robert D. Stull and
Monte Pascoe
Executive Director
Department of
Natural Resources

David W. Walker
William McDonald
Director
Colorado Water
Conservation Board

APPROVAL

KLINGSMITH & ASSOCIATES, P. C.

ATTORNEY GENERAL

By P. C. Klingsmith
P. C. Klingsmith
Attorney for Rocky Mountain
Biological Laboratory

By Connie L. Peterson
Connie L. Peterson
Assistant Attorney General

CONTROLLER DAN S. WHITTEMORE

ATTORNEY GENERAL J. D. MacFARLANE

By [Signature]

By [Signature]
Assistant Solicitor General
General Legal Services

AG Alpha No. NR WC WCM
AG File No. CNR/1894/LA

EXHIBIT "A"

Water District No. 5, Old District

Mexican Cut Natural Pond No. 1 for .023 acre feet
Mexican Cut Natural Pond No. 2 for 1.18 acre feet
Mexican Cut Natural Pond No. 3 for 1.14 acre feet
Mexican Cut Natural Pond No. 4 for 0.96 acre feet
Mexican Cut Natural Pond No. 5 for 0.33 acre feet
Mexican Cut Natural Pond No. 6 for 0.16 acre feet
Mexican Cut Natural Pond No. 7 for 0.10 acre feet
Mexican Cut Natural Pond No. 8 for 1.35 acre feet
Mexican Cut Natural Pond No. 9 for 0.12 acre feet
Mexican Cut Natural Pond No. 10 for 0.56 acre feet
Mexican Cut Natural Pond No. 11 for 8.54 acre feet
Mexican Cut Natural Pond No. 12 for 0.68 acre feet
Mexican Cut Natural Pond No. 13 for 0.25 acre feet
Mexican Cut Natural Pond No. 14 for 0.71 acre feet
Mexican Cut Natural Pond No. 15 for 7.12 acre feet
Mexican Cut Natural Pond No. 16 for 0.54 acre feet
Mexican Cut Natural Pond No. 17 for 0.17 acre feet
Galena Lake for 119.69 acre feet

EXHIBIT E

APPLICATIONS FOR WATER RIGHTS TO PROTECT THE NATURAL ENVIRONMENT
IN MEXICAN CUT NATURAL PONDS #3, #4, #5, #6, #7, #8, #9, #10, #11, #16 AND
#17, AND GALENA LAKE, ALL NATURAL LAKES IN THE WATERSHED OF THE
ROARING FORK IN GUNNISON COUNTY.

COLORADO NATURAL AREAS PROGRAM
DEPARTMENT OF NATURAL RESOURCES
STATE OF COLORADO
MEXICAN CUT NATURAL AREA
ARTICLES OF DESIGNATION
(Amended and Restated)

These Articles of Designation, made on the 3rd of November, 1978, and amended on May 8, 1981, and further amended this _____ day of _____, 1989 by and between the State of Colorado, acting by and through the Department of Natural Resources, Division of Parks and Outdoor Recreation, Colorado Natural Areas Program, 1313 Sherman Street, Room 618, Denver, Colorado 80203, hereinafter the Division, and The Nature Conservancy, a non-profit District of Columbia corporation, 1815 North Lynn Street, Arlington, Virginia 22209, hereinafter the Conservancy; the Colorado Water Conservation Board, Department of Natural Resources, 1313 Sherman Street, Room 723, Denver, Colorado 80203, hereinafter the Board; and the Rocky Mountain Biological Laboratory, Gothic, Colorado 81224, hereinafter RMBL.

WHEREAS, the Conservancy owns and RMBL manages certain lands, including certain patented mining claims which include the accompanying surface rights, as a biological preserve and totaling 960 acres as described in Exhibits A-D, attached hereto and incorporated herein by reference, and known as the Mexican Cut preserve situated in the County of Gunnison, State of Colorado, hereinafter the Property; and

WHEREAS, the Conservancy acquires and protects exemplary examples of Colorado's natural heritage; and

WHEREAS, the Conservancy has declared that the best use of the Property is that it be preserved and protected as a natural area; and

WHEREAS, the Division is authorized to conduct and administer the provisions of the Colorado Natural Areas Act as set forth at C.R.S. 33-33-101, et seq.; and

WHEREAS, the Natural Areas Act established a statewide Colorado Natural Areas Program, hereinafter the Program, to provide a means by which specific examples of Colorado's natural features and ecological phenomena can be identified, evaluated, and protected through a statewide system of designated natural areas; and

WHEREAS, the Act established a Natural Areas Council, hereinafter the Council, which advises the Board of Parks and Outdoor Recreation (hereinafter the Board) on the administration of the Program and which recommends the designation of Colorado Natural Areas by the Board; and

WHEREAS, the Board has determined, pursuant to its criteria, that the Property is a natural area and that it would be desirable to include the Property within the Colorado Natural Areas System as a designated Colorado Natural Area; and

WHEREAS, the Conservancy has leased the Property to the Rocky Mountain Biological Laboratory, hereinafter the Lessee or RMBL, by lease dated July 1, 1967, a copy of which has been furnished to the Department; and

WHEREAS, as a result of the attributes of the Property, the Property provides one or more of the benefits described in C.R.S. 33-33-104(2).

WHEREAS, the Board and RMBL desire to preserve and to protect the natural character of the ponds and lakes contained on the Property which are described in Exhibits A-D of the Articles of Designation.

NOW THEREFORE, it is hereby agreed that:

1. Designation of the Property as a Natural Area. Upon filing of these Articles of Designation with, and acceptance of same by the Board, with the advice and approval of the Council, the Property described in Exhibit A, attached hereto and incorporated herein by reference, shall become a designated natural area and thereby shall become part of the Colorado Natural Areas System. Said designated natural area shall be known as the Mexican Cut Natural Area.
2. Purpose of Designation. The Board has determined, upon recommendation by the Council, that the Property qualifies as a natural area to be included in the Colorado Natural Areas System due to the following attributes:
 - A. The Property contains a unique series of glacial shelf ponds containing a variety of natural ecosystems for comparative biological studies; and
 - B. The Property contains representative samples of spruce-fir and alpine plant communities; and
 - C. The Property contains additional scientific attributes as described in Exhibit B, attached hereto and incorporated herein by reference; and
 - D. The Property is being managed by RMBL pursuant to its lease with the Conservancy as a research preserve to continue efforts to minimize the effects of research and educational activities, to maintain the area as isolated as possible from external influences, and to foster basic research of the highest quality.
 - E. The Property provides, among other benefits, the following benefits:

