DISTRICT COURT, WATER DIVISION 1, COLORADO
JANUARY 2015 WATER RESUME PUBLICATION

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 2015** for each County affected.

15CW2 STEPHEN W. AND MARY F. DIBBLE, 1038 River Dr., Dewey, AZ 86327. 928-925-9138. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN PARK COUNTY. Date of original decree: 10-11-02 in case 96CW887, WD 1. Subsequent decree: 1-14-09 in case 08CW227, WD1. Dibble Well located NW1/4, SW1/4, S26, T9S, R75W of the 6th PM at a point approximately 2580 ft. from S line and 700 ft. from W line. a/k/a Lot 14, Filing 20, Indian Mountain Subdivision, 80 Longbow Ct. Source: Ground water. Appropriation date: 5-31-73. Amount: 15 gpm. Use: Household.

15CW3 WANZA C. AND REGGIE L. FONTANELLI, 43545 Stampede Ct., Elizabeth, CO 80107. 303-646-9042. APPLICATION FOR UNDERGROUND WATER RIGHTS IN THE DENVER BASIN AQUIFERS UNDERLYING APPLICANT'S PROPERTY IN ELBERT COUNTY. Applicant seeks to adjudicate the well, permit 177561, and to adjudicate the non tributary and not nontributary Denver Basin groundwater underlying a 4 acre tract of land lying in the SE1/4, NE1/4, S26, T6S, R64W of the 6th PM, including the Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers.

15CW4 JAMES KREITMAN, 1405 Alpine Ave., Boulder, CO 80304. 303-332-1626. APPLICATION FOR A CONDITIONAL STORAGE RIGHT IN BOULDER COUNTY. Name of reservoir: Jorgensen Pond No. 1 located in the SE1/4, NE1/4, S17, T3N, R69W of the 6th PM. Beginning at the E quarter corner of S17, said point being the true point of beginning, thence North along the Eastern boundary of S17, 454 ft., thence directly W 528 ft. to the dam site. Source: Seepage, drainage and runoff tributary to St. Vrain Creek. The immediate drainage area is commonly known as Hessler Slough. Date of appropriation: 12-11-80. Amount: Refill right for 9.2 af, conditional. Use: Irrigation of 78 acres of land consisting of approximately 5 acres in the SW1/4 of S9 and the NW1/4 of S16; 8 acres in the NW1/4 of S16; 5 acres in the SW1/4 of S9 and 69 acres in the NE1/4 of S17, all in T3N, R69W of the 6th PM.

15CW5 EDDIE B AND SANDRA A. GALLEGOS, 2951 S. Newland St.,. Denver, CO 80227-3522. 303-986-4667. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN PARK COUNTY. Date of original decree: 10-09-02 incase 96CW650, WD1. Subsequent decree: 1-06-09 in case 08CW217, WD1. Gallegos Well located SE1/4, NW1/4, S23, T9S, R75W of the 6th PM at a point approximately 2620 ft. from N and 1640 ft. from W line. a/k/a Lot 26, Filing 8, Indian Mountain subdivision and 690 Chief Trail. Source: Groundwater. Appropriation date: 5-31-73. Amount: 0.033 cfs (15 gpm), Conditional. Use: Household use only in a single family dwelling, not including irrigation.

15CW6 BARRETT E. AND PATRICIA A. BENSON, PO Box 507, Pine, CO. 80470. 303-838-6185. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN PARK COUNTY. Date of original decree: 09-26-02 in case 96CW550, WD1; Subsequent decree: 01-21-09 in case 08CW198, WD1. Well located NE1/4 SW1/4, S35, T9S, R75W of the 6th PM at a point approximately 2600 ft. from S and 1500 ft from W. Lot 36, Filing 22, Indian Mountain subdivision a/k/a 1031 Ute Trail. Source: Groundwater. Appropriation date: 5-31-73. Amount: 15 gpm. Use: Household use only in a single family dwelling not including irrigation.

15CW7 JOYCE K. MOUNTAIN, 3095 S. Pontiac St., Denver, CO 80224. 303-756-0937. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN PARK COUNTY. Date of original decree: 10-09-02 in case 96CW758, WD1; Subsequent decree: 01-27-09 in case 08CW190, WD1. Mountain f/k/a Jenks Well located SW1/4, SW1/4, S15, T9S, R75W of the 6th PM at a point

approximately 240 ft from S and 300 ft. from W. Lot 185, Filing 26, Indian Mountain Subdivision, a/k/a 260 Breton Ct. Source: Groundwater. Appropriation date: 5-31-73. Amount: 15 gpm, Conditional. Use: Household use only inside a single-family dwelling not including irrigation.

15CW8 WALTER DeNOYELLES, 3121 S. Logan St., Englewood, CO 80113. 303-591-9600. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN PARK COUNTY. Date of original decree: 04-26-02 in case 96CW1160, WD1. Subsequent decree: 01-21-09 in case 08CW78, WD1. DeNoyelles Well located SW1/4, SW1/4, S14, T9S, R75W of the 6th PM at a point approximately 150 ft. from S and 500 ft. from W. Lot 47, Filing 26, Indian Mountain Subdivision a/k/a 700 Turk Pony Way. Source: Groundwater. Appropriation date: 5-31-73. Amount: 15 gpm Conditional. Use: Household use only inside a single family dwelling not including irrigation.

