DISTRICT COURT, WATER DIVISION 1, COLORADO

JANUARY 2004 WATER RESUME

TO: ALL PERSONS INTERESTED IN WATER APPLICATIONS IN WATER DIV. 1
Pursuant to C.R.S. 37-92-302, you are notified that the following is a resume of all water right applications and certain amendments filed in the Office of the Water Clerk during the month of January , 2004 for each County affected.

2004CW1 MISCELLANEOUS. Used for miscellaneous filings.

2004CW2 CHARLES E. AND LISA D. GLINCHE, 4351 Stone Post Dr., Castle Rock, CO 80108. Application for Underground Water Right, **IN DOUGLAS COUNTY**. Glinche Well - Permit #189547, located in the NE1/4 SW1/4 S32, T7S, R66W of the 6th P.M., 2400' from S section line and 2100' from W section line. Source: Underground Depth: 802' Appropriation: 8/25/1995 Amount claimed: 10 gpm Use: Household (2 pages + 3 attachments)

2004CW3 EVERET D. WELBORN, 12226 n. 3RD St., Parker, CO 80134.. Application for Underground Water Right, **IN DOUGLAS COUNTY**. Permit #23056, located in the SE1/4 SW1/4 S7, T6S, R66W of the 6th P.M., 1400' from S section line and 400' from W section line. Source: Underground Depth: 150' Appropriation: 4/26/1965 Amount claimed: 10 gpm Use: Household (2 pages + 5 attachments)

2004CW4 WILLIAM H. MCCLELLAND, POB 1967, Ft. Collins, CO 80522. Application for Water Storage Right, **IN LARIMER COUNTY.** Calf Pond is located in the NW1/2, S25, T12N, R70W, 6th P.M., 1156' from the S section line and 936' from the W section line. Source: Spring fed stream Appropriation: 11/30/1988 Amount claimed: 1.2 AF Non-irrigation use for recreation, fish habitat, livestock watering, water source for riparian wildlife Surface area of high water line: 0.2 acres Maximum height of dam: 10 feet Length of dam: 63 feet Total capacity of reservoir: 1.2 AF Active capacity: 1.2 Dead storage: 1.2

2004CW5 GRAHAM T. & PATRICIA G. HANDBY, 2040 Rocky View Rd., Castle Rock, CO 80108. Application for Underground Water Right, **IN DOUGLAS COUNTY**. Handby Well - Permit #176601, in the SE1/4 SW1/4, S32, T7S, R66W [1]of the 6th P.M., 2040' from S section line and 1376' from W section line. Source: Underground Depth: 808' Appropriation: 3/8/1994 Amount claimed: 8 gpm Use: Household (2 pages + 2 attachments)

2004CW6 DON KEHN CONSTRUCTION, INC., 6550 South County Road 5, Fort Collins, Colorado 80528 (970) 226-4111 (Robert W. Brandes, Jr., Myatt Brandes & Gast PC, 323 South College, Suite 1, Fort Collins, CO 80524). Amended Application for Change of Water Right, Approval of Plan for Augmentation and Application for Storage Water Rights **IN LARIMER COUNTY**. 2. Decreed Name of Structure: Boxelder Ditch. 3. Previous Decrees: Decree entered in Civil Action No. 320 in the District Court, Larimer County, Colorado on April 11, 1882. The source of water is the Cache la Poudre River. The decreed use is for irrigation and domestic purposes with the following appropriation dates and amounts: Adjudication Date April 11, 1882 and Appropriation Date March 1, 1866 for 32.5 CFS; Appropriation Date May 25, 1867 for 8.33 CFS; Appropriation Date July 1, 1868 for 11.93 CFS. The headgate location is located at the Southeast Quarter (SW ¼) of the Northeast (NE ¼) of Section 20, Township 7 North, Range 68 West, Larimer County, Colorado. 4. Historic Use: Irrigation of approximately 242.3 acres of what was known as the Weitzel Farm shown in the attached Exhibit 1 to the Application by the 3½ shares of the Boxelder Ditch owned by Applicant. Applicant currently owns and operates a gravel mining operation (the Timnath Pit) on the old farm acreage, as shown on Exhibit 2

attached to the Application. The annual average diversion from the Boxelder Ditch for the study period of 1960 through 1989 is 7,151.3 acre feet. Farm deliveries were calculated as the pro rata amount due to Applicant's 3½ shares out of 64 total shares of the Boxelder Ditch Company, less estimated transportation loss, estimated at 10%. The average headgate delivery to the Weitzel Farm was 352 acre feet, and the average actual consumptive use was 194.3 acre feet during the study period, calculated as the monthly minimum of the farm delivery times an on-farm efficiency of 60%, or the consumptive use water requirement from the Blaney-Criddle formula. The historic use during the study period was to irrigate 63% of the acreage in pasture grass, 29% in corn and 8% in alfalfa of the 242.4 irrigated acres. A Table showing consumptive use is attached as Exhibit 3 to the Application. 5. Proposed Change: Applicant seeks to change its water rights represented by its 3½ shares out of a total of 64 shares of the Boxelder Ditch Company. The changes requested are: The change in the type of use from irrigation to augmentation, replacement, exchange, irrigation, domestic, municipal, commercial, industrial, fire protection, livestock watering, storage, recreational, piscatorial, wild life propagation, and any other use approved by the Court. To effect this change, Applicant will quantify the historic consumptive use of the water rights. Water yielded by the water rights which was historically consumed, or for which any required return flow obligations have been met, will be fully consumable by the Applicant by use, reuse, successive use, disposition, augmentation, replacement, and substitution, less depletions occurring as a result of mining operations (67.6 acre feet) (Exhibit 4) each year until approximately 2015, when mining operations are complete, resulting in 126.7 acre feet per year of consumptive use credit available for use by Applicant, pending approval of the plan set forth below. Applicant will continue to divert its water rights at the headgate of the Boxelder Ditch as described above. Applicant will maintain its historic return flow replacement obligations as necessary to prevent injury to other water rights. 6. Plan of Augmentation: At present, Applicant is mining the Timnath Pit on its property located in the SW ¼ of Section 11, and the N ½ of Section 14, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado which is unlined during mining operations. The consumptive use credit for Applicant's 3 ½ shares of the Boxelder Ditch Company shall be used for augmentation purposes as follows: Possible future uses under consideration by Applicant would be to use the credits itself or make them available to others, for irrigation or general augmentation purposes. Any augmentation uses by Applicant or others will be subject to further approval by the state engineer or Water Court. Present operations of the Timnath Pit will be covered under a substitute water supply plan submitted for approval to the Office of the State Engineer until the plan is approved. During mining, until approximately 2015, the useable consumptive use credits (194.3 acre feet) will be reduced by mining depletions (67.6 acre feet) until mining is completed resulting in consumptive use credits of 126.7 acre feet on average. When mining is completed and the ponds have been lined, the useable consumptive use credits would return to 194.3 acre feet. Applicant will deliver a portion of the changed (consumptive use) water of the Boxelder as a replacement supply for its ground water use at the Timnath Pit, to the Cache la Poudre River. In the future, when mining operations have ceased, Applicant plans on lining the Timnath Pit, and will be able to release water into the Cache la Poudre River. The purposes of this storage pond will be to store any water the Applicant may divert from the Boxelder and to retain and release water to maintain the amount and timing of historic return flows due from the diverted water. The only future use currently contemplated by Applicant would be storage of consumptive use water in order to use it to make it available to others, for irrigation, or general augmentation. Applicant will install measurement devices to gauge actual future deliveries of Boxelder Ditch share water onto the property and devices to measure water (both historic return flow obligations and augmentation supplies) deliveries from the Timnath Pit to the river. Applicant will also develop accounting spread sheets acceptable to the State Engineer's Office to account for the diversions and deliveries noted in this plan. 7. Storage Right: Applicant intends to divert unappropriated water tributary to the Cache la Poudre River through the Boxelder Ditch and deliver it to its Timnath Pit during the 2004 water year. Applicant intends to apply 1,334 acre feet of water to the Timnath Pit when available for recharge purposes at rates up to approximately 10 cfs during and after the 2004 water year. The surface area of the high water line is 135 acres. The total capacity of the Timnath Pit is 1,334 acre feet with no dead storage. The name and address of the owner of land on which the structure for the water rights is located is: Don Kehn Construction, Inc., 6550 South County Road 5, Fort Collins, Colorado 80528.

2004CW7 GARY L. & JUDY L. KAVEN, 6545 S. Elm Circle, Littleton, CO 80121. Application for Underground Water Right, **IN PARK COUNTY**, Kaven well to be in, NE1/4 SE1/4 S14, T9S, R75W of

the 6th P.M.. Source: Underground Appropriation: 5/31/1973 Amount claimed: 15 gpm Use: Household (2 pages + 2 attachments)

2004CW8 FRED C. AND CYNTHIA D. BURDICK, 1073 Ute Trail, POB 263, Como, CO 80432. Application for Underground Water Right, **IN PARK COUNTY.** Permit #047031-F, located in the SE1/4 NW1/4, S35, T9S, R75W of the 6th P.M., 2200' from N section line and 1665' from W section line. Source: Underground Depth: 452' Appropriation: 6/3/1997 Amount claimed: 1.25 gpm Use: Household (2 pages + 3 attachments)

2004CW9 (95-CW-253),(88-CW-034), (87-CW-206),(81-CW-418), **Clear Creek Water Users Alliance** (c/o Harvey W. Curtis, Esq., 1675 Larimer Street, Suite 715, Denver, CO 80202 Telephone: (303) 292-1144) APPLICATION FOR FINDING OF REASONABLE DILIGENCE, **IN GILPIN, CLEAR CREEK AND JEFFERSON COUNTIES**. **2. Name of the structure:** Clear Creek Reservoir. 3. **Description of conditional water rights: 3.A.** Original Decree: Clear Creek Reservoir was conditionally decreed on November 23, 1983, Case No. 81-CW-418, District Court, Water Division No. 1, State of Colorado as described as follows: **3.A .1** The legal description of Clear Creek Reservoir at high water line: SW quarter of Section 25, Section 26, North half of Section 27, South half of Section 33, South half of Section 34, SE quarter of Section 35, and Section 36, Township 3 South, Range 72 West of the 6th Principal Meridian, and NW quarter of Section 1, North half of Section 2, and NE quarter of Section 3, Township 4 South, Range 72 West of the 6th Principal Meridian. The right abutment of the proposed dam is located at a point when the Southeast corner of Section 36, Township 3 South, Range 72 West of the 6th Principal Meridian bears South 76 degrees 04 minutes 35 seconds East a distance of 2,895.6 feet. **3.A.2.** The source of water: Clear Creek and North Clear Creek, tributaries of South Platte River. **3.A.3.** The date of appropriation: December 10, 1981. **3.A.4.** Height of dam in feet: 418 feet, which includes 20 feet of freeboard above the high water line elevation of 7,280 feet. **3.A.5.** Length of dam: 1,099.7 feet at the high water line elevation of 7,280 feet. **3.A.6.** Total capacity of reservoir in acre-feet: 110,000 acre-feet. **3.A.7.** Active capacity of reservoir in acre-feet from bottom of the outlet tube in the lowest point on the spillway: 110,000 acre-feet. **3.A.8.** Dead storage in acre-feet from bottom of the outlet to the lowest point on the spillway: 0 acre-feet. **3.A.9.** Amount of water: 110,000 acre-feet (decreed conditional). **3.A. 10.** Decreed uses of water: Applicant intends to make the water available to its members for all municipal purposes, including domestic, industrial, commercial, manufacturing, irrigation, stock watering, recreational, piscatorial, fish and wildlife, fire protection, cooling, for exchange purposes, for replacement of depletions resulting from the use of water from other sources, and for any and all other augmentation purposes. **3.B. Change Decree:** On September 2, 1992, in Case No. 88-CW-034 in the District Court for Water Division No. 1, State of Colorado, the structures described below were decreed as alternate places of storage for the conditional water right for the Clear Creek Reservoir described in paragraph 3.A., above: **3.B.1.** Tunnel No. 1 Reservoir. **3.B.1.a.** Legal description of proposed location of reservoir and dam: The proposed Tunnel No. 1 Reservoir is to be located in the South half of Section 31 and the SW quarter of Section 32, Township 3 South, Range 70 West of the 6th P.M.; the NW quarter of Section 5 and the North half of Section 6, Township 4 South, Range 70 West of the 6th P.M.; all of Section 35, the South half of Section 36, and the SW quarter of Section 34, Township 3 South, Range 71 West of the 6th P.M.; and the North half of Section 1, the NW quarter of Section 2, and the North half of Section 3, Township 4 South, Range 71 West of the 6th P.M. The right abutment of the proposed dam is located at a point from which the NW corner of Section 5, Township 4 South, Range 70

