District Court, Water Division 5 State of Colorado

109 8th Street, Suite 104

Glenwood Springs, CO 81602

(970) 928-3065

CONCERNING THE APPLICATION FOR WATER RIGHTS OF:

▲COURT USE ONLY**▲**

THE CITY OF ASPEN

In Castle Creek or its tributaries

In Pitkin County, Colorado

Case Number:

16CW3129

Paul L. Noto, No. 34074 Attorneys:

> Jason M. Groves, No. 46692 Patrick, Miller & Noto, P.C. 197 Prospector Road, Ste. 2104A

Aspen, CO 81611

Division Courtroom

Phone Number: (970) 920-1030

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groves@waterlaw.com

STATEMENT OF OPPOSITION

1. Name, address, and telephone number of the Objector:

> **American Rivers** c/o Matt Rice, Colorado River Basin Director 1536 Wynkoop Street, Office 321 Denver, CO 80202 (303) 454-3395

with copies of pleadings to: Patrick, Miller & Noto, P.C. 197 Prospector Road, Suite 2104A Aspen, CO 81611 (970) 920-1030

- 2. Facts as to why application should not be granted, or why it should be granted only in part on certain conditions:
 - American Rivers is a non-profit, national river conservation organization Α. whose mission is to protect wild rivers, restore damaged rivers, and conserve clean water for people and nature. Since 1973, American Rivers has protected and restored over 150,000 miles of river through advocacy, on the ground projects, and through the annual America's Most Endangered Rivers campaign. American Rivers has more than 200,000 members, supporters, and

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volunteers throughout the country, with many members who live, work, or otherwise recreate in and near the lands and rivers that would be impacted by the development of Applicant's claimed water rights.

- B. American Rivers has standing to oppose the application under C.R.S. § 37-92-302(1)(b) (2016).
- C. Applicant should be put to strict proof as to each and every claim and element of the application.
- D. Objector reserves the right to raise additional grounds for objection as further information becomes available.
- E. Objector requests that if the Applicant amends the application, this Statement of Opposition will be sufficient to oppose the amended application without filing another statement of opposition.

Dated this 28th day of December, 2016.

PATRICK, MILLER & NOTO, P.C.

A Professional Corporation

By:

Paul L. Noto, No. 34074 Jason M. Groves, No. 46692 197 Prospector Road, Ste. 2104A

Aspen, CO 81611 (970) 920-1030

ATTORNEYS FOR THE OBJECTOR

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VERIFICATION

STATE OF COLORADO)
COUNTY OF Denvel) SS.)

I, Matt Rice, state that I have read this Statement of Opposition, have personal knowledge of the facts stated, and verify the contents to the best of my knowledge, information, and belief.

| 12/28/16 Matt Rice | Date:

Subscribed and sworn to before me this 28 day of December, 2016, by Matt Rice, as the Colorado Conservation Director for American Rivers.

Witness my hand and official seal.

My Commission expires: 03.08-2020

JAKOB B VACHAL

NOTARY PUBLIC

STATE OF COLORADO

NOTARY ID 20164009668

MY COMMISSION EXPIRES MARCH 8, 2020

Notary Public

The person signing this verification is: the Objector's Representative.

This document was filed with the Court through the electronic filing procedures, under C.R.C.P. 121 §1-26. As required, a printable signed copy is on file with Patrick, Miller & Noto, P.C.

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CERTIFICATE OF SERVICE

I certify on this 28th day of December, 2016 that I served a copy of the foregoing document via ICCES on the following individuals:

Cynthia F. Covell, Esq. Andrea L. Benson, Esq. Alyson K. Scott, Esq. Alperstein & Covell, P.C. 1600 Broadway, Ste. 900 Denver, CO 80202 [City of Aspen]

Kevin L. Patrick, Esq. Christopher R. Stork, Esq. Patrick, Miller & Noto, P.C. 197 Prospector Road, Ste. 2104A Aspen, CO 81611 [Double R Creek, Ltd.] Bart Miller, No. 27911 Robert Harris, No. 39026 Western Resource Advocates 2260 Baseline Road, Ste. 200 Boulder, CO 80302 [Western Resource Advocates] [Wilderness Workshop]

Rhonda J. Bazil, Esq. Rhonda J. Bazil, P.C. 420 E. Main Street, Ste. 240 Aspen, CO 81611 [Asp Properties, LLC]

Hannah Mink