- 1) It serves as an example of the native condition in studies relating to air, water, and soil quality and habitat productivity; and
 - 2) It serves as a resource from which new knowledge may be derived and as a reservoir of genetic material which has present and future value to scientific inquiry; and
 - 3) It serves as an outdoor classroom and laboratory for scientific study.
3. Rights and Duties of the Department. The Board shall list the Property as a designated natural area of the Colorado Natural Areas Program and shall provide the Conservancy with a Certificate of Designation and a signed copy of the Articles of Designation indicating said designation. This designation evidences the desire of the Board that the Property be protected from impacts adversely affecting the attributes for which the Property is designated. To the extent that it has the authority to do so, the Board shall not publish any information concerning the location of the Property other than the name of the County in which it is located.
- A. The Division has no authority to grant access to the Property without the mutual consent of the Owner and Lessee. Consent may be given when access would be consistent with and promote the purposes of this Agreement.
 - B. The Division may visit the Property at any time to evaluate current uses and conditions for consistency with the Program, provided that the activities of the Lessee of the Property are not interfered with. The Department will give advance notice to the Conservancy and the Lessee of any visits. Following the visit, the Division will consult with, and provide any resulting reports to, the Conservancy.
4. Rights and Duties of the Conservancy. The management of the Property shall be the responsibility of the Conservancy, which agrees to preclude all development of the Property except as deemed necessary to protect the area for the purpose for which it is established and to protect the natural features of the Property.
- A. The Conservancy and the Lessee shall use the Property solely for its purposes, including but not limited to education and conducting biological investigations.
 - B. User-access to the Property will be by permission of the Conservancy and the Lessee, which permission may be granted or withheld at their sole discretion.
 - C. No hunting or camping will be allowed within the Property.

- D. No chemical spraying will be allowed within the Property.
 - E. No grazing by domestic stock will be allowed on the Property.
 - F. No oil and gas leasing or mineral extraction will be permitted by the Conservancy on the Property.
 - G. No public use of motorized vehicles will be authorized within the boundaries of the Property, except on established roads.
 - H. A copy of any documents affecting the Property executed by the Conservancy shall be submitted to the Department within one month of execution.
 - I. The Conservancy may continue to exercise, at its sole discretion, all of its rights and duties regarding the Property.
5. Binding Effect. This agreement shall be binding upon the parties hereto and upon any successors in interest to the Property. Any sale or transfer of the Property by the Owner shall be subject to these Articles which shall be attached to any document of purchase or transfer and incorporated therein by reference. The purchaser or transferee shall succeed to the Owner's rights and duties hereunder.
6. Default. If either party reasonably believes that the other party is in default in any of its obligations under this Agreement, it may give the other party written notice of the alleged default. Within 30 days of receipt of notice, the parties shall confer and make a good faith effort to correct the default and to resolve any difference of opinion which may exist as to the respective rights and duties under this Agreement. In the event that default is not cured, notice of default shall constitute notice for purposes of termination. Default by the Conservancy may result in the removal of the Property from the Colorado Natural Areas System.
7. Termination. If either party desires to terminate this Agreement, it shall so notify the other party and give said other party an opportunity to confer regarding the reasons for termination. No less than 90 days after said initial notice, the notifying party may terminate this Agreement by notice to said other party.
8. Notice. All notices to be given pursuant to this Agreement shall be in writing and shall be sent postage prepaid by registered or certified mail, return receipt requested, to the addresses first listed above or to such other person or address as the party to be notified may have designated prior thereto by written notice to the other party. Any notice so mailed shall be effective upon receipt.
9. Amendments. These Articles may be amended in writing by the parties hereto with approval of the Council.

IN WITNESS THEREOF, the parties hereto have executed this Agreement of the first day written above.

THE NATURE CONSERVANCY

ROCKY MOUNTAIN BIOLOGICAL LABORATORY

Laurel Mayer
Vice-President

Susan Allen, Director

STATE OF COLORADO
Department of Natural Resources
Division of Parks and Outdoor Recreation

Ron G. Holliday
Director

APPROVED:

Colorado Natural Areas Council

Reed Kelley
Chairman

Lawrence A. DeClaire
Assistant Attorney General

1937B:ddm:0033

EXHIBIT A

Patented Lode Mining Claims situated in the Elk Mountain and Rock Creek Mining Districts in Sections 11, 12, 13 and 14, T12 S, R87W of the 6th P.M., Gunnison County, Colorado, more particularly described as follows:

<u>NAME OF CLAIM</u>	<u>U.S. SURVEY NO.</u>
Ajax	20384
Bluejay	20325
Cameron	3863
Chesapeake	5068
Climax	20384
Cora	4838
Dixie Queen	20384
Dixie Queen No. 2	20428
Duke of Wellington	20427
Emma	20427
Four X	20427
Grasshopper	20325
Hiawatha	20384
Homestake	20427
Indicator	11416
Ira Way	2907
Iron	2815
King of the West	20427
Log Cabin	20427
Lookout	20384
Lookout No. 2	20384
Lookout No. 3	20428
Lookout No. 4	20428
Lookout No. 5	20428
Mammoth No. 1	3616
Mammoth No. 3	3617
Mancos	20384
Mayflower	20384
Mexican	4412
New Discovery	20427
New York	14160
Oriental	20325
Osceola	20427
Puritan No. 1 (westerly 1000')	20325
Puritan No. 13 (westerly 1000')	20325
Puritan No. 2	20325
Puritan No. 3	20325
Puritan No. 4	20325
Puritan No. 5	20325
Puritan No. 6	20325
Puritan No. 8	20325

(Exhibit A cont.)

NAME OF CLAIM

U.S. SURVEY NO.

Puritan No. 7 and Puritan No. 9 - portion which may lie to the east of the Galena Ridge and out of the confines of the North Pole Basin if such claims extend so far to the east	20325
Puritan No. 10	20325
Puritan No. 11	20325
Puritan No. 12	20325
Rocket	20384
Sara Bernhardt - and any other mining claim owned by the vendor in the Mexican Cut area with the exception of the easterly five hundred feet (500') of the Puritan 1 and the Puritan 13 Lode Mining Claims, Survey No. 20325, and that portion of Puritan 7 and Puritan 9 Lode Mining Claims, Survey No. 20325, which may lie to the west of the Galena Ridge and within the confines of the North Pole Basin	4443
Setz	20384
Setz No. 2	20427
Setz No. 3	20427
Setz No. 4	20427
Setz No. 5	20427
Shetland	4037
Soladad	5652
Toledo	5525
Tyro	20384
Zacatacus	20427

All according to the United States Patents thereof.

Together with all water and water rights, ditches and ditch rights in any way appertaining or belonging to said land; and

Together with the interest of the parties of the first part in access over and across all intervening lands from the Crested Butte - Schofield Road or any other public road in its existing or decreed location.

Said claims comprise 960 acres, more or less.