West of the 6th P.M., bears South 80 degrees 0 minutes West approximately 450 feet. **3.B.1.b.** Surface area of high water line: 660 acres. Maximum height of dam in feet: 560 feet at the crest elevation of 6,460 feet. Length of dam in feet: 1,550 feet. **3.B.1.c.** Total capacity of reservoir in acre-feet: 110,000 acre-feet. Active capacity: 110,000 acre-feet. Dead storage: 0 acre-feet. **3.B.2.** Tunnel No. 3 Reservoir. **3.B.2.a.** Legal description of proposed location of reservoir and dam: The proposed Tunnel No. 3 Reservoir is to be located in the SE quarter of Section 32 and the South half of Section 33, Township 3 South, Range 71 West of the 6th P.M.; all of Section 36 and the SE quarter of Section 35, Township 3 South, Range 72 West of the 6th P.M.; the North half of Sections 4, 5, and 6, Township 4 South, Range 71 West of the 6th P.M.; and the NE quarter of Section 1, Township 4 South, Range 72 West of the 6th P.M. The right abutment of the proposed dam is located at a point from which the NE corner of Section 4, Township 4 South, Range 71 West of the 6th P.M. bears North 65 degrees 0 minutes East approximately 900 feet. **3.B.2.b.** Surface area of high water line: 710 acres. Maximum height of dam in feet: 565 feet at the crest elevation of 7,085 feet. Length of dam in feet: 1,600 feet. **3.B.2.c.** Total capacity of reservoir in acre-feet: 110,000 acre-feet. Active capacity: 110,000 acre-feet. Dead storage: 0 acre-feet. **3.B.3.** Bald Mountain Reservoir. **3.B.3.a.** Legal description of proposed location of reservoir and dam: The proposed Bald Mountain Reservoir is to be located in the South half of Section 26, the SE quarter of Section 27, the SE quarter of Section 32, the South half of Section 33, the South half and NE quarter of Section 34, and all of Section 35, Township 3 South, Range 71 West of the 6th P.M.; the NW quarter of Section 2, the North half and SW quarter of Section 3, the North half of Section 4, and the NE quarter of Section 5, Township 4 South, Range 71 West of the 6th P.M. The right abutment of the proposed dam is located at a point whence the SE corner of Section 35, Township 3 South, Range 71 West of the 6th P.M., bears South 65 degrees 00 minutes East a distance of approximately 3,200 feet. **3.B.3.b.** Surface area of high water line: 680 acres. Maximum height of dam in feet: 535 feet at the crest elevation of 6,720 feet. Length of dam in feet: 1,650 feet. **3.B.3.c.** Total capacity of reservoir in acre-feet: 110,000 acre-feet. Active capacity: 110,000 acre-feet. Dead storage: 0 acre-feet. **3.B.4.** Guy Gulch Reservoir. **3.B.4.a.** Legal description of proposed location of reservoir and dam: The proposed Guy Gulch Reservoir is to be located approximately in the East half of Section 21, the SW quarter of Section 22, and the NW quarter and the South half of Section 27, the NE quarter of Section 28, and the North half of Section 34, Township 3 South, Range 71 West of the 6th P.M. The right abutment of the proposed dam is located at a point whence the SE corner of Section 27, Township 3 South, Range 71 West of the 6th P.M. bears North 40 degrees 00 minutes East a distance of approximately 750 feet. **3.B.4.b.** Surface area of high water line: 200 acres. Maximum height of dam in feet: 500 feet at the crest elevation of 7,200 feet. Length of dam in feet: 300 feet. **3.B.4.c.** Total capacity of reservoir in acre-feet: 35,000 acre-feet. Active capacity: 35,000 acre-feet. Dead storage: 0 acre-feet. **3.B.5.** Centennial Reservoir. **3.B.5.a.** Legal description of proposed location of reservoir and dam: The proposed Centennial Reservoir is to be located in the South half of Section 31, the South half of Section 32, Township 3 South, Range 71 West of the 6th P.M.; all of Section 5 and all of Section 6, Township 4 South, Range 71 West of the 6th P.M.; all of Section 1, North half of Section 2, and North half of Section 3, Township 4 South, Range 72 West of the 6th P.M.; South half of Section 25, all of Section 26, East half of Section 27, East half of Section 33, South half of Section 34, all of Section 35 and all of Section 36, Township 3 South, Range 72 West of the 6th P.M. The left abutment of the proposed dam is located at a point from which the SE corner of Section 32, Township 3 South, Range 71 West of the 6th P.M., bears South 65 degrees 0 minutes East a distance of approximately 1,200 feet. **3.B.5.b.** Surface

area at high water line: 1,200 acres. Maximum height of dam: 540 feet at the crest elevation of 7,230 feet. Length of dam: 1,845 feet. **3.B.5.c.** Total capacity of reservoir: 230,000 acre-feet. Active capacity: 230,000 acre-feet. Dead storage: 0 acre-feet. **4.** Previous Diligence Rulings: Applicant filed its first application for Quadrennial Finding of Reasonable Diligence in Case No. 87-CW-206 on October 30, 1987. On December 13, 1989, the Court entered the Findings of Fact, Conclusions of Law, Ruling of the Referee, Judgment and Decree in Case No. 87-CW-206, which continued the conditional water right until October 31, 1991. The period for filing an application for a finding of reasonable diligence was extended to October, 1993 by an Order entered on October 30, 1991. The filing period was again extended to December, 1995 by an Order entered on August 25, 1993. Applicant filed its second Application for Finding of Reasonable Diligence in Case No. 95-CW-253 on December 27, 1995. On January 7, 1998, the Court entered its Findings of Fact and Ruling of the Referee and Judgment and Decree of the Water Court in Case No. 95-CW-253, which continued the conditional water right until January 31, 2004. **5.** Detailed outline of what diligence has been done toward completion or for completion of the appropriation of water to a beneficial use as conditionally decreed, including expenditures. Since the diligence period began, expenditures by the Applicant have totaled over $19,300.00. Work during the diligence period to date includes: The Alliance met during the diligence period, and passed a resolution allowing prior members of the Alliance to again become participants in the Clear Creek Reservoir Project. The City of Arvada has rejoined the Alliance and is a participant in the Project. Active participants in the Project include the City of Arvada, The Consolidated Mutual Water Company, the Agricultural Ditch and Reservoir Company, Rock Products, Association, (whose members include Lafarge North America, Inc. and Mobile Premix Concrete, Inc.), Coors Brewing Company and the Clear Creek Water Users Alliance, itself. Engineering and legal work has continued on the Project. The work includes a study and analysis performed by Leonard Rice Engineers, Inc. to determine if the prior yield analyses in 1987 by Tudor Engineering and the 1992 Step 2 Analysis by Leonard Rice Consulting Engineers, Inc., are still appropriate to estimate the yield of the Project. The conclusion was, yes. In addition drilling was done on two decreed dam sites for a study by CTL/Thompson, Inc. The study determined the two decreed sites are suitable for a dam. WHEREFORE, Applicant requests that the conditional water right decreed to the Clear Creek Reservoir, be continued in full force and effect until the due date of the next diligence filing herein. (8 pages)

2004CW10 COLORADO AG PROPERITES, L.P., APPLICATION FOR APPROVAL OF AUGMENTATION PLAN, **IN DOUGLAS COUNTY**. 1. Name, address and telephone number of Applicant: Colorado Ag Properties, L.P., P.O. Box 561, Sedalia, CO 80135 (303) 877-5727 (Carmen S. Hall, Petrock & Fendel, P.C., 700 17th Street, #1800, Denver, Colorado 80202 (303) 534-0702). 2. Description of plan for augmentation: A. Groundwater to be augmented: 17 acre-feet per year of not nontributary Denver aquifer and 17 acre-feet per year of not nontributary Arapahoe aquifer groundwater as pending in Case No. 2003CW198, District Court, Water Division 1. The land which is the subject of Case No. 2003CW198 is approximately 595 acres, located in part of the E1/2 of Section 27 and the E1/2 of Section 34, T7S, R68W of the 6th P.M., as shown on Attachment A hereto ("Subject Property"). The water which is the subject of this application will be used to supply 17 residential lots to be located on approximately 330 acres of the Subject Property. B. Water rights to be used for augmentation: Return flows from the use of not nontributary Denver and Arapahoe aquifer water and return flows and direct discharge of nontributary Laramie-Fox Hills aquifer groundwater underlying the Subject Property as also pending in Case No. 2003CW198.C. Statement of plan for augmentation: The subject Denver and Arapahoe aquifer groundwater will be used to serve up to 17 residential lots through individual wells at rates of flow of 15 gpm. It is estimated that each lot will require approximately one acre-foot per year for inhouse use (0.4 acre-feet), irrigation of home lawn and garden (0.5 acre-feet), and stockwatering (0.1 acre-

feet). Applicant reserves the right to amend these values based on final planning. Sewage treatment for inhouse use will be provided by non-evaporative septic systems. Consumptive use associated with in-house use will be approximately 10% of water used and it is estimated that approximately 10% of water used for irrigation will be returned to the stream system. Water used for stockwatering is considered to be 100% consumed. Before any other type of sewage treatment is proposed in the future, including incorporation of the lots into a central sewage collection and treatment system, Applicant, or successors and assigns, will amend this decree prior to such change and thereby provide notice of the proposed change to other water users by publication procedures in use at that time. D. During pumping Applicant will replace an amount equal to 4% of the annual amounts withdrawn for pumping from both the Denver and Arapahoe aquifers to the affected stream system pursuant to Section 37-90-137(9)(c), C.R.S. Applicant estimates that depletions occur to the Plum Creek stream system. Return flows from use of the subject water rights from inhouse use through nonevaporative septic systems and from irrigation use, will accrue to the South Platte River system and those return flows are sufficient to replace the required amounts while the subject groundwater is being pumped. E. Applicant will reserve an equal amount of nontributary Laramie-Fox Hills groundwater to meet post-pumping augmentation requirements. 3. Remarks: Applicant will withdraw the not nontributary Denver and Arapahoe aquifer groundwater under the plan of augmentation requested herein pursuant to Section 37-90-137(9)(c), C.R.S.

2004CW11 Bruce C. Duck, P. O. Box 826, Conifer, Colorado 80433. (David C. Lindholm, Esq., P.O. Box 18903, Boulder, Colorado 80308-1903). APPLICATION TO MAKE ABSOLUTE A CONDITIONAL WATER RIGHT. **IN JEFFERSON COUNTY**. 1. Name of Structure: Black Mountain Ranch Reservoir. 2. Description of Conditional Water Right: A. Date of Original Decree: October 20, 1997. Case No.: 95CW281. Court: District Court, Water Division 1. B. Location: Black Mountain Ranch Reservoir is located in the NE 1/4 NE 1/4 of Section 7, Township 6 South, Range 71 West, 6th P.M., Jefferson County, Colorado. The outlet is located at a point which is approximately 20 feet from the North section line and 600 feet from the East section line of said Section 7. C. Source: Maxwell Creek, a tributary of Cub Creek, Bear Creek and the South Platte River. D. Dates of Appropriation: December 31, 1953, and October 9, 1995. E. Amount: 1.6 acre feet. F. Use of the Water: Domestic, commercial uses in an apartment complex, fire protection, recreational, piscatorial and wildlife propagation, ABSOLUTE. Augmentation and replacement, CONDITIONAL. 3. Outline of What Has Been Done Toward Completion of the Appropriation and Application of Water to a Beneficial Use as Conditionally Decreed: Since the Decree in Case No. 95CW281 was entered in 1997, water has been stored in the Black Mountain Ranch Reservoir under the October 9, 1995, storage priority. Water was released from the Reservoir during 2002 to cover depletions attributable to the out-of-priority diversion of water at Black Mountain Ranch in accordance with the plan for augmentation for the Ranch. 5. Date Water Applied to Beneficial Use: Water was stored in the Black Mountain Ranch Reservoir under the October 9, 1995, priority at various times between October 16, 1997, and June 12, 1998. Water so stored in the Reservoir was first used for augmentation and replacement purposes on July 30, 2002. WHEREFORE, Applicant requests that the Court enter an Order making the Black Mountain Ranch Reservoir an Absolute water right for augmentation and replacement purposes. (3 pages).

2004CW012 FURNITURE ROW COLO, LLC, c/o Gregory A. Ruegsegger, General Counsel, 300 Union Blvd. Suite 350, Lakewood, CO 80228, (303) 985-0308. Please direct all correspondence to Anne J. Castle, Leah A. Kukowski, Holland & Hart, LLP, P.O. Box 8749, Denver, CO 80201-8749 (303) 295-8000. **CONCERNING THE APPLICATION FOR DETERMINATION OF NONTRIBUTARY AND NOT NONTRIBUTARY WATER RIGHTS OF FURNITURE ROW COLO, LLC., IN ARAPAHOE COUNTY.** Applicant, Furniture Row COLO, LLC. ("Applicant") requests a determination of its rights to the nontributary and not nontributary underground water contained in the Denver, Upper Arapahoe, Lower Arapahoe, and Laramie-Fox Hills aquifers underlying its property in Arapahoe County, pursuant to Colo. Rev. Stat. § 37-90-137 (4). 1. Name, Address, and Telephone Number of Applicant: 2. Claim to Ground Water in the Denver, Upper Arapahoe, Lower Arapahoe, and Laramie-Fox Hills Aquifers: Applicant is the owner of 642.15 acres of land in Arapahoe County, more specifically described in paragraph 0 below (the "Property"), and through this application claims all of the ground water in the Denver, Upper Arapahoe, Lower Arapahoe, and Laramie-Fox Hills aquifers underlying the Property. A survey of the Property is attached hereto as Exhibit 1. 3. Wells and Well Permits: Applicant will apply for well permits prior to construction of any wells. Applicant will locate a sufficient number of wells on the Property to withdraw all ground water in the Denver, Upper Arapahoe, Lower Arapahoe, and Laramie-Fox Hills aquifers

underlying the Property. The wells may be constructed at any location on the Property subject to Colo. Rev. Stat. § 37-90-137(4). Applicant may establish a well field for the production of the ground water that is the subject of this application and shall be entitled to well permits for additional wells pursuant to Colo. Rev. Stat. § 37-90-137(10). 4. Total Amount of Water Claimed: Applicant seeks a decree confirming its right to all unappropriated water underlying the Property in the Denver, Upper Arapahoe, Lower Arapahoe, and Laramie-Fox Hills aquifers. The estimated average annual amounts of withdrawal from the subject aquifers as indicated below, are based upon the Denver Basin Rules, 2 C.C.R. § 402-6. For purposes of this application, Applicant estimates that the following annual amounts are representative of the Denver, Upper Arapahoe, Lower Arapahoe, and Laramie Fox-Hills aquifers underlying the Property: **Denver Aquifer (24.18 acres):** 11.10 acre-feet**,** 17% specified yield, 270 feet average saturated thickness. **Denver Aquifer (617.97 acres):** 273.14 acre-feet, 17% specific yield, 260 feet average saturated thickness. **Upper Arapahoe Aquifer:** 155.02 acre-feet, 17% specific yield, 142 feet average saturated thickness. **Lower Arapahoe Aquifer:** 81.87 acre-feet, 17% specific yield, 75 feet average saturated thickness. **Laramie-Fox Hills Aquifer:** 162.79 acre-feet, 15% specific yield, 169 feet average saturated thickness. Applicant requests that the annual amounts of withdrawal be adjusted to conform to actual local aquifer characteristics when adequate information is obtained from well drilling or test holes. Applicant claims all nontributary and not nontributary ground water underlying the Property and requests the right to revise the estimated amounts of water available from the subject aquifers upward or downward, based on better or updated data, without the necessity of amending this application or republishing same. Applicant requests confirmation of its ability to withdraw the ground water in the Denver, Upper Arapahoe, Lower Arapahoe, and Laramie-Fox Hills aquifers from the wells to be constructed in the future in excess of the average annual amount decreed, so long as the sum of the total withdrawals from the aquifer does not exceed the product of the total number of years since the date of issuance of the well permit or the date of this Court's decree, whichever occurs first, and the amount of average annual withdrawal. Applicant will supplement this application with evidence that the State Engineer has issued or failed to issue, within four months of the filing of the application with this Court, a determination as to the facts of this application. 5. Character of Ground Water: Applicant asserts that the annual withdrawal of the amounts of Upper Arapahoe, Lower Arapahoe, and Laramie-Fox Hills aquifers ground water specified above, subject to the terms and conditions proposed herein, will not result in material injury to the vested water rights of others and will not, within 100 years, deplete the flow of the natural stream at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and the ground water is nontributary as defined in Colo. Rev. Stat. § 37-90-103(10.5). In order to assure that no vested water rights are materially affected by withdrawals of this nontributary ground water, no more than ninety-eight percent of the water withdrawn annually from any of the future wells shall be consumed by Applicant. Applicant asserts that the ground water to be withdrawn from the Denver aquifer pursuant to this application is not nontributary ground water pursuant to Colo. Rev. Stat. § 37-90-103 (10.7). Thus, ground water from the Denver aquifer will not be used until a plan for augmentation is approved by the Court pursuant to Colo. Rev. Stat. § 37-90-137 (9)(c). Applicant asserts that it is entitled to a decree determining its rights to the water in the Denver aquifer underlying its land prior to the approval of any augmentation plan so long as such a plan is proposed and approved prior to the use of the water from the Denver aquifer. 6. Proposed Use of Water: The water withdrawn from the proposed wells will be used for all existing and future beneficial purposes both on and off the Property, including, without limitation, domestic, irrigation, municipal, commercial, industrial, augmentation, fire protection, recreation, livestock watering, dust control, and fish and wildlife. Applicant claims the right to recapture, the right of reuse and successive use and, after use, the right to lease, sell, or otherwise dispose of said water. The right of successive use shall include the use and claiming of credit for any return flows generated, subject only to the provisions of Colo. Rev. Stat. § 37-82-106, and to Applicant's obligation to consume no more than ninety-eight percent of the nontributary water withdrawn annually from the wells described herein, pursuant to Rule 8 of the Denver Basin Rules. Said water will be produced for immediate application to beneficial use, both on and off the Property, for storage and subsequent application to beneficial use, for exchange purposes, for replacement of depletions, for relinquishment pursuant to Colo. Rev. Stat. § 37-90-137 (9)(b), and for any other augmentation purpose. 7. Description of the Land Overlying the Subject Nontributary Ground Water: Applicant owns 642.15 acres of land overlying the Denver, Upper Arapahoe, Lower Arapahoe, and Laramie-Fox Hills aquifers, described as Section 11, Township 4 South, Range 65 West, of the 6th P.M., Arapahoe County, Colorado. 8. Name and Address of Owner of Land: Applicant (see above). WHEREFORE, Applicant requests that this Court enter a judgment and decree: A. Granting the application and awarding the nontributary and not nontributary underground water rights claimed; B. Specifically determining as a matter of hydrological and geological fact that unappropriated ground water from the Upper Arapahoe, Lower Arapahoe, and Laramie-Fox-Hills aquifers in the estimated amounts specified in paragraph 0 is available for withdrawal by Applicant; that the vested water rights of others will not be materially injured by such withdrawals; and that such withdrawals will not, within 100 years, deplete the flow of a natural stream at an annual rate greater than

