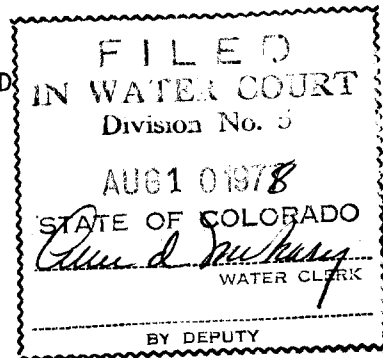


IN THE DISTRICT COURT IN AND
FOR WATER DIVISION NO. 5

STATE OF COLORADO

Application No. W-3608



IN THE MATTER OF THE APPLICATION)
FOR WATER RIGHTS OF)
FOSTER PETROLEUM CORPORATION)
IN THE ROARING FORK RIVER)
OR ITS TRIBUTARIES)
TRIBUTARY INVOLVED: SPRING VALLEY)
IN GARFIELD COUNTY.)

RULING OF REFEREE

The above entitled application was filed on December 28, 1977, and was referred to the undersigned as Water Referee for Water Division No. 5, State of Colorado, by the Water Judge of said Court on the 13th day of January, 1978, in accordance with Article 92 of Chapter 37, Colorado Revised Statutes 1973, 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 Quigley Spring.
3. The name of the claimant and address is Foster Petroleum Corporation; P. O. Box 698; Carbondale, Colorado.
4. The source of the water is a spring tributary to Spring Valley, tributary to the Roaring Fork River.
5. The spring is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, T. 7 S., R. 88 W. of the 6th P.M. at a point whence the Northeast corner of said Section 4 bears N.84°51'E. 2,950 feet.
6. The use of the water is domestic, livestock water and irrigation.
7. The date of initiation of appropriation is 1931.
8. The amount of water claimed is 0.50 cubic foot of water per second of time, absolute.
9. A spring house has been built over the spring and a pump and pipeline has been installed for domestic use. The overflow from the pumphouse is diverted into a ditch for irrigation and livestock water.

10. The water was first applied to the above beneficial uses in 1931.

The Referee does therefore conclude that the above entitled application should be granted and that 0.50 cubic foot of water per second of time is hereby awarded to the Quigley Spring, for irrigation, livestock water and domestic uses, with appropriation date of the 31st day of December, 1931, 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.

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 37-92-304 C.R.S. 1973.

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, 1978.

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: _____

10/17/78

[Signature]
Water Judge

BY THE REFEREE:

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