1937B:ddm:0033

EXHIBIT "A"

Water District No. 5, Old District

- Mexican Cut Natural Pond No. 1 for .023 acre feet
- Mexican Cut Natural Pond No. 2 for 1.18 acre feet
- Mexican Cut Natural Pond No. 3 for 1.14 acre feet
- Mexican Cut Natural Pond No. 4 for 0.96 acre feet
- Mexican Cut Natural Pond No. 5 for 0.33 acre feet
- Mexican Cut Natural Pond No. 6 for 0.16 acre feet
- Mexican Cut Natural Pond No. 7 for 0.10 acre feet
- Mexican Cut Natural Pond No. 8 for 1.35 acre feet
- Mexican Cut Natural Pond No. 9 for 0.12 acre feet
- Mexican Cut Natural Pond No. 10 for 0.56 acre feet
- Mexican Cut Natural Pond No. 11 for 8.54 acre feet
- Mexican Cut Natural Pond No. 12 for 0.68 acre feet
- Mexican Cut Natural Pond No. 13 for 0.25 acre feet
- Mexican Cut Natural Pond No. 14 for 0.71 acre feet
- Mexican Cut Natural Pond No. 15 for 7.12 acre feet
- Mexican Cut Natural Pond No. 16 for 0.54 acre feet
- Mexican Cut Natural Pond No. 17 for 0.17 acre feet
- Galena Lake for 119.69 acre feet ✓

NATURAL AREAS PROGRAM, DEPARTMENT OF NATURAL RESOURCES
STATE OF COLORADO
MEXICAN CUT/GALENA MOUNTAIN SCIENTIFIC NATURAL AREA

ARTICLES OF DESIGNATION

These ARTICLES OF DESIGNATION, made this 3rd day of November, 1978, by and between the State of Colorado for the use and benefit of the Department of Natural Resources, 1313 Sherman Street, Denver, CO 80203, hereinafter the Department and The Nature Conservancy, a non-profit corporation, 1800 North Kent Street, Arlington, Virginia 22209 hereinafter the Owner or TNC.

WHEREAS, the Owner owns certain patented mining claims (which include the accompanying surface rights) situate in the County of Gunnison, State of Colorado, hereinafter the Property; and

WHEREAS, the Owner desires that the natural character of the Property be preserved and protected; and

WHEREAS, the Department is authorized by the Colorado Natural Areas Act, C.R.S. 1973, 36-10-101, et seq, hereinafter the Act, to administer a Colorado Natural Areas Program, hereinafter the Program; and

WHEREAS, the Act establishes a Natural Areas Council, hereinafter the Council, which advises the Department on the administration of the Program and which approves the designation of Natural Areas by the Department; and

WHEREAS, the Department has determined, pursuant to its criteria, that the Property is a natural area which would be desirable to include within the Colorado Natural Areas System as a designated Natural Area; and

WHEREAS, as a result of the attributes of the Property, the Property provides one or more of the benefits described in C.R.S. 1973, 36-10-104(1); and

WHEREAS, the Owner has leased the Property to The Rocky Mountain Biological Laboratory, hereinafter the Lessee or RMBL, by lease dated July 1, 1967, a copy of which has been furnished to the Department.

NOW THEREFORE it is hereby agreed that:

1. Designation of Property as a Natural Area. Upon filing of these Articles of Designation with, and the acceptance of same by, the Department, with the advice and approval of the Council, the Property described in Exhibit A, attached hereto and incorporated herein by reference, shall become a designated scientific natural area and thereby shall become part of the Colorado Natural Areas System. Said designated natural area shall be known as the Mexican Cut/Galena Mountain Scientific Natural Area.

2. Purpose of Designation. The Department has determined, upon recommendation by the Council, that the Property qualifies as a natural area to be included in the Colorado Natural Areas System due to the following:

- (a) The Property contains a unique series of glacial shelf ponds containing a variety of natural ecosystems for comparative biological studies; and
- (b) The Property contains representative samples of spruce-fir and alpine plant communities; and
- (c) The Property contains additional scientific attributes as described in Exhibit B, attached hereto and incorporated herein by reference; and
- (d) The Property is being managed by RMBL pursuant to its lease with TNC as a research preserve to continue efforts to minimize the effects of research and educational activities, to maintain the area as isolated as possible from external influences, and to foster basic research of the highest quality.

As a result of these attributes, the Property provides, among other benefits, the following benefits:

- (a) It serves as an example of the native condition in studies relating to air, water, and soil quality and habitat productivity; and
- (b) It serves as resource material from which new knowledge may be derived and as a reservoir of genetic material which has present and future value to scientific inquiry; and
- (c) It serves as an outdoor classroom and laboratory for scientific study.

3. Rights and Duties of the Department. The Department shall list the Property as a designated natural area of the Colorado Natural Areas System. The Department shall provide the Owner with a Certificate indicating said designation. Further, this designation evidences the desire of the Department that the Property be protected from impacts adversely affecting the attributes for which the Property was designated. To the extent that it has the authority to do so, the Department shall not publish any information concerning the location of the Property other than the name of the County in which it is located.

- (a) Access. The Department has no authority to grant access to the property without the mutual consent of the Owner or Lessee. Consent may be given when access would be consistent with and promote the purposes of this Agreement.
- (b) Inspection. The Department shall have the right to inspect the Property from time to time to confirm that it is being used solely for the purposes stated in paragraph 4. The Department shall give the Owner or Lessee ten (10) days prior notice of the date and time it intends to inspect the Property.

4. Rights and Duties of Owner. The Owner shall use and shall assure that the Lessee uses the Property solely for the purposes of the teaching and study of biology and the conducting of biological experiments. The management of the Property shall be the responsibility of the Owner pursuant to the policies and goals described in Exhibit C, attached hereto and incorporated herein by reference. In the event the present lease between the Owner and RMBL is terminated, the policies and goals described in Exhibit C shall govern the terms of any subsequent leases of the Property. The Owner shall further notify the Department upon termination of or execution of any lease or any other document granting a property interest in the Property. All documents affecting the Property executed by the Owner subsequent to the date of this Agreement shall be subject to this Agreement, which shall be attached thereto and incorporated therein by reference. Except as so stated, the Owner may continue to exercise all of its rights as the Owner of the Property.

5. Binding Effect. This Agreement shall be binding upon the parties hereto and upon any successors in interest to the Property. Any sale or transfer of the Property by Owner shall be subject to these Articles which shall be attached to any document of purchase or transfer and incorporated therein by reference. The purchaser or transferee shall succeed to the Owner's rights and duties hereunder.

6. Default. If any party reasonably believes that any other party is in default in any of its obligations under this Agreement, it may give any other party written notice of the alleged default. Promptly thereafter, the parties shall confer and make a good faith effort to correct the default and to resolve any difference of opinion which may exist as to the respective rights and duties under this Agreement. No party shall be liable to any other party for damages alleged to have been caused by any default under this Agreement. However, default by the Owner may result in the removal of the Property from the Colorado Natural Areas System.