one-tenth of one percent of the annual rate of withdrawal. C. Specifically determining as a matter of hydrological and geological fact that unappropriated ground water from the Denver aquifer in the estimated amount specified in paragraph 0 is available for withdrawal by Applicant, and that vested water rights of others will not be materially injured by such withdrawal so long as Applicant obtains approval of a plan for augmentation pursuant to Colo. Rev. Stat. § 37-90-137(9)(c) prior to use. D. Specifically determining that Applicant's full average annual entitlement from the Denver, Upper Arapahoe, Lower Arapahoe, and Laramie-Fox Hills aquifers may be produced through any combination of wells constructed into those aquifers, and that such wells shall be treated as a well field and operated in order to produce the full allocation of water from each aquifer. E. Specifically determining that Applicant may drill the subject wells at any point within the boundaries of the Property, but no closer than 200 feet to any property boundary, without the necessity of filing any further amendments to this application, republishing, or reopening the decree. F. Specifically determining that the decreed determination of rights to nontributary and not nontributary ground water is a determination of the right to use such water for existing and future uses and that this determination is not subject to the reasonable diligence requirements of Colo. Rev. Stat. § 37-92-301(4). G. Specifically determining that Applicant has the right successively to use and reuse to extinction the ground water which is the subject of this application, including the use in claiming of credit for return flows generated, subject only to the provisions of Colo. Rev. Stat. § 37-82-106 and to Applicant's obligation to consume no more than ninety-eight percent of the ground water withdrawn annually from the from the Upper Arapahoe, Lower Arapahoe, and Laramie Fox-Hills aquifers. H. Specifically determining that the return flows resulting from the use of the nontributary water that is the subject of this application can be used to replace out-of-priority depletions under a plan for augmentation. I. Directing that Applicant can withdraw the ground water that is the subject of this application from the wells to be constructed in the future in excess of the average annual amount decreed, so long as the sum of the total withdrawals from the aquifer does not exceed the product of the total number of years since the date of issuance of the well permit or the date of this Court's decree, whichever occurs first, and the amount of average annual withdrawal. J. Specifically determining that Applicant has given adequate notice that the amounts decreed herein are subject to increase or decrease pursuant to this Court's retained jurisdiction. K. Directing the State Engineer to issue well permits in conformance with the provisions in this decree for the wells necessary to withdraw the ground water decreed herein and any additional wells required by Applicant to produce its full annual entitlement from the Denver, Upper Arapahoe, Lower Arapahoe, and Laramie-Fox Hills aquifers. L. Specifically determining that the right to use the ground water determined by this Court to be available for withdrawal shall be deemed to be a vested property right. M. Directing that the Water Court shall retain jurisdiction as to determination of ground water from the subject wells as is necessary to provide for the adjustment of the average annual amount of withdrawal allowed to conform to actual local aquifer characteristics from adequate information obtained from well drilling or test holes, pursuant to Colo. Rev. Stat. § 37-92-305(11). 7 pages, 1 exhibit.

2004CW13 DOUGLASS RANCH PROPERTY OWNERS ASSOCIATION, c/o Rusty Thulin, 13773 Drake Court, Pine, CO 80470 (James R. Montgomery, Richard J. Mehren, Moses, Wittemyer, Harrison and Woodruff, P.C., P. O. Box 1440, Boulder, CO 80306-1440). **APPLICATION TO MAKE ABSOLUTE CONDITIONAL WATER RIGHT OR, IN THE ALTERNATIVE, FOR A FINDING OF REASONABLE DILIGENCE, IN PARK AND JEFFERSON COUNTIES** Name of Structure: Douglass Ranch Pond 1. Description of Conditional Water Right: Date of original decree: January 23, 1991. Case No.: 87CW148. Court: District Court, Water Division No. 1. Legal Description: The centerline of the dam for Douglass Ranch Pond 1 is location on an unnamed tributary of Elk Creek at a point whence the southeast corner of Section 6, Township 7 South, Range 71 West of the 6th P.M., bears South 3º 00' East, a distance of 1819 feet, more or less. Source of Water: An unnamed tributary of Elk Creek, a tributary of the North Fork of the South Platte River. Appropriation date: August 31, 1987. Amount: 187,320 cubic feet (4.3 acre-feet), CONDITIONAL. Uses: Domestic, municipal, irrigation, commercial, recreation, fish propagation, stock watering, fire protection, augmentation, exchange and all other beneficial uses. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: Applicant's predecessor completed the construction of Douglass Ranch Pond 1 in 1989 at a total cost of approximately $35,000.00. Water was stored in Douglass Ranch Pond 1 to its full capacity under its own priority in May of 1992 and again in June of 1995 and subsequently placed to beneficial use for its decreed purposes. In 1995 Applicant dredged Douglass Ranch Pond 1 to remove sediment at a cost of approximately $1,684.00. In 1996 Applicant installed a hydrant siphon in Douglass Ranch Pond 1 and a safety grate was added to the outlet structure at a cost of approximately $1,316.00. In 2000 the outlet structure for Douglass Ranch Pond 1 was badly damaged by ice. Douglass Ranch Pond 1

was subsequently drained, material was dredged from the pond and the outlet structure was repaired at a cost to Applicant of approximately $5,930.00. As described above, from 1991 to the present, Applicant has spent approximately $8,930.00 on maintaining and constructing improvements to Douglass Ranch Pond 1 as part of Applicant's development and beneficial use of the subject water right. In 2001 thru 2003 Applicant expended approximately $1,900.00 in legal fees to obtain a decree from the Water Court in Case No. 2002CW011 amending the augmentation plan decree entered in Case No. 87CW148 under which the Douglass Ranch Pond 1 is, in part, operated. If claim to make absolute: Douglass Ranch Pond 1. Water applied to beneficial use: Date: May 24, 1992. Amount: 187,320 cubic feet (4.3 acre-feet). Uses: Domestic, municipal, irrigation, commercial, recreation, fish propagation, stock watering, fire protection, augmentation, exchange and all other beneficial uses. Description of place of use where water is applied to beneficial use: Douglass Ranch subdivision and Douglass Ranch lodge generally located upon approximately 269 acres in Sections 5, 6, 7, and 8, Township 7 South, Range 71 West, 6th P.M. in Jefferson County, Colorado. Name and address of owner of the land on which the structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use. Douglass Ranch Pond 1 is located upon lands owned by Gary and Cynthia Lenhart, 13412 Douglass Ranch Road, Pine, Colorado 80470. Water stored in Douglass Ranch Pond 1 is or will be placed to beneficial use upon lands owned by members of the Douglass Ranch Property Owners Association. The names and addresses of the members of the Douglass Ranch Property Owners Association are set forth in Exhibit A, attached hereto. WHEREFORE, the Douglass Ranch Property Owners Association requests the Water Court grant its application to make absolute the conditional water right for Douglass Ranch Pond 1 in the amount of 187,320 cubic feet (4.3 acre-feet). In the alternative, Applicant seeks a finding of reasonable diligence and an order continuing the subject conditional water right and granting any other relief the Court deems appropriate.

2004W14 EMISSARIES OF DIVINE LIGHT, INC., 5569 North County Road 29, Loveland, CO 80538, (970) 679-4200. Send future pleadings and correspondence to Daniel K. Brown, Fischer, Brown & Gunn, P.C., P.O. Box Q, Fort Collins, CO 80522 (970) 407-9000. APPLICATION TO CHANGE A POINT OF DIVERSION, FOR A NEW WATER RIGHT AND FOR A PLAN FOR AUGMENTATION, **IN LARIMER COUNTY**. Applicant owns and operates a small church community of approximately 100-130 people (hereinafter "Applicant" or "Sunrise Ranch") located in Sections 27 and 34, Township 6 North, Range 70 West of the 6th P.M. The purposes of this Application are to change the decreed point of diversion for an existing well owned by the Applicant, to obtain a new water right so as to increase the decreed capacity of this existing well, and to seek approval of a plan for augmentation to replace the depletions associated with the use of the well. Change of Point of Diversion. Decreed name of structure for which change is sought: Sunrise Ranch Northwest Well. Date Entered, Case No. and Court: The Sunrise Ranch Northwest Well was decreed in Case 79CW167 entered November 21, 1979 in Water Division 1. A. Decreed Point of Diversion: a point 680 feet South and 87 feet East of the N¼ Corner of Section 34, Township 6 North, Range 70 West of the 6th P.M. B. Source: Ground water. Appropriation Date: May 31, 1954. C. Amount: 0.011 c.f.s. (5 g.p.m.). D. Historical Use: Domestic, quasi municipal, supply for homes, apartments, trailer homes and lodge. Proposed Change: The true location of the Sunrise Ranch Northwest Well, as determined by GPS, is as follows: the NW ¼ of the NE ¼ of Section 34, Township 6 North, Range 70 West of the 6th P.M., at a point that is 713 feet South and 2,586 feet West of the Northeast corner of said Section 34. Applicant requests that the decreed location of the Sunrise Ranch Northwest Well be amended accordingly. New Water Right. Request for New Water Right: Applicant intends to deepen and enlarge the Sunrise Ranch Northwest Well and seeks a new water right therefor. Name of well and permit number: Sunrise Ranch Northwest Well. (Revised well permit will be requested. Current permit is well permit no. 24588-RF). A. Legal description of well: NW ¼ of the NE ¼ of Section 34, Township 6 North, Range 70 West of the 6th P.M., at a point that is 713 feet South and 2,586 feet West of the Northeast corner of said Section 34. B. Source: Ground water tributary to Buckhorn Creek which is tributary to the Big Thompson River which is tributary to the South Platte River. C. Depth: Unknown. D. Date of appropriation: January 30, 2004. E. How appropriation was initiated: Filing of this application. F. Date water applied to beneficial use: n/a. G. Amount claimed: 25 g.p.m. (in addition to the 5 g.p.m. already decreed to the Sunrise Ranch Northwest Well in Case 79CW167). CONDITIONAL for all uses. H.

Purpose: Water supply for homes, apartments, trailer homes and lodge. I. Decreed Uses: Domestic/commercial/quasi-municipal irrigation, recharge, augmentation and exchange. Augmentation Plan. Names of structures to be augmented: A. Sunrise Ranch Northwest Well. B. Wastewater Treatment Lagoon 1. C. Wastewater Treatment Lagoon 2. It is Applicant's intent that the plan for augmentation described below also include any replacement well(s) for the Sunrise Ranch Northwest Well. Are there other water rights diverted from this structure(s)? No Previous decree for water right to be used for augmentation: n/a. Historical use: n/a. Statement of plan for augmentation, covering all applicable matters under CRS 37-92-103(9), 302(1)(2) and 305(8). Give full details of plan, including a description of all water rights to be established or changed by the plan. Water pumped from the Sunrise Ranch Northwest Well (hereinafter the "Well") is used to supply the domestic, drinking and sanitary water supplies for Sunrise Ranch. After use the water is treated by an on-site wastewater treatment system that includes two wastewater treatment lagoons. Pumping of the Well and evaporation from the lagoon surfaces results in depletion to Buckhorn Creek (a tributary of the Big Thompson River) in the SW 1/4 of the SE 1/4 of Section 26, Township 6 North, Range 70 West of the 6th P.M. The purpose of this plan for augmentation is to replace these depletions in time, place and amount so as to prevent injury to vested senior water rights. Depletions from the in-house domestic/quasi-municipal/commercial use of the Well are estimated to be 5% of the overall amount pumped based upon Applicant's lagoon wastewater treatment system. Depletion from evaporation off of the lagoon surfaces will also be replaced in a manner acceptable to the court. Applicant has a short-term lease with the City of Loveland for fully consumable augmentation water sufficient to replace depletions associated with the Well so as to prevent injury to vested water rights in the near-term. Applicant is in the process of negotiating a lease with the Loveland to obtain a long-term right to utilize fully consumable source or sources of water available to Loveland for the purpose of augmenting long-term depletions from the pumping of the Well. If Applicant is unable to obtain such a lease from Loveland, Applicant will acquire the right to use other suitable source(s) of water suitable for augmenting depletions from the Well, and will seek to amend this application accordingly. Applicant will meter the use of the pumping of the Well and report to the Division Engineer, as required by the Division Engineer, all Well use, depletions accounting, and any other information reasonably required by the Division Engineer to assure that other water rights are protected by this plan for augmentation. Name and address of the owner of the land on which structures is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use. Applicant is the owner of the land upon which all structures are located and will be used.

2004CW15 CITY OF THORNTON, Infrastructure Division, 12450 Washington Street, Thornton, Colorado 80241, Telephone: (303) 538-7360 Evan D. Ela, Esq. Collins Cockrel & Cole, a Professional Corporation, 390 Union Boulevard, Suite 400, Denver, Colorado 80228, (303) 986-1551 (303) 986-1755 (fax) E-mail: eela@cccfirm.com Atty. Reg. #23965. APPLICATION FOR FINDINGS OF CONTINUED DILIGENCE AND TO MAKE ABSOLUTE CONDITIONAL WATER RIGHTS, **IN JEFFERSON AND ADAMS COUNTIES.**

1. Name of Structures/Exchanges. Lower Clear Creek Ditch (a.k.a. the Clear Creek and Platte River Ditch), Croke Canal, Farmers High Line Canal, Spinney Mountain Reservoir, Duck Lake, Wellington Lake, Tani Lakes, Spruce Grove Reservoir and West Gravel Lakes. The named structures may be utilized in the exercise of the two decreed appropriative rights of exchange: Clear Creek – South Platte Exchange (Burlington—Wellington Shares); and Clear Creek – South Platte Exchange (South Park water rights).

3. Previous Decrees. The conditional water exchange rights for which findings of perfection and continued diligence are sought were originally decreed by the Division 1 Water Court in Case No. 83CW081 on November 9, 1990, with common appropriation dates of March 29, 1983. Continued diligence for the conditional water rights was granted on January 7, 1998 by the decree in Case No. 96CW278, Water Division 1.

4. Description of conditional water rights. At any time when, there is a call senior to March 29, 1983 on the South Platte River downstream from the confluence of the South Platte River and Clear Creek ("Confluence"), located in Section 36, Township 2 South, Range 68 West of the 6th P.M., in Adams County, Colorado, and at no other times, Thornton shall be entitled to deliver water to the Confluence by forgoing diversions or making releases under the two water exchange rights as more specifically described below:

4.1 Clear Creek – South Platte Exchange (Burlington—Wellington Shares).

4.1.1 Points of Diversion by Exchange.

4.1.1.1 Lower Clear Creek Ditch, the headgate of which is located on the left bank of Clear Creek in Section 4, Township 3 South, Range 68 West, of the 6th P.M., in Adams County, Colorado. Water diverted through the Lower Clear Creek Ditch under the exchange decreed in 83CW081 shall be used by direct use and by storage in, and subsequent release from, West Gravel Lakes, located in Section 30, Township 2 South, Range 67 West of the 6th P.M., and Sections 25 and 26, Township 2 South, Range 68 West of the 6th P.M., all in Adams County, Colorado.

4.1.2 Substitute Supplies and Methods of Release.

4.1.2.1 Water rights represented by shares owned by Thornton in the Burlington Ditch, Reservoir and Land Company ("Burlington Company") at the time of the application made in Case No. 83CW081. The shares owned by Thornton in the Burlington Company served by the Little Burlington Division of the Burlington Company were identified in Exhibit A to the original decree, said ownership interest constituting 20.1% of the total Burlington Company shares served by the Little Burlington Company. The water rights owned by the Burlington Company were identified in Exhibit B to the original decree. Thornton's prorata ownership interest in the water rights owned by the Burlington Company constitute 9.3% of the total number of Burlington Company shares outstanding, said ownership was set forth in column six (6) of said Exhibit B. Thornton's Burlington Company water rights were changed to all municipal uses, including exchange, by the decree issued in Case No. 87CW107, Water Division 1. Thornton's Burlington Company water rights shall be made available to the South Platte River at the Confluence as sources of substitute supply under this exchange by turning water out of the Burlington Ditch and/or making releases from storage in Duck Lake and/or Tani Lakes (a.k.a. East Gravel Lakes).

4.1.2.2 Water rights represented by shares owned by Thornton in the Wellington Reservoir Company at the time of the application made in Case No. 83CW081 (identified in Exhibit C to the original decree), said ownership interest constituting 18.4% of the total number of shares in the Wellington Reservoir Company. The water rights owned by the Wellington Reservoir Company available as sources of substitute supply under this exchange were identified in Exhibit D to the original decree. Thornton's Wellington Reservoir Company water rights were changed to all municipal uses, including exchange, by the decree issued in Case No. 87CW107, Water Division 1. Thornton's Wellington Reservoir Company water rights shall be made available to the South Platte River at the Confluences as sources of substitute supply under this exchange by turning water out of the Burlington Ditch and/or making releases from storage in Wellington Reservoir and/or Tani Lakes (a.k.a. East Gravel Lakes).

4.1.3 Amount. Up to 49.5 cfs, CONDITIONAL.

4.2 Clear Creek – South Platte Exchange (South Park water rights).

4.2.1 Points of Diversion by Exchange.

4.2.1.1 The Lower Clear Creek Ditch, located as described in paragraph 4.1.1.1 above.

4.2.1.2 Croke Canal, the headgate of which is located on the left bank of Clear Creek in the NW/4 of the NE/4 of Section 26, Township 3 South, Range 70 West of the 6th P.M., in Jefferson County, Colorado. Water diverted through the Croke Canal under the exchange decreed in Case No. 83CW081 shall be used by direct use and by storage in, and subsequent release from, Standley Lake, located in Sections 16, 17, 20, 21, 22, 27, 28 and 29, Township 2 South, Range 69 West of the 6th P.M., in Jefferson County, Colorado.

4.2.1.3 Farmers High Line Canal, the headgate of which is located on the left bank of Clear Creek in Section 27, Township 3 South, Range 70 West of the 6th P.M., in Jefferson County, Colorado. Water diverted through the Farmers High Line Canal under the exchange decreed in Case No. 83CW081 shall be used by direct use and by storage in, and subsequent release from, Standley Lake.

4.2.2 Substitute Supplies and Methods of Release.

4.2.2.1 South Park water rights originally adjudicated in Park County, Colorado and owned by Thornton at the time of the application in Case No. 83CW081 are available for use as substitute supplies under this exchange. Said water rights and Thornton's prorata ownership interest therein were identified on Exhibit E to the original decree. Thornton's available South Park water rights were changed to all municipal purposes, including exchange, and for storage in numerous alternate points of diversion and storage by the decrees identified on said Exhibit E. Thornton's South Park water rights shall be made available to the South Platte River as sources of substitute supply under this exchange by forgoing diversions at the alternate points of diversion decreed in said change decrees and/or by making releases from storage in Spinney Mountain Reservoir, Spruce Grove Reservoir and/or Tani Lakes (a.k.a. East Gravel Lakes).

4.2.3 Amount. Up to 54.78 cfs, CONDITIONAL.

5. Outline of work done during the diligence period (January 7, 1998 through January 31, 2004) toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures. Expenditures on the following projects were made, all or in part, for the water rights decreed in Case No. 83CW081 and in the further development of Thornton's integrated water supply system and for protection of Thornton's Clear Creek and South Platte water rights.

5.1 East Gravel Lakes Pump Station; $17,882.85
5.2 Columbine Treatment Plant Clarifer Modifications; $455,984.46
5.3 Dahlia/Cooley Interconnect; $2,576.00
5.4 East Gravel Lakes (Tani) Lining; $6,194,510.93
5.5 North Dahlia Gravel Pit; $6,474,657.82
5.6 East Sprat-Platte Ranch Pit; $2,746,520.22
5.7 West Sprat-Platte Ranch Pit; $2,913,661.69
5.8 Cooley West Gravel Pit Storage; $1,258,903.91
5.9 East and West Gravel Lakes Pump Station Pretreatment Facilities; $1,910,407.10
5.10 Standley Lake Pipeline Cathodic Protection; $460,598.36
5.11 CTP/WGL Emergency Generators; $2,183,258.97

5.12 South Dahlia Fence; $42,029.09
5.13 Standley Lake Dam Renovations; $10,273,754.80
5.14 Ultra-violet Disinfection System at Columbine and Thornton water treatment plants; $2,127,427.76
5.15 East Sprat-Platte Lining; $355,040.75
5.16 East Sprat-Platte Interconnect; $36,762.00
5.17 Water Facility Security Upgrades; $398,285.63
5.18 East Gravel Lakes Drains; $719,687.27
5.19 East Gravel Lakes Reconfiguration and Lining; $12,409.89
5.20 Burlington Phase I Parallel Pipeline; $886,373.67
5.21 Columbine Water Treatment Plant Expansion; $1,570,729.83
5.22 Columbine Water Treatment Plant Staging Facility; $1,140.87
5.23 Pipeline from East Gravel Lakes Pump Station to Thornton Plant; $1,703,493.72
5.24 Treated Water System Improvements; $613,878.02
5.25 Croke Canal Improvements; $75,393.32
5.26 South Park Operations and Maintenance; $106,918.00
5.27 Farmers Reservoir & Irrigation Company – Standley Lake Assessments; $61,963.60
5.28 Wellington Reservoir Company Assessments; $32,906.81
5.29 Burlington Ditch, Reservoir and Land Company Assessments; $59,466.61
5.30 Lower Clear Creek Ditch Company Assessments; $76,425.82
5.31 Colorado Agricultural Ditch Company Assessments; $69,821.25
5.32 Cosmic Billing; $37,691.86

6. Claims to make portions of the subject water rights absolute.

6.1 Dates and Amounts. Thornton has exercised the subject water rights on 21 days at varying rates during the diligence period. The maximum exercise of certain components of the subject water rights are described below:

6.1.1 <u>Clear Creek – South Platte Exchange (South Park water rights)</u>.

6.1.1.1 On June 29, 2000, Thornton operated this exchange by diverting 21.7 cfs at the Lower Clear Creek Ditch headgate in exchange for an equal amount of water made available at the Confluence from releases made from Thornton's account in Spinney Mountain Reservoir.

6.1.1.2 On July 19, 2000, Thornton operated this exchange by diverting 21.7 cfs at the Farmers High Line Canal headgate in exchange for an equal amount of water made available at the Confluence from releases made from Thornton's account in Spinney Mountain Reservoir.

6.2 Description of place where water was applied to beneficial use: All water applied to beneficial use under the decree in Case No. 83CW081 was used within Thornton's water service area for purposes consistent with the purposes allowed by the original decree.

7. Additional remarks. In November 2003, in accordance with that certain Water Rights Purchase and Sale Agreement dated May 20, 2003, the cities of Thornton and Aurora closed on the sale of substantially all of Thornton's South Park water rights (identified as the Eleven Ranches Water Rights and the Agricultural Rights), including all of the South Park water rights comprising the source of substitute supply decreed in Case No. 83CW081. The terms of the sale obligate Aurora to provide Thornton with 7,883 ac-ft of fully consumable water at the confluence of Sand Creek and the South Platte River (Traded Water Sources). The Traded Water Sources are comprised of any of several sources of water that Aurora owns, controls or will control, including the Eleven Ranches Water Rights and the Agricultural Rights conveyed to Aurora by Thornton, some of which were decreed as sources of substitute supply in Case No. 83CW081. Therefore, Thornton shall continue to have the ability in the future to operate the exchanges that are the subject of this case whenever Aurora provides water to Thornton derived from the Eleven Ranches Water Rights and the Agricultural Rights originally decreed as sources of substitute supply.

WHEREFORE, Thornton respectfully requests the judgment and decree of this Court that:

1. The water exchange rights conditionally decreed in Case No. 83CW081 are made absolute in the amounts claimed in paragraph 5 above.

2. Thornton has diligently pursued the completion of the portions of the water exchange rights decreed in Case No. 83CW081 that are not found by this Court to have not yet been perfected, and such portions of the subject water exchange rights shall be continued as a conditional water rights for another diligence period.

3. Such other relief as the Court deems proper.

2004CW16 CHERRY KNOLLS ESTATES GENERAL PARTNERSHIP, LLP, c/o John J. Vandemoer, 8791 Circle Drive, Westminster, CO 80031, (Steven P. Jeffers, Esq., Madoline E. S. Wallace, Esq., Bernard, Lyons, Gaddis & Kahn, P.C., P.O. Box 978, Longmont, CO 80502-0978). Application for Determination of Nontributary and Not Nontributary Underground Water Rights in the Denver, Upper Arapahoe, Lower Arapahoe, and Laramie-Fox Hills Aquifers, **IN WELD COUNTY**, 2. **Well Permits:** There are no wells on the property. Well permit applications for the wells to be constructed shall be applied for at such time as the Applicant or its successor, or assign is prepared to construct the wells pursuant to the terms of this decree and applicable Colorado law. 3. **Legal Description of the Subject Property:** The property is comprised of one parcel located generally in the S½ of Section 33, Township 1 North, Range 65 West of the 6 P.M., in Weld County, Colorado, totaling approximately 252.9 acres ("Subject Property"). The Subject Property is more particularly described in the attached **Exhibit A** and is depicted on the attached **Exhibit B**. The wells will withdraw not nontributary ground water from the Denver and Upper Arapahoe aquifers and nontributary ground water from the Lower Arapahoe and Laramie-Fox Hills aquifers underlying the Subject Property. 4. **Proposed Wells:** Applicant claims the right to drill and to complete such wells as may be needed or desired anywhere on the Subject Property to recover and to use all physically and legally available water from the aquifers as claimed herein. 5. **Source of Water:** a) The ground water to be withdrawn under the Subject Property by Applicant from the Denver and Upper Arapahoe aquifers is not nontributary ground water as defined in Section 37-90-103(10.7), C.R.S. Because such water in the Denver aquifer is closer than one mile from a point of contact with a natural stream and its alluvium, Applicants must replace actual depletions and continue replacement after withdrawal ceases if necessary to compensate for injurious stream depletions in accordance with §37-90-137(9)(c)(I), C.R.S. Because such water in the Upper Arapahoe aquifer is located more than one mile from any point of contact between any natural stream including its alluvium, Applicant will comply with requirements to relinquish to the surface stream system four percent of all such not nontributary ground water withdrawn on an annual basis and to obtain judicial approval of a plan for augmentation prior to using such water. The ground water to be withdrawn from the Lower Arapahoe and Laramie-Fox Hills aquifers under the Subject Property is nontributary ground water as that term is defined in Section 37-90-103(10.5), C.R.S. Applicant will comply with requirements to relinquish to the surface stream system two percent of all such nontributary ground water withdrawn on an annual basis. Otherwise, said water from all aquifers may be fully consumed to extinction for all beneficial uses. b) Estimated Depth: Wells will be completed to the bottom of each of the aquifers, which Applicant estimates to be approximately 110 feet below land surface in the Denver aquifer, 310 feet below land surface in the Upper Arapahoe aquifer, 710 feet below land surface in the Lower Arapahoe aquifer, and 1,285 feet below surface in the Laramie Fox-Hills aquifer. The depths are approximate and are based on geologic and topographical information available from the Colorado State Engineer's office. Actual well completion depths may vary from this estimate based on the actual conditions below the overlying land. 6. **Estimated Amount and Rate of Withdrawal:** The wells will withdraw ground water at a rate of flow necessary to efficiently withdraw the entire decreed amount in each aquifer. The estimated average annual amounts of ground water available for withdrawal by the Applicant are based upon information contained in the Denver Basin Rules, 2 C.C.R. 402-6. Applicant estimates the following values and average annual amounts are representative of the subject aquifers at this location:

Aquifer	Acres of Overlyir Land	Saturated Sand Thickness (feet)	Specific Yield (percent)	Annual Average Withdrawal (acre feet)
Denver	252.9	25	0.17	10.7
Upper Arapahoe	252.9	75	0.17	32.2
Lower Arapahoe	252.9	100	0.17	43.0
Laramie-Fox Hills	252.9	150	0.15	56.9

7. **Well Fields:** Applicant requests that this Court determine, pursuant to Rule 11.B of the Statewide Non-tributary Ground Water Rules, 2 C.C.R. 402-7, that Applicant has the right to withdraw all of the legally available ground water lying below the Subject Property through the wells requested herein, which may be located anywhere on the Subject Property, and any additional wells which may be completed in the future, as Applicant's well fields. Applicant will file applications with the State Engineer pursuant to § 37-90-137(10), C.R.S. prior to construction of any additional wells. 8. **Proposed Uses:** Applicant intends to use the ground water for domestic, agricultural, commercial, municipal, irrigation, stock watering, recreational, fish and wildlife, fire protection and any other beneficial use on or off the Subject Property. Applicant intends to use, reuse, and successively use the water; and after use, lease, sell or otherwise dispose of such water for the same purposes. The water may be used immediately or stored for subsequent use, used for exchange purposes, for direct replacement of depletions, and for other augmentation purposes, including taking credit for all return flows resulting from the use of such water for augmentation for or as an offset against any out-of-priority depletions. 9. **Name and Address of Owner of the Land:** Applicant owns all of the Subject Property. 10. **Determination Sought Herein:** a) Applicant seeks a determination that all of the ground water underneath the Subject Property in the Denver, Upper Arapahoe, Lower Arapahoe and Laramie-Fox Hills aquifers may be withdrawn and used subject to the terms and conditions included in a decree to be entered in this case and to any augmentation plan decreed for the Denver and Upper Arapahoe aquifers, and that the Applicant has a vested right to the use of said ground water. b) Applicant is the owner of the overlying land, or has the consent of the owner of the overlying land, to adjudicate all such ground water underlying said land. The average annual amount determined to be available in the decree can be withdrawn without causing material injury to the vested rights of others, provided that the terms and conditions in said decree are complied with. c) Applicant asks the Court to determine that Applicant has the right to withdraw all of the ground water in the Denver, Upper Arapahoe, Lower Arapahoe and Laramie-Fox Hills aquifers under the Subject Property through any wells initially permitted in such aquifers, and any additional wells which may be permitted and completed in the future on the Subject Property. Applicant requests the initial wells permitted in each aquifer along with any additional wells shall be treated as a well field. d) Applicant requests that each well may withdraw water at the rate necessary to withdraw the full allowed annual amount of ground water from the Denver, Upper Arapahoe, Lower Arapahoe and Laramie-Fox Hills aquifers. e) Applicant claims the right to withdraw more than the average annual amount in each aquifer estimated in this application pursuant to the banking provisions of Rule 8.A of the Statewide Nontributary Groundwater Rules, 2 C.C.R. 402-7. f) Although Applicant has estimated the amount of water available for withdrawal from the Denver, Upper Arapahoe, Lower Arapahoe and Laramie-Fox Hills aquifers, Applicant requests the right to revise those estimates upward or downward based on the State Engineer's determination of facts report in this case, actual data or better data available at the time of withdrawal without the necessity of amending this application or republishing the same. Applicant requests the right to invoke the retained jurisdiction of the Court provided for in Section 37-92-305(11), C.R.S. to adjust the amount of water available for withdrawal from each aquifer. **WHEREFORE,** Applicant requests this Court to enter a decree: 1. Granting the application herein and awarding final water rights from the Denver, Upper Arapahoe, Lower Arapahoe and Laramie-Fox Hills aquifers, except as to those issues which the Court will specifically retain jurisdiction; 2. Determining that Applicant has complied with Section 37-90-137(4), C.R.S., and water is legally available for withdrawal by Applicant through the wells proposed herein; 3. Retaining jurisdiction to provide for adjustment of the amount of water available for withdrawal by Applicant from such aquifers based on actual local aquifer characteristics and authorizing Applicant to invoke the Court's retained jurisdiction at any time after such data becomes available, pursuant to Section 37-92-305(11), C.R.S.; 4. Determining that the ground water in the Lower Arapahoe and Laramie-Fox Hills aquifers under the Subject Property is nontributary ground water, and vested or conditionally decreed water rights of others will not be materially injured by

withdrawal of such ground water; 5. Determining that the ground water in the Denver and Upper Arapahoe aquifers under the Subject Property is not nontributary ground water, which may only be used pursuant to a decreed plan for augmentation. 6. Determining that the allocation of such ground water is not based on appropriations, and no findings of diligence shall be required to maintain these rights; and 7. Such other relief as the Court deems proper in this matter.

2004CW17 AIRPORT ESTATES, LLP, c/o John J. Vandemoer, 8791 Circle Drive, Westminster, CO 80031, (Steven P. Jeffers, Esq., Madoline E. S. Wallace, Esq., Bernard, Lyons, Gaddis & Kahn, P.C., P.O. Box 978, Longmont, CO 80502-0978). Application for Determination of Nontributary and Not Nontributary Underground Water Rights in the Denver, Upper Arapahoe, Lower Arapahoe, and Laramie-Fox Hills Aquifers, **IN ADAMS COUNTY**, 2. **Well Permits:** There are no wells on the property. Well permit applications for the wells to be constructed shall be applied for at such time as the Applicant or its successor, or assign is prepared to construct the wells pursuant to the terms of this decree and applicable Colorado law. 3. **Legal Description of the Subject Property:** The property is comprised of three contiguous parcels located generally in the SW¼ of Section 2, Township 1 South, Range 65 West of the 6 P.M., in Adams County, Colorado totaling approximately 120.5 acres ("Subject Property"). The Subject Property is more particularly described in the attached **Exhibit A** and is depicted on the attached **Exhibit B**. The wells will withdraw not nontributary ground water from the Denver and Upper Arapahoe aquifers and nontributary ground water from the Lower Arapahoe and Laramie-Fox Hills aquifers underlying the Subject Property. 4. **Proposed Wells:** Applicant claims the right to drill and to complete such wells as may be needed or desired anywhere on the Subject Property to recover and to use all physically and legally available water from the aquifers as claimed herein. 5. **Source of Water:** a) The ground water to be withdrawn under the Subject Property by Applicant from the Denver and Upper Arapahoe aquifers is not nontributary ground water as defined in Section 37-90-103(10.7), C.R.S. Because such water is closer than one mile from a point of contact with a natural stream and its alluvium, Applicants must replace actual depletions and continue replacement after withdrawal ceases if necessary to compensate for injurious stream depletions in accordance with §37-90-137(9)(c)(I), C.R.S. The ground water to be withdrawn from the Lower Arapahoe and Laramie-Fox Hills aquifers under the Subject Property is nontributary ground water as that term is defined in Section 37-90-103(10.5), C.R.S. Applicant will comply with requirements to relinquish to the surface stream system two percent of all such nontributary ground water withdrawn on an annual basis. Otherwise, said water from all aquifers may be fully consumed to extinction for all beneficial uses. b) Estimated Depth: Wells will be completed to the bottom of each of the aquifers, which Applicant estimates to be approximately 125 feet below land surface in the Denver aquifer, 275 feet below land surface in the Upper Arapahoe aquifer, 675 feet below land surface in the Lower Arapahoe aquifer, and 1,325 feet below surface in the Laramie Fox-Hills aquifer. The depths are approximate and are based on geologic and topographical information available from the Colorado State Engineer's office. Actual well completion depths may vary from this estimate based on the actual conditions below the overlying land. 6. **Estimated Amount and Rate of Withdrawal:** The wells will withdraw ground water at a rate of flow necessary to efficiently withdraw the entire decreed amount in each aquifer. The estimated average annual amounts of ground water available for withdrawal by the Applicant are based upon information contained in the Denver Basin Rules, 2 C.C.R. 402-6. Applicant estimates the following values and average annual amounts are representative of the subject aquifers at this location:

Aquifer	Acres of Overlying Land	Saturated Sand Thickness (feet)	Specific Yield (percent)	Annual Average Withdrawal (acre feet)
Denver	120.5	50	0.17	10.2
Upper Arapahoe	120.5	50	0.17	10.2
Lower Arapahoe	120.5	100	0.17	20.5
Laramie-Fox Hills	120.5	125	0.15	22.6

7. **Well Fields:** Applicant requests that this Court determine, pursuant to Rule 11.B of the Statewide Non-tributary Ground Water Rules, 2 C.C.R. 402-7, that Applicant has the right to withdraw all of the legally available ground water lying below the Subject Property through the wells requested herein, which may be located anywhere on any parcel of the Subject Property, and any additional wells which may be completed in the future, as Applicant's well fields. Applicant will file applications with the State Engineer pursuant to § 37-90-137(10), C.R.S. prior to construction of any additional wells. 8. **Proposed Uses:** Applicant intends to use the ground water for domestic, agricultural, commercial, municipal, irrigation, stock watering, recreational, fish and wildlife, fire protection and any other beneficial use on or off the Subject Property. Applicant intends to use, reuse, and successively use the water; and after use, lease, sell or otherwise dispose of such water for the same purposes. The water may be used immediately or stored for subsequent use, used for exchange purposes, for direct replacement of depletions, and for other augmentation purposes, including taking credit for all return flows resulting from the use of such water for augmentation for or as an offset against any out-of-priority depletions. 9. **Name and Address of Owner of the Land:** Applicant owns all of the Subject Property. 10. **Determination Sought Herein:** a) Applicant seeks a determination that all of the ground water underneath the Subject Property in the Denver, Upper Arapahoe, Lower Arapahoe and Laramie-Fox Hills aquifers may be withdrawn and used subject to the terms and conditions included in a decree to be entered in this case and in any augmentation plan decreed for the Denver and Upper Arapahoe aquifers, and that the Applicant has a vested right to the use of said ground water. b) Applicant is the owner of the overlying land, or has the consent of the owner of the overlying land, to adjudicate all such ground water underlying said land. The average annual amount determined to be available in the decree can be withdrawn without causing material injury to the vested rights of others, provided that the Applicant complies with the terms and conditions in said decree. c) Applicant asks the Court to determine that Applicant has the right to withdraw all of the ground water in the Denver, Upper Arapahoe, Lower Arapahoe and Laramie-Fox Hills aquifers under the Subject Property through any wells initially permitted in such aquifers and through any additional wells which may be permitted and completed in the future on the Subject Property. Applicant requests the initial wells permitted in each aquifer along with any additional wells shall be treated as a well field. d) Applicant requests that each well may withdraw water at the rate necessary to withdraw the full allowed annual amount of ground water from the Denver, Upper Arapahoe, Lower Arapahoe and Laramie-Fox Hills aquifers. e) Applicant claims the right to withdraw more than the average annual amount in each aquifer estimated in this application pursuant to the banking provisions of Rule 8.A of the Statewide Nontributary Groundwater Rules, 2 C.C.R. 402-7. f) Although Applicant has estimated the amount of water available for withdrawal from the Denver, Upper Arapahoe, Lower Arapahoe, and Laramie-Fox Hills aquifers, Applicant requests the right to revise those estimates upward or downward based on the State Engineer's determination of facts report in this case, or actual data or better data available at the time of withdrawal, without the necessity of amending this application or republishing the same. Applicant requests the right to invoke the retained jurisdiction of the Court provided for in Section 37-92-305(11), C.R.S. to adjust the amount of water available for withdrawal from each aquifer. **WHEREFORE,** Applicant requests this Court to enter a decree: 1. Granting the application herein and awarding final water rights from the Denver, Upper Arapahoe, Lower Arapahoe and Laramie-Fox Hills aquifers, except as to those issues which the Court will specifically retain jurisdiction; 2. Determining that Applicant has complied with Section 37-90-137(4), C.R.S., and water is legally available for withdrawal by Applicant through the wells proposed herein; 3. Retaining jurisdiction to provide for adjustment of the amount of water available for withdrawal by Applicant from such aquifers based on actual local aquifer characteristics and authorizing Applicant to invoke the Court's retained jurisdiction at any time after such data becomes available, pursuant to Section 37-92-305(11), C.R.S.; 4. Determining that the ground water in the Lower Arapahoe and Laramie-Fox Hills aquifers under the Subject Property is nontributary ground water, and vested or conditionally decreed water rights of others will not be materially injured by withdrawal of such ground water; 5. Determining that the ground water in the Denver and Upper Arapahoe aquifers under the Subject Property is not nontributary ground water, which may only be used pursuant to a decreed plan for augmentation. 6. Determining that the allocation of such ground water is not based on appropriations, and no findings of diligence shall be required to maintain these rights; and 7. Such other relief as the Court deems proper in this matter.

2004CW18 AIRPORT 136, LLP, c/o John J. Vandemoer, 8791 Circle Drive, Westminster, CO 80031, (Steven P. Jeffers, Esq., Madoline E. S. Wallace, Esq., Bernard, Lyons, Gaddis & Kahn, P.C., P.O. Box

978, Longmont, CO 80502-0978). Application for Determination of Nontributary and Not Nontributary Underground Water Rights in the Denver, Upper Arapahoe, Lower Arapahoe, and Laramie-Fox Hills Aquifers, **IN ADAMS COUNTY**, 2. **Well Permits:** There are no wells on the property. Well permit applications for the wells to be constructed shall be applied for at such time as the Applicant or its successor, or assign is prepared to construct the wells pursuant to the terms of this decree and applicable Colorado law. 3. **Legal Description of the Subject Property:** The property is comprised of one parcel located generally in the S½ of Section 22, Township 1 South, Range 65 West of the 6 P.M., in Adams County, Colorado, totaling approximately 140.7 acres ("Subject Property"). The Subject Property is more particularly described in the attached **Exhibit A** and is depicted on the attached **Exhibit B**. The wells will withdraw not nontributary ground water from the Denver aquifer and nontributary ground water from the Upper Arapahoe, Lower Arapahoe and Laramie-Fox Hills aquifers underlying the Subject Property. 4. **Proposed Wells:** Applicant claims the right to drill and to complete such wells as may be needed or desired anywhere on the Subject Property to recover and to use all physically and legally available water from the aquifers as claimed herein. 5. **Source of Water:** a) The ground water to be withdrawn under the Subject Property by Applicant from the Denver aquifer is not nontributary ground water as defined in Section 37-90-103(10.7), C.R.S. Because such water is closer than one mile from a point of contact with a natural stream and its alluvium, Applicants must replace actual depletions and continue replacement after withdrawal ceases if necessary to compensate for injurious stream depletions in accordance with §37-90-137(9)(c)(I), C.R.S. The ground water to be withdrawn from the Upper Arapahoe, Lower Arapahoe and Laramie-Fox Hills aquifers under the Subject Property is nontributary ground water as that term is defined in Section 37-90-103(10.5), C.R.S. Applicant will comply with requirements to relinquish to the surface stream system two percent of all such nontributary ground water withdrawn on an annual basis. Otherwise, said water from all aquifers may be fully consumed to extinction for all beneficial uses. b) Estimated Depth: Wells will be completed to the bottom of each of the aquifers, which Applicant estimates to be approximately 300 feet below land surface in the Denver aquifer, 500 feet below land surface in the Upper Arapahoe aquifer, 800 feet below land surface in the Lower Arapahoe aquifer, and 1,500 feet below surface in the Laramie Fox-Hills aquifer. The depths are approximate and are based on geologic and topographical information available from the Colorado State Engineer's office. Actual well completion depths may vary from this estimate based on the actual conditions below the overlying land. 6. **Estimated Amount and Rate of Withdrawal:** The wells will withdraw ground water at a rate of flow necessary to efficiently withdraw the entire decreed amount in each aquifer. The estimated average annual amounts of ground water available for withdrawal by the Applicant are based upon information contained in the Denver Basin Rules, 2 C.C.R. 402-6. Applicant estimates the following values and average annual amounts are representative of the subject aquifers at this location:

Aquifer	Acres of Overlyi Land	Saturated Sand Thickness (feet)	Specific Yield (percent)	Annual Average Withdra wal (acre feet)
Denver	140.7	100	0.17	23.9
Upper Arapahoe	140.7	100	0.17	23.9
Lower Arapahoe	140.7	100	0.17	23.9
Laramie-Fox Hills	140.7	125	0.15	26.4

7. **Well Fields:** Applicant requests that this Court determine, pursuant to Rule 11.B of the Statewide Non-tributary Ground Water Rules, 2 C.C.R. 402-7, that Applicant has the right to withdraw all of the legally available ground water lying below the Subject Property through the wells requested herein, which may be located anywhere on the Subject Property, and any additional wells which may be completed in the future, as Applicant's well fields. Applicant will file applications with the State Engineer pursuant to § 37-90-137(10), C.R.S. prior to construction of any additional wells. 8. **Proposed Uses:** Applicant intends to use the ground water for domestic, agricultural, commercial, municipal, irrigation, stock watering, recreational, fish and wildlife, fire protection and any other beneficial use on or off the Subject Property. Applicant intends to use, reuse, and successively use the water; and after use, lease, sell or otherwise dispose of such water for the same purposes. The water may be used immediately or stored for subsequent use, used for exchange purposes, for direct replacement of depletions, and for other augmentation purposes,

including taking credit for all return flows resulting from the use of such water for augmentation for or as an offset against any out-of-priority depletions. 9. **Name and Address of Owner of the Land:** Applicant owns all of the Subject Property. 10. **Determination Sought Herein:** a) Applicant seeks a determination that all of the ground water underneath the Subject Property in the Denver, Upper Arapahoe, Lower Arapahoe and Laramie-Fox Hills aquifers may be withdrawn and used subject to the terms and conditions included in a decree to be entered in this case and in any augmentation plan decreed for the Denver aquifer and that the Applicant has a vested right to the use of said ground water. b) Applicant is the owner of the overlying land, or has the consent of the owner of the overlying land, to adjudicate all such ground water underlying said land. The average annual amount determined to be available in the decree can be withdrawn without causing material injury to the vested rights of others, provided that the terms and conditions in said decree are complied with. c) Applicant asks the Court to determine that Applicant has the right to withdraw all of the ground water in the Denver, Upper Arapahoe, Lower Arapahoe and Laramie-Fox Hills aquifers under the Subject Property through any wells initially permitted in such aquifers, and any additional wells which may be permitted and completed in the future on the Subject Property. Applicant requests the initial wells permitted in each aquifer along with any additional wells shall be treated as a well field. d) Applicant requests that each well may withdraw water at the rate necessary to withdraw the full allowed annual amount of ground water from the Denver, Upper Arapahoe, Lower Arapahoe and Laramie-Fox Hills aquifers. e) Applicant claims the right to withdraw more than the average annual amount in each aquifer estimated in this application pursuant to the banking provisions of Rule 8.A of the Statewide Nontributary Groundwater Rules, 2 C.C.R. 402-7. f) Although Applicant has estimated the amount of water available for withdrawal from the Denver, Upper Arapahoe, Lower Arapahoe, and Laramie-Fox Hills aquifers, Applicant requests the right to revise those estimates upward or downward based on the State Engineer's determination of facts report in this case, or actual data or better data available at the time of withdrawal without the necessity of amending this application or republishing the same. Applicant requests the right to invoke the retained jurisdiction of the Court provided for in Section 37-92-305(11), C.R.S. to adjust the amount of water available for withdrawal from each aquifer. **WHEREFORE,** Applicant requests this Court to enter a decree: 1. Granting the application herein and awarding final water rights from the Denver, Upper Arapahoe, Lower Arapahoe and Laramie-Fox Hills aquifers, except as to those issues which the Court will specifically retain jurisdiction; 2. Determining that Applicant has complied with Section 37-90-137(4), C.R.S., and water is legally available for withdrawal by Applicant through the wells proposed herein; 3. Retaining jurisdiction to provide for adjustment of the amount of water available for withdrawal by Applicant from such aquifers based on actual local aquifer characteristics and authorizing Applicant to invoke the Court's retained jurisdiction at any time after such data becomes available, pursuant to Section 37-92-305(11), C.R.S.; 4. Determining that the ground water in the Upper Arapahoe, Lower Arapahoe and Laramie-Fox Hills aquifers under the Subject Property is nontributary ground water, and vested or conditionally decreed water rights of others will not be materially injured by withdrawal of such ground water; 5. Determining that the ground water in the Denver aquifer under the Subject Property is not nontributary ground water, which may only be used pursuant to a decreed plan for augmentation. 6. Determining that the allocation of such ground water is not based on appropriations, and no findings of diligence shall be required to maintain these rights; and 7. Such other relief as the Court deems proper in this matter.

2004CW19 CAL PHILLIP MARTIN and KATHLEEN MARIE MARTIN, **6910 Juniper Drive, Colorado Springs, CO 80908** (Henry D. Worley, MacDougall, Woldridge & Worley, P.C., Attorneys for Applicants, 530 Communication Circle, Suite 204, Colorado Springs, CO 80905-1743) Application for Adjudication of Denver Basin Ground Water and for Approval of Plan for Augmentation, **EL PASO COUNTY.**

I. APPLICATION FOR DENVER BASIN WATER RIGHTS

1. Names of wells and permit, registration, or denial numbers: Well permit 117772, an exempt Dawson aquifer well.

2. Legal description of wells: Two wells in the Dawson, and one in each of the Denver, Arapahoe and Laramie-Fox Hills aquifers, plus all necessary additional and/or replacement wells, to be located anywhere on Applicant's 39.7 acre property in the S1/2 NW1/4 Section 17, T. 12 S., R. 65 W., 6th P.M. in El Paso County. The legal description

is attached as Exhibit A. The street address of the property is 12125 Black Forest Road, Colorado Springs, CO 80908-4012. The property is located in the Arkansas River basin.

3. Source: Not nontributary Dawson aquifer; not nontributary Denver aquifer; nontributary Arapahoe aquifer; nontributary Laramie-Fox Hills aquifer.

4.A. Date of appropriation: Not applicable.

4.B. How appropriation was initiated: Not applicable.

4.C. Date water applied to beneficial use: Not applicable.

5. Amount claimed: Dawson aquifer - 15 g.p.m. per well, 2,220 acre feet total, 22.2 annually, absolute; Denver aquifer - 100 g.p.m., 2,430 acre feet total, 24.3 acre feet annually, absolute; Arapahoe aquifer - 200 g.p.m., 1,690 acre feet total, 16.9 acre feet annually, absolute; Laramie-Fox Hills aquifer - 100 g.p.m., 1,130 acre feet total, 11.3 acre feet annually, absolute. The above amounts will be changed in any decree entered herein to take into account the State Engineer's Determination of Facts if they are completed within the statutory period. In any event, the water court will retain jurisdiction over such decree to enter a final determination of the amount of water available for appropriation from each aquifer based on geophysical logs for such wells.

6. Proposed uses: Indoor residential and commercial, home gardens and landscaping, including decorative ponds and fountains, stock water and augmentation.

7. Name and address of owner of land on which well is located: Same as applicant.

II. APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION.

8. Name of structures to be augmented: Two Dawson aquifer wells, one of which, permit no. 117772, is already constructed. No other water rights are or will be diverted from these wells. After entry of a decree, permit no. 117772 will be repermitted consistent with the provisions of the decree and applicable statutes and regulations.

9. Previous decrees for water rights to be used for augmentation: None.

10. Historic use: Not applicable.

11. Statement of plan for augmentation: Applicant intends subdivide the Property into two lots, each of which will be served by individual on-lot wells which may pump no more than 0.9 acre feet annually, each. Water from well permit no. 117772 and from one additional Dawson aquifer well is expected to be used for indoor residential or commercial uses on each of the lots, for irrigation of up to 13,000 square feet of turf grass per lot, and for stock watering of up to four horses per lot, or the equivalent thereof, each “equivalent” consuming 10 gallons of water per day. Water use criteria for the most likely uses are as follows: indoor uses, 0.26 acre feet annually per single family dwelling, which is 10% consumptive based on the required use of Individual Sewage Disposal Systems (“ISDS”); horses (or horse equivalent), 0.011 acre feet annually per head, 100% consumptive; landscape irrigation, 2.0 acre feet per acre for turf grass, 85% consumptive. So long as a single family dwelling or commercial facility with bathrooms is located on each lot, and its wastewater is treated with an ISDS or a discharging type of central wastewater system, water pumped pursuant to the augmentation plan may be used for any beneficial use, because ISDS return flows alone will exceed maximum depletions during pumping. Change of the type of wastewater treatment to central sewage treatment with direct discharge to the stream shall not require an amendment to this plan for augmentation, but change to any other type of waste water disposal shall require an amendment to the plan for augmentation. Based upon computer modeling, depletions to the South Platte and Arkansas basins combined are expected to gradually increase to a maximum of approximately 27 % of pumping annually in the 310th year after pumping begins, and will decline thereafter. Applicant proposes to replace depletions during pumping with return flows from the ISDS, and to replace injurious post-pumping depletions with the nontributary Arapahoe aquifer water

decreed herein, 461 acre feet of which will be reserved for that purpose. However, Applicant shall reserve the right to replace such depletions with any judicially acceptable source of augmentation water. Applicant further proposes to aggregate all depletions and replace them to the Arkansas River drainage. Any final decree entered in this case shall provide that no more than 0.9 acre feet per year may be diverted from the each of the two Dawson aquifer wells absent an amendment of this plan for augmentation. Because depletions will occur in both Water Divisions 1 and 2, this application is being published in both water divisions, and will be consolidated in Water Division 2.

2004CW20 HYLAINE J. HEIN, APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NOT NONTRIBUTARY AND NONTRIBUTARY SOURCES, IN THE NONTRIBUTARY UPPER AND LOWER ARAPAHOE AND LARAMIE-FOX HILLS AND THE NOT NONTRIBUTARY DENVER AQUIFERS, **IN ARAPAHOE COUNTY**. 1. Name, Address, Telephone Number of Applicant: Hylaine J. Hein, P.O. Box 1840, Parker, Colorado 80134 (303) 261-9561 (Carmen S. Hall, Petrock & Fendel, P.C., 700 17th Street, 1800, Denver, Colorado 80202 (303)534-0702). 2. Well Permits: Well permits will be applied for prior to construction of the wells. 3. Legal Description of Wells and Subject Property: The property which is the subject of this application is approximately 160 acres of land located in the NE1/4 of Section 5, T4S, R64W of the 6th P.M., as shown on Attachment A hereto. The wells which will withdraw the subject groundwater will be located at any location on the Subject Property subject to Section 37-90-137(4), C.R.S. 4. Source of Water Rights: The source of the groundwater to be withdrawn from the Upper and Lower Arapahoe and Laramie-Fox Hills aquifers underlying the Subject Property is nontributary groundwater as described in 37-90-103(10.5), C.R.S. The groundwater to be withdrawn from the Denver aquifer is not nontributary as described in 37-90-137(9)(c), C.R.S. 5. Estimated Amounts: The estimated average annual amounts of withdrawal available from the subject aquifers as indicated below, are based upon the Denver Basin Rules, 2 C.C.R. 402-6. For purposes of this application, Applicant estimates that the following annual amounts are representative of the Denver, Upper and Lower Arapahoe and Laramie-Fox Hills aquifers underlying the Subject Property:

Aquifer	Saturated Thickness	Estimated Annual Amount
Denver	223 feet	60 acre-feet
Upper Arapahoe	138 feet	37 acre-feet
Lower Arapahoe	55 feet	15 acre-feet
Laramie-Fox Hills	148 feet	35 acre-feet

Applicant will reserve part of the Denver aquifer water which may be available for use through exempt wells pursuant to Section 37-92-602, C.R.S. 6. Well Fields: Applicant requests that this Court determine that Applicant has the right to withdraw all of the legally available groundwater lying below the Subject Property, through the wells requested herein and any additional wells which may be completed in the future as Applicant's well fields. As additional wells are constructed, applications will be filed in accordance with 37-90-137(10), C.R.S. 7. Proposed Use: The water will be used for domestic, industrial, commercial, irrigation, livestock watering, recreational, fire protection, and augmentation purposes. 8. Jurisdiction: The Water Court has jurisdiction over the subject matter of this application pursuant to 37-92-302(2), and 37-90-137(6), C.R.S. 9. Remarks: A. Applicant claims the right to withdraw more than the average annual amounts estimated in paragraph 5 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. B. Although Applicant has estimated the amounts of water available for withdrawal from the subject aquifers, Applicant requests the right to revise the estimates upward or downward, based on better or revised data, without the necessity of amending this application or republishing the same. WHEREFORE, Applicant prays that this Court enter a Decree: 10. Granting the application herein and awarding the water rights claimed herein as final water rights, except as to those issues for which jurisdiction of the Court will be specifically retained;

11. Specifically determining that: A. Applicant has complied with 37-90-137(4), C.R.S., and water is legally available for withdrawal by the wells proposed herein. B. The groundwater in the Upper and LowerArapahoe and Laramie-Fox Hills aquifers is nontributary groundwater. The groundwater in the Denver aquifer is not nontributary and that water will not be withdrawn until a plan for augmentation is approved by the Court; C. Vested or conditionally decreed water rights of others will not be materially injured by the withdrawals of groundwater proposed herein and no findings of diligence are required to

maintain these water rights. FURTHER, Applicant prays that this Court grant such other relief as seems proper in the premises.