7. Termination. If any party desires to terminate this Agreement, it shall so notify any other party and give said other party (ies) an opportunity to confer regarding the reasons for termination. No less than 60 days after said initial notice, the notifying party may terminate this Agreement by notice to said other party (ies). At the Owner's request, following termination of this Agreement, the Department shall execute and deliver to the Owner a release of all its right, title and interest in the property arising out of this Agreement.

8. Notice. All notices to be given pursuant to this Agreement shall be in writing and shall be sent postage prepaid by registered or certified mail, return receipt requested to the addresses first listed above or to such other person or address as the party to be notified may have designated prior thereto by written notice to the other party. Any notice so mailed shall be effective upon receipt.

9. Amendments. These Articles may be amended in writing by the parties hereto with the approval of the Council.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day first written above.

THE NATURE CONSERVANCY

By L. Gregory Low
Its Exec. Vice President Owner

Attest:
John M. F. Lick
Assistant Secretary

STATE OF COLORADO
DEPARTMENT OF NATURAL RESOURCES

By Harris D. Sherman
Harris D. Sherman
Executive Director

APPROVED:

NATURAL AREAS COUNCIL

By Sue Cannon
Sue Cannon
Chairman

The undersigned, as Lessee of the Property, hereby acknowledges the filing of these Articles of Designation including the Owner's assurance that the Lessee shall use the Property in accordance with said Articles.

ROCKY MOUNTAIN BIOLOGICAL LABORATORY

By Robert B. Willey
president Robert B. Willey

Attest:
James E. Johnson
My Commission Expires Sept. 2, 1982
2 Feb 79 Gunnison Co.

APPROVED:

James M. O'Connell
Assistant Attorney General

EXHIBIT A

The Property consists of the following patented mining claims located in Sections 11, 12, 13 and 14, Township 12 South, Range 87 West of the 6th P.M., Rock Creek Mining District, Gunnison County, Colorado as they appear in the Owner's deed:

The westerly one thousand feet (1000') of Puritan No. 1 and Puritan No. 13 Lode Mining Claims, Survey No. 20325

Puritan 2 Lode Mining Claim, Survey No. 20325

Puritan 3 Lode Mining Claim, Survey No. 20325

Puritan 4 Lode Mining Claim, Survey No. 20325

Puritan 5 Lode Mining Claim, Survey No. 20325

Puritan 6 Lode Mining Claim, Survey No. 20325

Puritan 8 Lode Mining Claim, Survey No. 20325

That portion of Puritan 7 and Puritan 9 Lode Mining Claim, Survey No. 20325, which may lie to the east of the Galena Ridge and out of the confines of the North Pole Basin if such claims extend so far to the east.

Puritan 10 Lode Mining Claim, Survey No. 20325

Puritan 11 Lode Mining Claim, Survey No. 20325

Puritan 12 Lode Mining Claim, Survey No. 20325

Mammoth 1 Lode Mining Claim, Survey No. 3616

Mammoth 3 Lode Mining Claim, Survey No. 3617

Iron Lode Mining Claim, Survey No. 2815

Grasshopper Lode Mining Claim, Survey No. 20325

Bluejay Lode Mining Claim, Survey No. 20325

Mexican Lode Mining Claim, Survey No. 4412

Oriental Lode Mining Claim, Survey No. 20325

Ira Way Lode Mining Claim, Survey No. 2907

Sara Bernhardt Lode Mining Claim, Survey No. 4443

and any other mining claim owned by the vendor in the Mexican Cut area with the exception of the easterly five hundred feet (500') of the Puritan 1 and the Puritan 13 Lode Mining Claims, Survey No. 20325, and that portion of Puritan 7 and Puritan 9 Lode Mining Claims, Survey No. 20325, which may lie to the west of the Galena Ridge and within the confines of the North Pole Basin.

Said claims comprise 420 acres, more or less.

EXHIBIT B

SCIENTIFIC INFORMATION

MEXICAN CUT / GALENA MOUNTAIN RESEARCH PRESERVE

ECOLOGICAL DESCRIPTION

Mexican Cut is a hanging valley (cirque) on the eastern side of Galena Mountain. Galena Mountain is composed of alternating layers of partially metamorphosed limestone and quartzite which have been tipped up and worn differentially by glacial action. As a result, the topography of Mexican Cut resembles a series of shelves of increasing altitude on each of which lies a string of interconnected ponds or tarns. At the top of the cirque lies Galena Lake nestled between the two peaks of Galena Mountain.

The vegetation of Mexican Cut is characterized as a forest-tundra ecotone - a transitional plant community with an open, subalpine forest of Englemann spruce and alpine fir (Picea engelmanni, Abies lasiocarpa) at the lower levels; sparse, dwarfed spruce-fir or "krumholz" at the middle level; and sedge-dominated tundra at the upper levels around Galena Lake and along the ridges.

The most important component of the ecosystem at Mexican Cut currently under investigation is the pond complex. The linear arrays of ponds at different levels each have their own independent drainage patterns and form a unique experimental series. All are fed by snowmelt and rainfall, are exposed, seemingly, to the same climatic pressures, and yet often contain distinctly different fauna and flora. The bottoms of some are carpeted with Isoetes bolanderi, a primitive spore-bearing tracheophyte. Populations of the salamander, Ambystoma tigrinum, have life histories which vary from pond to pond. Mexican Cut harbors at least two types of life history not commonly found in this species - a prolongation of the larval period and reproductive maturity in the larval morph. There are also two major plankton community types maintained by a combination of biological and physical factors. The detailed comparisons of these are facilitated by the close proximity of ponds with differing community types - no more than 50 yards apart. These features have, and continue to, provide material for limnological studies.

Studies of terrestrial organisms are not as advanced as those of the aquatic communities. However, Mexican Cut has been shown to harbor "isolates" of the yellow-bellied marmot which differs in life history patterns dependent on altitude. Ants of the genus Formica also have apparently developed peculiar life history patterns adapted to high altitudes. Comprehensive vegetational analyses have been undertaken only in the vicinity of the ponds on the lower levels of the cirque. Further studies will be necessary to characterize the tundra plant communities on the upper levels of Mexican Cut.

ECOLOGICAL VIABILITY

Mexican Cut, by virtue of its glacial origin, forms a distinct topographic unit with rather sharply delimited physical boundaries. Its nature as a hanging cirque provides a distinct floor, or lower level, which effectively separates it from Schofield Park 500 feet below. The north and south boundaries are steep ridges and the western boundary lies along the top of Galena Mountain itself.

The entire Mexican Cut water drainage lies within the basin drawing its source from snowmelt within the Preserve Boundary. RMBL owns the water rights - both for water quality and quantity - and effectively protects the aquatic communities from pollution due to mining operations, human habitation, or water diversion for human communities at lower altitudes.