2004CW21 MELVIN G. CAHO, APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY SOURCES, IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS, **IN DOUGLAS COUNTY**. 1. Name, Address, Telephone Number of Applicant: Melvin G. Caho, 6057 W. Pacific Circle, Lakewood, Colorado 80227 (303) 980-8390 (Carmen S. Hall, Petrock & Fendel, P.C., 700 17th Street, #1800, Denver, Colorado 80202 (303) 534-0702). 2. Well Permits: Well permits will be applied for prior to construction of the wells. 3. Legal Description of Wells and Subject Property: The property which is the subject of this application is approximately 19 acres of land located in part of the SW1/4SE1/4 of Section 18, T7S, R66W of the 6th P.M., as described and shown on Attachment A hereto. The wells which will withdraw the subject groundwater will be located at any location on the Subject Property subject to Section 37-90-137(4), C.R.S. 4. Source of Water Rights: The source of the groundwater to be withdrawn from the subject aquifers underlying the Subject Property is nontributary groundwater as described in 37-90-103(10.5), C.R.S. 5. Estimated Amounts: The estimated average annual amounts of withdrawal available from the subject aquifers as indicated below, are based upon the Denver Basin Rules, 2 C.C.R. 402-6. For purposes of this application, Applicant estimates that the following annual amounts are representative of the Lower Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers underlying the Subject Property:

Aquifer	Saturated Thickness	Estimated Annual Amount
Lower Dawson	136 feet	1.5 acre-feet
Denver	320 feet	3.4 acre-feet
Arapahoe	260 feet	2.8 acre-feet
Laramie-Fox Hills	196 feet	1.8 acre-feet

6. Well Fields: Applicant requests that this Court determine that Applicant has the right to withdraw all of the legally available groundwater lying below the Subject Property, through the wells requested herein and any additional wells which may be completed in the future as Applicant's well fields. As additional wells are constructed, applications will be filed in accordance with 37-90-137(10), C.R.S. 7. Proposed Use: The water will be used for domestic, industrial, commercial, irrigation, livestock watering, fire protection, and augmentation purposes. 8. Jurisdiction: The Water Court has jurisdiction over the subject matter of this application pursuant to 37-92-302(2), and 37-90-137(6), C.R.S. 9. Remarks: A. Applicant claims the right to withdraw more than the average annual amounts estimated in paragraph 5 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. B. Although Applicant has estimated the amounts of water available for withdrawal from the subject aquifers, Applicant requests the right to revise the estimates upward or downward, based on better or revised data, without the necessity of amending this application or republishing the same. WHEREFORE, Applicant prays that this Court enter a Decree: 10. Granting the application herein and awarding the water rights claimed herein as final water rights, except as to those issues for which jurisdiction of the Court will be specifically retained; 11. Specifically determining that: A. Applicant has complied with 37-90-137(4), C.R.S., and water is legally available for withdrawal; B. The groundwater in the Lower Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers is nontributary groundwater. FURTHER, Applicant prays that this Court grant such other relief as seems proper in the premises.

2004CW22 JOHN GANDOMCAR, APPLICATION FOR APPROVAL OF AUGMENTATION PLAN, **IN DOUGLAS COUNTY**. 1. Name, Address, Telephone Number of Applicant: John Gandomcar, 10415 Roxborough Park Road, Littleton, Colorado 80125 (303) 791-7656 (Carmen Petrock & Fendel, P.C., 700 17th Street, #1800, Denver, Colorado 80202 (303) 534-0702). 2. Description of plan for augmentation: A. Groundwater to be augmented: 4.3 acre-feet per year of not nontributary Laramie-Fox Hills aquifer groundwater as decreed in Case No. 95CW38, District Court, Water Division 1. The subject groundwater is located underlying approximately 111 acres of land located in the N1/2SE1/4 and the NE1/4SW1/4, lying south of the Highline Canal, in Section 24, T6S, R69W of the 6th P.M., as shown on Attachment A hereto ("Subject Property"). B. Water rights to be used for augmentation: Return flows from the use of not nontributary Laramie-Fox Hills aquifer water and return flows and direct discharge of nontributary Laramie-Fox Hills aquifer groundwater as pending in Case No. 03CW205 in this Court. The land which is the subject of Case No. 03CW205 is located in the NW1/4 and part of the SW1/4NE1/4 of Section 10, T7S,

R68W of the 6th P.M., as shown on Attachment B hereto. C. Statement of plan for augmentation: The subject Laramie-Fox Hills aquifer groundwater will be used to serve an equestrian center on the Subject Property, including stockwatering, irrigation, and use in sanitary facilities. Stockwatering will require 0.1 acre-feet for each eight large domestic animals, irrigation will require 0.057 acre-feet for every 1000 square-feet of irrigated area. Applicant reserves the right to amend these uses and values without amending the application or republishing the same. Sewage treatment for sanitary facilities will be provided by non-evaporative septic systems. Consumptive use associated with use in the sanitary facilities will be approximately 10% of water used, and it is estimated that approximately 10% of water used for irrigation will be returned to the stream system. Water used for stockwatering is considered to be 100% consumed. Before any other type of sewage treatment is proposed in the future, including incorporation of the lots into a central sewage collection and treatment system, Applicant, or successors and assigns, will amend this decree prior to such change and thereby provide notice of the proposed change to other water users by publication procedures in use at that time. D. During pumping Applicant will replace actual depletions to the affected stream system pursuant to Section 37-90-137(9)(c), C.R.S. Applicant estimates that depletions may occur to the Plum Creek stream system. Return flows from use of the subject water rights from use in sanitary facilities through non-evaporative septic systems and from irrigation use, will accrue to the South Platte River system and those return flows are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicant will reserve an adequate amount of nontributary Laramie-Fox Hills groundwater described above to meet augmentation requirements. 3. Remarks: Applicant will withdraw the not nontributary Laramie-Fox Hills aquifer water underlying the Subject Property under the plan of augmentation requested herein pursuant to Section 37-90-137(9)(c), C.R.S. WHEREFORE, Applicant prays that this Court enter a Decree: 4. Granting the application herein and specifically determining that vested or conditionally decreed water rights of others will not be materially injured by the plan for augmentation proposed herein; FURTHER, Applicant prays that this Court grant such other relief as seems proper in the premises.

2004CW23 610 SINGING HILLS ROAD, LLC, APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NOT NONTRIBUTARY AND NONTRIBUTARY SOURCES AND APPROVAL OF AUGMENTATION PLAN, IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AND THE NOT NONTRIBUTARY UPPER DAWSON AQUIFERS, **IN ELBERT COUNTY**. 1. Name, address, and telephone number of Applicant: 610 Singing Hills Road, LLC, P.O. Box 1505, Parker, Colorado 80134-1402
(303) 841-6205 (Carmen S. Hall, Petrock & Fendel, P.C., 700 17th Street, #1800, Denver, Colorado 80202 (303) 534-0702). 2. Well Permits: Well permits will be applied for prior to construction of the wells. 3. Legal Description of Wells and Subject Property: The wells which will withdraw groundwater from the not nontributary Upper Dawson and nontributary Lower Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers will be located at any location on approximately 60 acres of land, located in the SW1/4NE1/4 and W1/2NW1/4NE1/4 of Section 10, T7S, R65W of the 6th P.M., as shown on Attachment A hereto ("Subject Property"). 4. Source of Water Rights: The source of the groundwater to be withdrawn from the Upper Dawson aquifer is not nontributary as described in 37-90-103(10.7) and 37-90-137(9)(c), C.R.S. The groundwater to be withdrawn from the Lower Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers is nontributary groundwater as described in 37-90-103(10.5), C.R.S. 5. Estimated Amounts and Rates of Withdrawal: The wells will withdraw the subject amounts of groundwater at rates of flow necessary to efficiently withdraw the entire decreed amounts. Applicant will withdraw the subject groundwater through wells to be located at any location on the Subject Property. Applicant waives any 600 foot spacing rule as described in Section 37-90-137(2), C.R.S. for wells located on the Subject Property. The estimated average annual amounts of withdrawal available from the subject aquifers as indicated below, are based on current values in the Denver Basin Rules, 2 C.C.R. 402-6. Applicant estimates the following annual amounts are representative of the Upper and Lower Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers underlying the Subject Property:

Aquifer	Saturated Thickness	Annual Amount
Upper Dawson	177 feet	21 acre-feet
Lower Dawson	55 feet	7 acre-feet
Denver	334 feet	34 acre-feet
Arapahoe	248 feet	25 acre-feet

Laramie-Fox Hills 186 feet 17 acre-feet
Applicant will reserve part of the Upper Dawson aquifer groundwater for use through an existing exempt well as permitted in Well Permit No. 69073. 6. Well Fields: Applicant requests that this Court determine that Applicant has the right to withdraw all of the legally available groundwater lying below the Subject Property, through the wells requested herein, which may be located anywhere on the Subject Property, and any additional wells which may be completed in the future as Applicant's well fields. As additional wells are constructed, applications will be filed in accordance with 37-90-137(10), C.R.S. 7. Proposed Use: The water will be used for domestic, industrial, commercial, irrigation, livestock watering, fire protection and augmentation purposes. 8. Jurisdiction: The Water Court has jurisdiction over the subject matter of this application pursuant to 37-92-302(2), and 37-90-137(6), C.R.S. 9. Description of plan for augmentation: A. Groundwater to be augmented: 3 acre-feet per year of Upper Dawson aquifer groundwater over a pumping period of 300 years as requested herein as described in paragraph 5 above. B. Water rights to be used for augmentation: Return flows from the use of not nontributary Upper Dawson aquifer water and nontributary groundwater and direct discharge of nontributary ground water. C. Statement of plan for augmentation: Applicant will use the Upper Dawson water to supply four individual wells on four residential lots to be located on the Subject Property at rates of flow of 15 gpm. It is estimated that each well will require approximately 0.75 acre-feet per year for 300 years for inhouse use (0.4 acre-feet), irrigation/limited to 5000 square-feet of lawn and garden (0.3 acre-feet), and stockwatering of 4 large domestic animals (0.05 acre-feet). Applicant reserves the right to amend these amounts and values without the necessity of amending or republishing this application. Sewage treatment for inhouse use will be provided by a non-evaporative septic system. Consumptive use associated with in-house use will be approximately 10% of water used and it is estimated that approximately 10% of water used for irrigation will be returned to the stream system. Stockwatering uses will be considered to be 100% consumptively used. Before any other type of sewage treatment is proposed in the future, including incorporation of the lots into a central sewage collection and treatment system, Applicant, or successors and assigns, will amend this decree prior to such change and thereby provide notice of the proposed change to other water users by publication procedures required by then existing law. During pumping Applicant will replace actual depletions to the effected stream system pursuant to 37-90-137(9)(c), C.R.S. Applicant estimates that depletions may occur to the Coal Creek and Running Creek stream systems. Return flows from use of the subject water rights via the stream systems will accrue to the South Platte River system, and those return flows are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicant will reserve an adequate amount of nontributary groundwater underlying the Subject Property to meet augmentation requirements. 10. Remarks: A. Applicant claims the right to withdraw more than the average annual amounts estimated in paragraph 5B above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. B. Although Applicant has estimated the amounts of water available for withdrawal from the subject aquifers, Applicant requests the right to revise the estimates upward or downward, based on better or revised data, without the necessity of amending this application or republishing the same. C. Applicant will withdraw the Upper Dawson aquifer water over a 300 year pumping period under the plan of augmentation requested herein pursuant to 37-90-137(9)(c), C.R.S.WHEREFORE, Applicant prays that this Court enter a Decree: 11. Granting the application herein and awarding the water rights claimed herein as final water rights, except as to those issues for which jurisdiction of the Court will be specifically retained; 12. Specifically determining that: A. Applicant has complied with 37-90-137(4), C.R.S., and water is legally available for withdrawal by the wells proposed herein. B. The groundwater in the Upper Dawson aquifer is not nontributary and groundwater in the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers is nontributary groundwater; C. Vested or conditionally decreed water rights of others will not be materially injured by the withdrawals of groundwater and the plan for augmentation proposed herein; FURTHER, Applicant prays that this Court grant such other relief as seems proper in the premises.

2004CW24 J & C PROPERTIES, LLC, APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NOT NONTRIBUTARY SOURCES AND APPROVAL OF CHANGE OF WATER RIGHT, IN THE NONTRIBUTARY NOT NONTRIBUTARY UPPER DAWSON AQUIFER, **IN DOUGLAS COUNTY**. 1. Name, Address, Telephone Number of Applicant: J & C Properties, LLC, 10415 Roxborough Park Road, Littleton, CO 80125 (303) 791-7656 (Carmen S. Hall, Petrock & Fendel, P.C., 700 17th Street, #1800, Denver, Colorado 80202 (303) 534-0702). APPLICATION FOR APPROVAL OF WATER RIGHT. 2. Well Permits: Well permits will be applied for prior to construction of the wells. 3. Legal Description of Wells and Subject Property: The property which is the subject of this application is

approximately 67 acres of land located in part of the W1/2SE1/4 of Section 3, T8S, R66W of the 6th P.M., as described and shown on Attachment A hereto. The wells which will withdraw the subject groundwater will be located at any location on the Subject Property subject to Section 37-90-137(4), C.R.S. 4. Source of Water Rights: The source of the groundwater to be withdrawn from the Upper Dawson aquifer is not nontributary as described in 37-90-137(9)(c), C.R.S. 5. Estimated Amount: The estimated average annual amounts of withdrawal available from the Upper Dawson aquifer is based on the Denver Basin Rules, 2 C.C.R. 402-6. Applicant estimates that there is approximately 10 acre-feet per year of Upper Dawson aquifer groundwater available. 6. Well Fields: Applicant requests that this Court determine that Applicant has the right to withdraw all of the legally available groundwater lying below the Subject Property through well fields. As additional wells are constructed, applications will be filed in accordance with 37-90-137(10), C.R.S. Applicant requests that this water be withdrawn in combination with the same type of water decreed in Case No. 89CW150 underlying a contiguous parcel of land, through wells located on the Subject Property or wells located on the land which is the subject of Case No. 89CW150, as described in paragraph 9 below. 7. Proposed Use: The water will be used for domestic, industrial, commercial, irrigation, livestock watering, recreational, fire protection, and augmentation purposes. 8. The Water Court has jurisdiction over the subject matter of this application pursuant to 37-92-302(2), and 37-90-137(6), C.R.S. Applicant claims the right to withdraw more than the average annual amounts estimated in paragraph 5 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. Although Applicant has estimated the amounts of water available for withdrawal from the subject aquifers, Applicant requests the right to revise the estimates upward or downward, based on better or revised data, without the necessity of amending this application or republishing the same.REQUEST FOR APPROVAL OF CHANGE OF WATER RIGHTS. 9. Decree information for which change is sought: Case No. 89CW150 and 89CW151, both decreed on December 28, 1990, and Case No. 88CW026 as decreed on July 10, 1989. (The Upper and Lower Dawson water is decreed in Case No. 89CW150 and the Denver, Arapahoe, and Laramie-Fox Hills aquifer water is decreed in Case No. 89CW151). The land associated with Case No. 89CW150 and 89CW151 is approximately 109 acres located in the SE1/4SW1/4 of Section 3 and part of the N1/2N1/2 of Section 10, T8S, R66W of the 6th P.M., as described and shown on Attachment A hereto. The land associated with Case No. 88CW026 is approximately 67 acres of land located in part of the W1/2SE1/4 of Section 3, T8S, R66W of the 6th P.M., as described and shown on Attachment A hereto. Said parcels are contiguous and the land and water decreed in these cases are owned by Applicant. The decreed annual amounts of water in acre-feet are as follows:

Case Nos. 89CW150 and 151		Case No. 88CW026	
Upper Dawson:	15.3(NNT)	Upper Dawson:	0.0
Lower Dawson:	9.8(NT)	Lower Dawson:	7.0(NT)
Denver:	47.3(NT)	Denver:	30.3(NT)
Arapahoe:	52.0(NT)	Arapahoe:	32.7(NT)
Laramie-Fox Hills:	30.3(NT)	Laramie-Fox Hills:	19.9(NT)

10. Proposed change: The original decrees require that wells to withdraw the decreed groundwater be located on the land which is the subject of that specific decree. By this change, Applicant requests that the decreed amounts in Case No. 89CW150 and 89CW151 be withdrawn in combination with the decreed amounts in the same aquifers as decreed in Case No. 88CW026, through wells located on the land which is the subject of either decree. No other parts of the original decrees will be changed. WHEREFORE, Applicant prays that this Court enter a Decree: 11. Granting the application herein and awarding the water right claimed herein as final water rights, except as to those issues for which jurisdiction of the Court will be specifically retained; 12. Specifically determining that: A. Applicant has complied with 37-90-137(4), C.R.S., and water is legally available for withdrawal by the wells proposed herein; B. The groundwater in the Upper Dawson aquifer is not nontributary and that water will not be withdrawn until a plan for augmentation is approved by the Court; C. Vested or conditionally decreed water rights of others will not be materially injured by the change proposed herein. FURTHER, Applicant prays that this Court grant such other relief as seems proper in the premises.