Access to Mexican Cut lies solely along an old wagon road entering from Elko Park to the south. By permission of the White River National Forest and the heirs of the Setz estate, RMBL personnel have aided the processes of nature and have arranged fallen trees across the road to eliminate wheeled vehicle traffic. Foot travel is the only way to enter Mexican Cut - even for RMBL personnel.

North of Mexican Cut, 400 feet lower in altitude in North Pole Basin, lies the Commonwealth Placer which is currently (1976) being developed as a mountain resort. Control of the narrow strip of White River National Forest land which separates Mexican Cut from the Placer and which acts as a suitable buffer zone has been given to RMBL through a Special Use Permit. In addition, the White River National Forest Supervisor has removed Mexican Cut from grazing permit areas and sheep have not entered the Preserve since 1969.

The major possible adverse effects of mining, land development, grazing or excess human visitation from neighboring properties pose minimal threats to Mexican Cut due to its natural topographic isolation and limited access. The boundaries have been legally posted since 1968 and only minor incidents of damage due to trespass have been experienced by RMBL personnel.

Perhaps the greatest threat to the ecosystem stems from the activities of the research personnel themselves. In 1973, Mexican Cut was closed by RMBL's Mexican Cut Coordinator to all manipulative research. Subsequent to 1973, activities have been closely monitored by RMBL's Mexican Cut Committee and a recovery to the original state is evident. The unique populations of neotenic salamanders and the primitive Isoetes are extraordinarily sensitive to disturbance. Many of the other species are barely subsisting at their limits of tolerance and any form of habitat disruption could be fatal.

RMBL, as the caretaker institution for TNC, has actively managed Mexican Cut to protect the natural ecosystem as free of human intervention as possible. All results indicate that Mexican Cut continues to be a viable ecological unit and the scientific rewards have been significant.

EXHIBIT C

MANAGEMENT

MEXICAN CUT / GALENA MOUNTAIN RESEARCH PRESERVE

POLICY AND GOALS

Mexican Cut is a very fragile ecosystem. It is ideally suited for basic biological research due to 1) its long-time isolation which has eliminated most traces of human intervention, 2) its physiographic organization into step-like units at differing altitudes, ranging from spruce-fir, subalpine forest to high alpine, 3) its unique variation of populations in adjacent habitats, and 4) the ease of management to prevent encroachment from neighboring areas. TNC is the owner and RMBL has the responsibility of caretaker institution. The basic RMBL policy has been to utilize Mexican Cut as a research preserve as isolated from human impact as possible. Such isolated habitats are very rare in the modern world of high human density, increased recreation demands which include wilderness camping, land development, mining, grazing, and state-controlled fish stocking. Over the last ten years, the major impact on Mexican Cut ecosystem has stemmed from the research activities themselves. Such effects can never be eliminated until biologists can walk on air or water. The current goals of RMBL management of Mexican Cut are to continue efforts to minimize effects of research and educational activities, maintain the area as isolated as possible from external influences, and to foster basic research of the highest quality. Mexican Cut, in this way, will contribute to the basic core of human knowledge of natural ecosystems and provide a basis by which to measure man's impact on his environment.

On August 8, 1971, RMBL Board of Trustees formally appointed a Mexican Cut Coordinator to handle all matters concerning the MC Research Preserve as follows:

- 1) Coordinate all research projects in Mexican Cut to prevent unnecessary conflict of interests and improper or potentially destructive experiments,
- 2) Act as a clearing-house for all new proposed projects after consultation with the director, and the other researchers committed to the area,
- 3) Organize a weekly meeting of Mexican Cut researchers for free exchange of ideas,
- 4) Collect publications which result from research in the area and transmit titles to the President of the Board of Trustees, and reprints to the director, librarian, and chairman of the Natural Areas Committee,
- 5) Mediate necessary expenditures with the director and treasurer of RMBL,
- 6) Consult with and inform the chairman of the Natural Areas Committee and the Liaison with TNC of advisable expenditures from

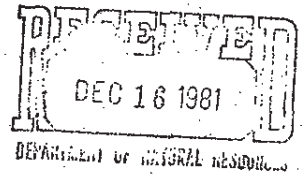
that organization and through the Liaison, keep TNC and other interested persons, such as the former owner, and the neighboring property owners notified of progress and events,

- 7) Police the research area to prevent unauthorized use and vandalism,
- 8) Maintain a steady program of improvement on the research cabin,
- 9) Inform all potential researchers of their duties and their responsibilities,
- 10) Prepare, with the aid of RMBL officers and the Natural Areas Committee, grant proposals which are appropriate and necessary for effective, non-destructive use of the area.

Dr. Robert B. Willey (University of Illinois, Chicago) was the Liaison with TNC as well as Project Leader. Dr. Ruth Willey (University of Illinois, Chicago) was appointed as the first MC Coordinator.

Cause

COLORADO NATURAL AREAS PROGRAM
DEPARTMENT OF NATURAL RESOURCES



AMENDMENT TO THE
ARTICLES OF DESIGNATION
FOR THE MEXICAN CUT/GALENA MOUNTAIN
SCIENTIFIC NATURAL AREA

This Articles of Designation Amendment was made the 8th day of May, 1981, by and between the State of Colorado for the use and benefit of the Department of Natural Resources, 1313 Sherman Street, Denver, Colorado 80203, hereinafter referred to as the DEPARTMENT; The Nature Conservancy, a non-profit organization, 1800 North Kent Street, Arlington, Virginia 22209, hereinafter the TNC; the Colorado Water Conservation Board, Department of Natural Resources, 1313 Sherman Street, Denver, Colorado 80203, hereinafter the BOARD; and the Rocky Mountain Biological Laboratory, Gothic, Colorado 81224, hereinafter RMBL.

WHEREAS, the DEPARTMENT and the TNC entered into an agreement dated November 3, 1978, known as the Articles of Designation for the Mexican Cut/Galena Mountain Scientific Natural Area, which has provisions in paragraph 9 for the amendment of the Articles with the approval of the Natural Areas Council, hereinafter the Council; and

WHEREAS, said agreement designated certain land owned by TNC and managed by RMBL as a state natural area; and

WHEREAS, one of the principal purposes of, and qualifying reasons for, designation was that the property contains a unique series of glacial shelf ponds containing a variety of natural ecosystems for comparative biological studies; and

WHEREAS, the DEPARTMENT is authorized by the Colorado Natural Areas Act, C.R.S. 1973, 36-10-101 et seq. (Cum. Supp. 1979), to identify and protect certain natural areas in Colorado which "serve as examples of the native condition in studies relating to air, water, and soil quality and habitat productivity"; and

WHEREAS, the original Articles of Designation do not include provisions for protection and management of Water Rights for the eleven glacial shelf ponds (3-11,16,17) and Galena Lake within the designated natural area; and

WHEREAS, RMBL filed for and received decrees on November 6, 1972 for ponds 3-4; on March 1, 1973 for ponds 5-8, 10 and 11; and on September 21, 1972 for ponds 9, 16, 17 and Galena Lake; all with appropriations dating back to July 1, 1932; and

WHEREAS, said decrees were obtained prior to the passage of C.R.S. 1973, 37-92-102(3) and 103(4), which provide, in effect, that minimum lake level decrees may only be obtained by the BOARD; and

WHEREAS, RMBL has leased to the BOARD the Water Rights evidenced by said decrees subject to certain restrictions upon the use of the water, by a water rights lease dated December 31, 1980, which is attached hereto and incorporated herein by reference as Exhibit D; and

DNR - TNC - CWCB
MOA for Natural Area

CWCB - RMBL
MOA for water right lease

WHEREAS, the BOARD has filed application for minimum lake level decrees for the eleven ponds and Galena Lake within the designated natural area pursuant to C.R.S. 1973, 37-92-102(3) and 103(4) upon recommendations submitted to the BOARD by the Colorado Division of Wildlife; and

WHEREAS, both the water rights lease between RMBL and the BOARD, and the BOARD's applications for the said minimum lake level decrees limit the use of the water to "piscatorial, non-manipulative biological research and teaching, wildlife procreation and natural heritage preservation, not to include the introduction of non-indigenous species."

NOW THEREFORE, it is hereby agreed that the Articles of Designation between the DEPARTMENT and the TNC dated November 3, 1978, shall be superceded by the following amendment which includes RMBL's Water Rights for the eleven glacial shelf ponds and Galena Lake situated within the Mexican Cut/Galena Mountain Scientific Natural Area. The amended Articles of Designation shall read as follows:

These ARTICLES OF DESIGNATION, made this 3rd day of November, 1978, by and between the State of Colorado for the use and benefit of the Department of Natural Resources, 1313 Sherman Street, Denver, CO 80203, hereinafter the DEPARTMENT; The Nature Conservancy, a non-profit corporation, 1800 North Kent Street, Arlington, Virginia 22209 hereinafter the TNC; the Rocky Mountain Biological Laboratory, Gothic, Colorado 81224, hereinafter RMBL; and the Colorado Water Conservation Board, Department of Natural Resources, 1313 Sherman Street, Denver Colorado 80203, hereinafter the BOARD;

WHEREAS, TNC owns certain patented mining claims (which include the accompanying surface rights) totalling 420 acres and situate in the county of Gunnison, State of Colorado, hereinafter the Property; and

WHEREAS, TNC desires that the natural character of the Property be preserved and protected; and

WHEREAS, the DEPARTMENT is authorized by the Colorado Natural Areas Act as set forth at C.R.S. 1973, 36-10-101, et seq. (Cum. Supp. 1979), hereinafter the Act, to administer a Colorado Natural Areas Program, hereinafter the Program; and

WHEREAS, the Act establishes a Natural Areas Council, hereinafter the Council, which advises the Department on the administration of the Program and which approves the designation of Natural Areas by the Department; and

WHEREAS, the DEPARTMENT has determined, pursuant to its criteria, that the Property is a natural area which would be desirable to include within the Colorado Natural Areas System as a designated Natural Area; and

WHEREAS, as a result of the attributes of the Property, the Property provides one or more of the benefits described in C.R.S. 1973, 36-10-104(1); and

WHEREAS, TNC has leased the Property to RMBL by lease dated July 1, 1967, a copy of which has been furnished to the DEPARTMENT; and

WHEREAS, the DEPARTMENT is authorized by the Act to identify and protect certain natural areas which "serve as examples of the native condition in studies relating to air, water, and soil quality and habitat productivity"; and

WHEREAS, RMBL filed for and received decrees on November 6, 1972 for ponds 3-4; on March 1, 1973 for ponds 5-8, 10 and 11; and on September 21, 1972 for ponds 9, 16, 17 and Galena Lake; all with appropriations dating back to July 1, 1932; and

WHEREAS, the BOARD has leased from RMBL certain Water Rights in eleven glacial shelf ponds and Galena Lake within the Property; which lease restricts use of the water to "piscatorial, non-manipulative biological research and teaching, wildlife procreation and natural heritage preservation, not to include the introduction of non-indigenous species"; and

WHEREAS, the BOARD and RMBL desire to preserve and to protect the natural character of said ponds and Galena Lake; and

WHEREAS, the DEPARTMENT has determined, pursuant to its criteria, with the approval of the Council, that RMBL's Water Rights for said ponds and Galena Lake (hereinafter referred to as Water Rights) qualify for inclusion in the Colorado Natural Areas System as part of the designated natural area; and

WHEREAS, as a result of the attributes of Galena Lake and said ponds, the ponds and Lake provide one or more of the benefits described in C.R.S. 1973, 36-10-104(1);

NOW THEREFORE it is hereby agreed that:

1. Designation of Property as a Natural Area. Upon filing of these Articles of Designation with, and the acceptance of same by, the DEPARTMENT, with the advice and approval of the Council, the Property described in Exhibit A and the Water Rights described in Exhibits D and E, said exhibits being attached hereto and incorporated herein by reference, shall become a designated scientific natural area and thereby shall become part of the Colorado Natural Areas System. Said designated natural area shall be known as the Mexican Cut/Galena Mountain Scientific Natural Area.

2. Purpose of Designation. The DEPARTMENT has determined, upon recommendation by the Council, that the Property and Water Rights qualify as a natural area to be included in the Colorado Natural Areas System due to the following:

- a) The Property contains a unique series of glacial shelf ponds containing a variety of natural ecosystems for comparative biological studies; and
- b) The Property contains representative samples of spruce-fir and alpine plant communities; and
- c) The Property and Ponds and Lake contain additional scientific attributes as described in Exhibit B, attached hereto and incorporated herein by reference; and
- d) The Property and Ponds and Lake are being managed by RMBL pursuant to its lease with TNC as a research preserve to continue efforts to minimize the effects of research and educational activities, to maintain the area as isolated as possible from external influences, and to foster basic research of the highest quality.

As a result of these attributes, the Property and Water Rights provide, among other benefits, the following benefits:

- a) They serve as an example of the native condition in studies relating to air, water, and soil quality and habitat productivity; and
- b) They serve as resource material from which new knowledge may be derived and as a reservoir of genetic material which has present and future value to scientific inquiry; and
- c) They serve as an outdoor classroom and laboratory for scientific study.

3. Rights and Duties of the Department. The DEPARTMENT shall list the Property and Water Rights as a designated natural area of the Colorado Natural Areas System. The DEPARTMENT shall provide TNC and RMBL each with a Certificate indicating said designation. Further, this designation evidences the desire of the DEPARTMENT that the Property and Water Rights be protected from impacts adversely affecting the attributes for which the Property and Water Rights were designated. To the extent that it has the authority to do so, the DEPARTMENT shall not publish any information concerning the location of the Property and Water Rights other than the name of the County in which it is located.