AMENDMENTS

96CW668 G. DELBERT ANTWILER, 2905 Xenon St., Lakewood, CO 80215. Amended Application for Underground Water Right, **IN PARK COUNTY**. Well #63033 located in the NW1/4 NW1/4, S28,

T9S, R75W of the 6th PM, 575' from N section line and 142.9' from W section line. Source: Underground Appropriation: 11/28/1972 Amount claimed: 15 gpm Use: Household. (2 pages + 5 attachments)

96CW703 LYNDA S. PRILIKA, 2366 S. Youngfield Way, Lakewood, CO 80228. Amended Application for Underground Water Right, **IN PARK COUNTY**. Well # 57254-F located in the NE1/4 SE1/4, S14, T9S, R75W of the 6th PM, 3170' from N section line and 120' from E section line. Source: Underground Appropriation: 5/31/1973 Amount claimed: 15 gpm Use: Household. (2 pages)

96CW766 KENNETH O. AND MARY M. BLACK, 842 W. Tamarisk St., Louisville, CO 80027. Amended Application for Underground Water Right, **IN PARK COUNTY**. Well # 048073-F located in the SE1/4 SE1/4, S14, T9S, R75W of the 6th PM, 400' from S section line and 800' from E section line. Source: Underground Appropriation: 5/31/1973 Amount claimed: 15 gpm Use: Household. (2 pages + 5 attachments)

96CW780 DENNIS AND JANET MCQUILLAN, 6179 S. Fenton Ct., Littleton, CO 80123. Amended Application for Underground Water Right, **IN PARK COUNTY**. Well # 049346-F located in the NW1/4 SW1/4, S21, T9S, R75W of the 6th PM, 1830' from S section line and 1100' from W section line. Source: Underground Appropriation: 5/31/1973 Amount claimed: 15 gpm Use: Household. (2 pages)

96CW831 STEVE GORSET, 1638 S. Reframe St., B-6, Lakewood, CO 80228. Amended Application for Underground Water Right, **IN PARK COUNTY**. Well # 53587-F located in the SE1/4 SE1/4, S27, T9S, R75W of the 6th PM, 360' from S section line and 450' from E section line. Source: Underground Appropriation: 5/31/1973 Amount claimed: 15 gpm Use: Household. (2 pages)

96CW845 DAVID AND JOAN DRISCOLL, 813 Crownridge Dr., Colo Springs, CO 80904. Amended Application for Underground Water Right, **IN PARK COUNTY**. Well # 048439-F located in the NE1/4 NW1/4, S15, T9S, R75W of the 6th PM, 195' from N section line and 1350' from W section line. Source: Underground Appropriation: 5/31/1973 Amount claimed: 15 gpm Use: Household. (2 pages)

96CW865 STEVEN L. CLEARY, 3677 W. 103rd Dr., Westminster, CO 80031. Amended Application for Underground Water Right, **IN PARK COUNTY**. Well # 050063-F located in the NW1/4 NW1/4, S23, T9S, R75W of the 6th PM, 600' from N section line and 850' from W section line. Source: Underground Appropriation: 5/31/1973 Amount claimed: 15 gpm Use: Household. (2 pages + 3 attachments)

96CW885 DONALD M. AND NUBIA Q. MCLANE, 12752 w. Jewell Cir, Lakewood, CO 80228. Amended Application for Underground Water Right, **IN PARK COUNTY**. Well # 052553-F located in the SW1/4 SW1/4, S14, T9S, R75W of the 6th PM, 1110' from S section line and 1130' from W section line. Source: Underground Appropriation: 5/31/1973 Amount claimed: 15 gpm Use: Household. (2 pages)

96CW886 DENNIS AND JANET MCQUILLAN, 6179 S. Fenton Ct., Littleton, CO 80123. Amended Application for Underground Water Right, **IN PARK COUNTY**. Justice Well located in the NW1/4 SW1/4, S21, T9S, R75W of the 6th PM, 1830' from S section line and 1100' from W section line. Source: Underground Appropriation: 5/31/1973 Amount claimed: 15 gpm Use: Household. (2 pages)

2001CW301 City of Aurora, Colorado, acting by and through its Utility Enterprise, 15151 East Alameda Parkway, Aurora, Colorado 80012, 303.739.7370 (John M. Dingess, T. Daniel Platt, Robert E. Schween, Duncan, Ostrander & Dingess, P.C., 4600 South Ulster Street, Suite 1111, Denver, Colorado 80237) **Amendment to Application** (for Determination of Underground Water Rights from Nontributary and Not Nontributary Sources) **IN ADAMS COUNTY.** The original Application in this case is amended to correct one omission from the description of the Subject Portion of the City of Aurora as set forth in Paragraph 3C. The only change is to correct Paragraph 3C to indicate that the Subject Portion of the City of Aurora includes **Section 31**, T3S, R66W, 6th P.M. All other provisions of this Application remain unchanged. Therefore, the Applicant requests that the Statements of Opposition originally filed in this matter shall be deemed to apply to this Amendment.

2001CW302 City of Aurora, Colorado, acting by and through its Utility Enterprise, 15151 East Alameda Parkway, Aurora, Colorado 80012, 303.739.7370 (John M. Dingess, T. Daniel Platt, Robert E. Schween, Duncan, Ostrander & Dingess, P.C., 4600 South Ulster Street, Suite 1111, Denver, Colorado 80237) **Amendment to Application** (for Determination of Underground Water Rights from Nontributary and Not Nontributary Sources) **IN ADAMS COUNTY.** The original Application in this case is amended to correct two typographical errors in the description of the Subject Portion of the City of Aurora as set forth in Paragraph 3C. That paragraph reads, in part, as follows: "The Subject Portion of the City of Aurora consists of approximately 22,108.36 acres located in all or portions of Sections 2, 3, 10, 11, 12, 13, 22, 24 and 36, T3N, R66W, 6th P.M., Sections 1, 2, 8, 9, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, T3N, R65W, 6th P.M. . . . ." The above quoted portion of Paragraph 3C is amended as follows: "The Subject Portion of the City of Aurora consists of approximately 22,108.36 acres located in all or portions of Sections 2, 3, 10, 11, 12, 13, 22, 24 and 36, T3**S**, R66W, 6th P.M., Sections 1, 2, 8, 9, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, T3**S**, R65W, 6th P.M. . . . ." In summary, the only change is to correct Paragraph 3C to indicate that the sections listed are in Township 3 **South**. All other provisions of this Application remain unchanged. Therefore, the Applicant requests that the Statements of Opposition originally filed in this matter shall be deemed to apply to this Amendment.

03CW66 KENNETH J. & JUDITH E. FEHRINGER, (Otis Coan & Stewart, LLC, by Jennifer Lynn Peters, Esq. 1812 56th Avenue.Greeley, CO 80634) **SECOND AMENDMENT TO APPLICATION FOR UNDERGROUND WATER RIGHT, IN LOGAN COUNTY.**

1. The legal description of the structures to which this amendment applies is as follows:

46409F	SW ¼ NW ¼ Sec 25-12-52	1633' North Section Line 1372' West Section Line
47995F	SE ¼ SE ¼ Sec 25-12-52	650' South Section Line 315' East Section Line
58284F	NW ¼ NW ¼ Sec 25-12-52	300' North Section Line 345' West Section Line
Test #12	NW ¼ NE ¼ Sec 25-12-52	540' North Section Line 1945' East Section Line
Test #16	SE ¼ SE ¼ Sec 25-12-52	630' South Section Line 315' East Section Line
Test #19	NW ¼ SW ¼ Sec 25-12-52	1734' South Section Line 582' West Section Line

2. Paragraph 6 of the Application is amended from 530 gpm absolute and 1670 gpm conditional to 1,530 gpm absolute, 670 gpm conditional, as applicant has now completed an additional well under Permit #58284F sufficient to fulfill the indicated appropriation. See Exhibit 1, attached hereto and incorporated herein by this reference.

Paragraph 8(A)(3) is amended such that the legal description of the land irrigated is listed as Section 25-12-32, Logan County, Colorado.

03CW089, The Water Supply and Storage Company, c/o Fred Walker, President, 2319 East Mulberry, Fort Collins, CO 80524, (970) 482-3433. Send future pleadings and correspondence to William R. Fischer, Fischer, Brown & Gunn, P.C., P.O. Box Q, Fort Collins, CO 80522 (970) 407-9000. AMENDMENT TO APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION, **IN LARIMER AND WELD COUNTIES.** 1. Amendment to Application: The Application in this case (Case No. 2003CW089) was filed in the District Court, Water Division 1, State of Colorado on February 28, 2003. All portions of the Application shall remain as originally claimed and published, except as specifically described in paragraph 3 herein. 2. Amendment to Application for Approval of Plan for Augmentation: Applicant hereby files the

following amendments to the Application in this matter. A. Paragraph 2 of the Application recites: "Name of Structures to be augmented: See list of wells in Table 1. The plan is also intended to augment any replacement well or alternate point of diversion well authorized in connection with any of the wells listed in Table 1." 1.)The following wells are hereby added to Table 1 of the Application as WSSC # 085-04 and WSSC # 086-04, respectively:

Permit #	Case #	Owner	Address	Approp.	Adjudication	QTR 40	QTR 160	SEC	TNP	RNG	GPM	# of WSSC shares
6394-R	W-913	Cynthia Sidwell	39454 C.R. 33 Ault, CO 80610	6/30/1956	12/31/1971	NW ¼	SW ¼	14	7 N	66 W	530	1
6395-R	W-913	Cynthia Sidwell	39454 C.R. 33 Ault, CO 80610	5/31/1956	12/31/1971	NW ¼	SW ¼	14	7 N	66 W	300	

2.) Table 1 of the Application contains the following entry as WSSC # 044-03:

Permit #	Case #	Owner	Address	Appropriation	Adjudication	QTR 40	QTR 160	SEC	TNP	RNG	GPM	# of WSSC shares
RF 43	W5189	J.W. Hutcheson	2621 21 Ave. Ct. Greeley, CO 80631	March 25, 1963	June 28, 1972	SE ¼	NE ¼	13	7 N	66 W	50	2

Entry WSSC #044-03 in Table 1 of the Application is hereby amended in its entirety as follows:

Permit #	Case #	Owner	Address	Appropriation	Adjudication	QTR 40	QTR 160	SEC	TNP	RNG	GPM	# of WSSC shares
RF 43	W5189 and also 80CW148 entered 1/30/1981	J.W. Hutcheson and Bessie Lucille Hutcheson Trust	2621 21 Ave. Ct. Greeley, CO 80631	March 25, 1963	June 28, 1972	SE ¼	NE ¼	13	7 N	66 W	500	2

4. Applicant agrees that all filed Statements of Opposition previously filed shall be applicable to this Amendment.

03CW452, Applicant: Henry W. Toll, Jr., M.D. and James Peak Co., 333 Logan Street, Suite 220, Denver, CO 80203 (303) 733-0118. Please send all pleadings to William H. Brown, Fischer, Brown & Gunn, 215 West Oak Street, 8th Floor, 1st Tower, Ft. Collins, CO 80521-2730 (970) 407-9000. AMENDED APPLICATION FOR WATER RIGHTS (SURFACE AND STORAGE), **IN GILPIN COUNTY.** Name of structures: A) Toll Headgate 3, B) Karel Park Lake, and as yet unnamed storage structures. 1. Amendment. This is an amendment to the application in Case No. 2003 CW 452, filed in December, 2003. The location for the storage of water conditionally claimed for augmentation and replacement uses is amended. Rather than storing such augmentation and replacement water in Karel Park Lake (also referred to in the original application as 'Karel Lake"), such water will instead be stored at other storage site(s) to be located on Applicants' property within the Northeast quarter of Section 6 and/or the Northwest quarter of the Northwest quarter of Section 5, all in Township 2 South, Range 73 West of the 6th P.M. in Gilpin County. The number and location or locations of such storage structures has not been determined. The total capacity of such structure(s) is claimed to be 40 acre feet, all active storage. No structure will have a dam in excess of 10 feet in height. The purpose of this amendment is to assure that all claimed beneficial uses of waters stored in Karel Park Lake will occur within the lake itself, and will remain non-consumptive. Except as amended above, all other provisions of the application filed in 2003CW52 in December, 2003, are reaffirmed and are unchanged.

THE WATER RIGHTS CLAIMED BY THESE APPLICATIONS MAY AFFECT IN PRIORITY ANY WATER RIGHTS CLAIMED OR HERETOFORE ADJUDICATED WITHIN THIS DIVISION AND OWNERS OF AFFECTED RIGHTS MUST APPEAR TO OBJECT WITHIN THE TIME PROVIDED BY STATUTE OR BE FOREVER BARRED.

YOU ARE HEREBY NOTIFIED that any party who wishes to oppose an application, or an amended application, may file with the Water Clerk, P. O. Box 2038, Greeley, CO 80632, a verified Statement of Opposition, setting forth facts as to why the application should not be granted, or why it should be granted only in part or on certain conditions. Such Statement of Opposition must be filed by the last day of March 2004 (forms available on **www.courts.state.co.us** or in the clerk's office), and must be filed as an Original with triplicate copies and include $70.00 filing fee. A copy of each Statement of Opposition must also be served upon the Applicant or Applicant's Attorney and an affidavit or certificate of such service of mailing shall be filed with the Water Clerk.