- a) Access. The DEPARTMENT has no authority to grant access to the Property, Ponds, and Lake without the consent of TNC, RMBL, or the Board. Consent may be given when access would be consistent with and promote the purposes of this Agreement.
- b) Inspection. The DEPARTMENT shall have the right to inspect the Property, Ponds, and Lake from time to time to confirm that they are being used solely for the purposes stated in paragraph 4. The DEPARTMENT shall give TNC, RMBL, or the BOARD ten (10) days prior notice of the date and time it intends to inspect the Property, Ponds, and Lake.

4. Rights and Duties of TNC. TNC shall use and shall assure that RMBL uses the Property solely for the purposes of the teaching and study of biology and for the conducting of biological experiments. The management of the Property shall be the responsibility of TNC pursuant to the policies and goals described in Exhibit C, attached hereto and incorporated herein by reference. In the event the present lease between TNC and RMBL is terminated, the policies and goals described in Exhibit C shall govern the terms of any subsequent leases of the Property. TNC shall further notify the DEPARTMENT upon termination of or execution of any lease or any other document granting a property interest in the Property. All documents affecting the Property executed by TNC subsequent to the date of this Agreement shall be subject to this Agreement, which shall be attached thereto and incorporated therein by reference. Except as so stated, TNC may continue to exercise all of its rights as the Owner of the Property.

5. Rights and Duties of the BOARD and RMBL. RMBL and the BOARD shall manage the Water Rights pursuant to the policies and goals described in Exhibit C. Said management shall ensure that the water is used solely for piscatorial, non-manipulative biological research and teaching, wildlife procreation and natural heritage preservation, not to include the introduction of non-indigenous species. Said management shall be consistent with 1) lease agreement between RMBL and the BOARD, which is attached hereto and incorporated herein by reference as Exhibit D, and 2) the applications for minimum lake levels filed by

the BOARD, which is attached hereto and incorporated herein by reference as Exhibit E. In the event that the lease between RMBL and the BOARD is terminated, management of the Water Rights shall become the sole responsibility of RMBL pursuant to the terms and conditions stated herein. All documents affecting the Water Rights executed by RMBL or the BOARD subsequent to the date of this Agreement shall be subject to this Agreement, which shall be attached thereto and incorporated therein by reference. Except as so stated, the RMBL and the BOARD may continue to exercise all of their respective rights as the owner and lessee of the Water Rights.

6. Binding Effect. This Agreement shall be binding upon the parties hereto and upon any successors in interest to the Property and/or Water Rights. Any sale or transfer of the Property by TNC or of the Water Rights by RMBL shall be subject to these Articles which shall be attached to any document of purchase or transfer and incorporated therein by reference. The purchaser or transferee shall succeed the seller's or transferor's rights and duties hereunder.

7. Default. If any party reasonably believes that any other party is in default in any of the obligations under this Agreement, it may give any other party written notice of the alleged default. Promptly thereafter, the parties shall confer and make a good faith effort to correct the default and to resolve any difference of opinion which may exist as to the respective rights and duties under this Agreement. No party shall be liable to any other party for damages alleged to have been caused by any default under this Agreement. However, default by TNC may result in the removal of the Property from the Colorado Natural Areas System. Default by the BOARD and/or RMBL may result in the removal of RMBL's water rights from the Colorado Natural Areas System.

8. Termination. If any party desires to terminate this Agreement, it shall so notify any other party and give said other party(ies) an opportunity to confer regarding the reasons for termination. No less than 60 days after said initial notice, the notifying party may terminate this Agreement by notice to said other party(ies). At the request of TNC and/or the BOARD and/or RMBL following termination of this Agreement, the DEPARTMENT shall execute and deliver to TNC and/or the BOARD and/or RMBL a release of all its right, title and interest in the property and/or Water Rights arising out of this Agreement.

9. Notice. All notices to be given pursuant to this Agreement shall be in writing and shall be sent postage prepaid by registered or certified mail, return receipt requested to the addresses first listed above or to such other person or address as the party to be notified may have designated prior thereto by written notice to the other party. Any notice so mailed shall be effective upon receipt.

10. Amendments. These Articles may be amended in writing by the parties hereto with the approval of the Council.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day written above.

THE NATURE CONSERVANCY

By L. Gregory Low
L. Gregory Low
Executive Vice President

Attest:

Michael Dennis
Michael Dennis
Assistant Secretary

ROCKY MOUNTAIN BIOLOGICAL LABORATORY

By Robert B. Willey
Robert B. Willey
President

Attest:

Virginia E. Dodson
Secretary

STATE OF COLORADO
COLORADO WATER CONSERVATION BOARD

By J. William McDonald
J. William McDonald
Director

STATE OF COLORADO
DEPARTMENT OF NATURAL RESOURCES

By D. Monte Pascoe
D. Monte Pascoe
Executive Director

APPROVED:
COLORADO NATURAL AREAS COUNCIL

By Eric Kelly, Jr.
Eric Kelly, Jr.
Chairman

ASSISTANT ATTORNEYS GENERAL:

By Janet M. Clouse
Janet M. Clouse
for the DEPARTMENT

By Connie Peterson
Connie Peterson
for the BOARD

EXHIBITS:

Exhibit A: Legal Description of Property

Exhibit B: Scientific Attributes of Property

Exhibit C: Management Policies and Goals for Property

Exhibit D: Water Rights Lease between the Rocky Mountain Biological
Laboratory and the Colorado Water Conservation Board

Exhibit E: Board's Applications for Minimum Lake Levels

ORIGINAL FILED

RECEIVED
FEB 02 1981
WATER RESOURCES
STATE ENGINEER
COLO.

COPY

IN THE DISTRICT COURT IN AND FOR

Original Filed 12/26/80

WATER DIVISION NO. 5

Maria Talamas
Clerk

Case No. 80cw476

By _____
Deputy

IN THE MATTER OF THE APPLI-)
CATION FOR WATER RIGHTS OF)
ASARCO Incorporated)
IN GUNNISON COUNTY)

APPLICATION FOR
CONDITIONAL WATER RIGHTS

1. Name, address and telephone number of Applicant:

ASARCO Incorporated
Suite 202
9305 West Alameda Parkway
Lakewood, Colorado 80226
(303) 234-9462

2. Name of ditch or other structure:

- (A) ASARCO Pipeline No. 1
- (B) ASARCO Pipeline No. 2

3. Legal Description of point of diversion:

(A) ASARCO Pipeline No. 1: From the Bench Mark
(elevation 10,359 feet) located near the
center of Schofield Park proceed 2,025 feet
along a bearing of S 72° W to the rock ledge
on the left (south) bank of the intermittent
stream which drains Galena Lake and others
of a series of paternoster lakes. Also,
530 feet along a bearing of N 59° W from
the Southeast corner of the SE 1/4 of the
NE 1/4 of Section 12, Range 87 West, Township
12 South (unsurveyed).

(B) ASARCO Pipeline No. 2: From the Bench Mark
(elevation 10,359 feet) located near the
center of Schofield Park proceed 4,950 feet
along a bearing of S 10° E to the west bank
of the pond (Elko Lake) located on the creek
on the north end of Elko Park. Also, 420

feet along a bearing of S 80° W from
the Northeast corner of the SE 1/4 of
the NW 1/4 of Section 18, Range 86 West,
Township 12 South (unsurveyed).

4. Source of water (river and tributary):

(A) ASARCO Pipeline No. 1: Intermittent stream
draining Galena Lake, tributary to Crystal
River.

(B) ASARCO Pipeline No. 2: Rock Creek (also
known as West Fork of South Fork of Crystal
River), tributary to Crystal River.

5-A. Date of initiation of appropriations:

(A) ASARCO Pipeline No. 1: August 23, 1979.

(B) ASARCO Pipeline No. 2: August 30, 1979.

5-B. Date water first applied to beneficial use:

Not applicable.

5-C. How appropriation was initiated:

ASARCO Incorporated formed an intention to appropriate
water for all beneficial uses in connection with
mineral exploration and mining on its Galena Mountain
Project as set forth in Paragraph 7 below in early
1979, filing a Plan of Operations for the project with
the U.S. Forest Service on February 22, 1979. ASARCO
Incorporated manifested this intent upon the land by
locating diversion sites on August 23 and 30, 1979,
making preliminary diversions from the streams here
involved, and using such water for initial Diamond
Drilling Operations in connection with its mineral
exploration and mining operations on the Galena
Mountain Project.

6. Amount of water claimed:

(A) ASARCO Pipeline No. 1: .009282 cfs (6,000 gpd).

(B) ASARCO Pipeline No. 2: .611065 cfs (395,000 gpd).

7. Use or proposed use of the water:

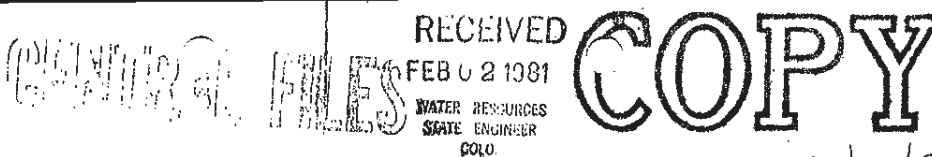
Mining and milling, domestic, commercial, land
reclamation, fire protection, mineral exploration
and all other beneficial uses.

HOLLAND & HART

By Charles M. Elliott #5217
Charles M. Elliott #5217
P. O. Box 8749
Denver, Colorado 80201

(303) 575-8000

ATTORNEYS FOR APPLICANT



IN THE DISTRICT COURT IN AND FOR

Original Filed 12/26/80
Maria Talamas
Clerk
By _____ Deputy

WATER DIVISION NO. 5

Case No. 80cw476

IN THE MATTER OF THE APPLI-)
CATION FOR WATER RIGHTS OF)
ASARCO Incorporated)
IN GUNNISON COUNTY)

APPLICATION FOR
CONDITIONAL WATER RIGHTS

1. Name, address and telephone number of Applicant:

ASARCO Incorporated
Suite 202
9305 West Alameda Parkway
Lakewood, Colorado 80226
(303) 234-9462

2. Name of ditch or other structure:

- (A) ASARCO Pipeline No. 1
- (B) ASARCO Pipeline No. 2

3. Legal Description of point of diversion:

(A) ASARCO Pipeline No. 1: From the Bench Mark (elevation 10,359 feet) located near the center of Schofield Park proceed 2,025 feet along a bearing of S 72° W to the rock ledge on the left (south) bank of the intermittent stream which drains Galena Lake and others of a series of paternoster lakes. Also, 530 feet along a bearing of N 59° W from the Southeast corner of the SE 1/4 of the NE 1/4 of Section 12, Range 87 West, Township 12 South (unsurveyed).

(B) ASARCO Pipeline No. 2: From the Bench Mark (elevation 10,359 feet) located near the center of Schofield Park proceed 4,950 feet along a bearing of S 10° E to the west bank of the pond (Elko Lake) located on the creek on the north end of Elko Park. Also, 420

feet along a bearing of S 80° W from
the Northeast corner of the SE 1/4 of
the NW 1/4 of Section 18, Range 86 West,
Township 12 South (unsurveyed).

4. Source of water (river and tributary):

- (A) ASARCO Pipeline No. 1: Intermittent stream draining Galena Lake, tributary to Crystal River.
- (B) ASARCO Pipeline No. 2: Rock Creek (also known as West Fork of South Fork of Crystal River), tributary to Crystal River.

5-A. Date of initiation of appropriations:

- (A) ASARCO Pipeline No. 1: August 23, 1979.
- (B) ASARCO Pipeline No. 2: August 30, 1979.

5-B. Date water first applied to beneficial use:

Not applicable.

5-C. How appropriation was initiated:

ASARCO Incorporated formed an intention to appropriate water for all beneficial uses in connection with mineral exploration and mining on its Galena Mountain Project as set forth in Paragraph 7 below in early 1979, filing a Plan of Operations for the project with the U.S. Forest Service on February 22, 1979. ASARCO Incorporated manifested this intent upon the land by locating diversion sites on August 23 and 30, 1979, making preliminary diversions from the streams here involved, and using such water for initial Diamond Drilling Operations in connection with its mineral exploration and mining operations on the Galena Mountain Project.

6. Amount of water claimed:

- (A) ASARCO Pipeline No. 1: .009282 cfs (6,000 gpd).
- (B) ASARCO Pipeline No. 2: .611065 cfs (395,000 gpd).

7. Use or proposed use of the water:

Mining and milling, domestic, commercial, land
reclamation, fire protection, mineral exploration
and all other beneficial uses.

HOLLAND & HART

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P. O. Box 8749
Denver, Colorado 80201

(303) 575-8000

ATTORNEYS FOR APPLICANT

VERIFICATION

STATE OF COLORADO

COUNTY OF JEFFERSON

) ss.
)

Douglas M. Smith, Jr., being first duly sworn, deposes and says that he has read the foregoing APPLICATION FOR CONDITIONAL WATER RIGHTS, knows the contents thereof, and the same is true.

Douglas M. Smith, Jr.
Douglas M. Smith, Jr.

Subscribed and sworn to before me this 23 day of December, 1980, by Douglas M. Smith, Jr., Manager, Rocky Mountain Exploration Division, ASARCO Incorporated.

My Commission Expires: September 26, 1983

Witness my hand and official seal.

Carol E. Johnson
Notary Public