15CW3000, Jennifer Eason, Gene and Pamela Eliassen, Phillip and Deanna Gibson, John and Tosha Gull, Robert Riter, Amanda and Darren Schmitz, and Douglas Williams and Victoria Lawrence Williams c/o 7781 Shenandoah Drive, Elizabeth, CO 80107 (James J. Petrock, Petrock & Fendel, 700 17th Street, #1800, Denver, CO 80202), APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NOT NONTRIBUTARY DENVER AND NONTRIBUTARY ARAPAHOE, AND LARAMIE-FOX HILLS AQUIFERS, **ELBERT COUNTY**, 12.4 acres being Lots 12A, 39A, 49A, 52A, 53A, 54A, and 55A, Filing 3, Sun Country Meadows, generally located in in parts of the SE1/4 of Section 23 and the NE1/4 of Section 26, T6S, R64W of the 6th P.M., as shown on Attachment B (Subject Property). The location of the lots satisfy the requirements of Local Rule 3(b)(1) as shown Attachment C. Applicants will own a pro-rata interest in the total amount of groundwater requested herein underlying their respective lots. Estimated Amounts: Denver: 6.5 acre-feet; Arapahoe: 5.7 acre-feet; Laramie-Fox Hills: 2.7 acre-feet. The Denver aquifer groundwater underlying each lot will not include amounts associated with existing exempt wells as described on Attachment A hereto for each lot, or pursuant to the water supply approval for the subdivision. Use: domestic, commercial, irrigation, stockwatering, fire protection, and augmentation purposes, both on and off the Subject Property. Applicants request that this Court determine that Applicants have the right to withdraw all of the legally available groundwater lying below the Subject Property, through wells or additional wells which may be completed in the future as well fields, including in combination with the same type of groundwater underlying other lots in the subdivision which may be decreed in separate cases, if Rule 11.B, 2 CCR 402-7 is satisfied. Further, Applicant prays that this Court grant the application and for such other relief as seems proper in the premises. (8 pages).

15CW3001 GREEN DITCH COMPANY, c/o Todd Doherty, President, City of Boulder Open Space and Mountain Parks, 66 S. Cherryvale Rd., Boulder, CO 80303, Phone: (303) 413-7641, Attorneys for Applicant: Star L. Waring, #10009, Gabriella Stockmayer, #43770, Dietze and Davis, P.C., 2060 Broadway, Suite 400, Boulder, CO 80302, Telephone: (303) 447-1375, **APPLICATION FOR CORRECTION OF ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINT OF DIVERSION PURSUANT TO C.R.S. §37-92-305(3.6) IN BOULDER CREEK, A TRIBUTARY OF THE SOUTH PLATTE RIVER IN BOULDER COUNTY**. **2. Overview.** The Green Ditch Company is the owner of certain water rights which are the subject of the decree entered on June 2, 1882 in Civil Action No. 1306 in the District Court of Boulder County, Colorado ("Decree"). By this Application, Applicant seeks to correct the established but erroneously described point of diversion for the Green Ditch pursuant to C.R.S. §37-92-305(3.6). **3. Decreed Water Right for Which Correction is Sought**. A. Name of Structure: Green Ditch. B. Original Decree: Civil Action No. 1306 entered on June 2, 1882, District Court, Boulder County, State of Colorado. C. Decreed Appropriation Dates and Amounts: (1) September 15, 1862 – 34.58 c.f.s. (2) May 1, 1863 – 34.58 c.f.s. (3) May 1, 1864 – 34.58 c.f.s. (4) May 1, 1865 – 34.58 c.f.s. D. Total Amount of Water Decreed to the Green Ditch: 138.32 c.f.s. absolute. E. Decreed Source of water: Boulder Creek, tributary to the South Platte River. F. Decreed Use: Irrigation. G. Decreed Legal Description: At or near the center of Section 22, Township 1 North, Range

70 West, Boulder County, Colorado. **4. Legal Description of the Corrected Point of Diversion.** The correct legal description of the Green Ditch point of diversion is: A. UTM coordinates: Northing 4431806; Easting 482443; Zone 13. Street Address: N/A. Subdivision: N/A. Source of UTMs: Esri's Arc GIS geographical information system; scaled from Microsoft Aerial Imagery. Accuracy of location displayed on GPS device: N/A. B. Legal Description Using the Public Land Survey System. Legal Description: Boulder County, NW1/4 of the SW1/4, Section 23, Township 1N, Range 70 W, 6th P.M. Distance from section lines: 2,690 Feet from N line of Section 23 and 280 Feet from W line of Section 23. Source of PLSS information: Esri's Arc GIS Geographical information system; scaled from Microsoft Aerial Imagery. Street Address: N/A. Subdivision: N/A. Lot: N/A. Block: N/A. A map showing the decreed location and the established location of the Green Ditch point of diversion is attached as Exhibit A. **5. Detailed Description of Proposed Correction.** Applicant seeks to correct the erroneously described point of diversion in the Decree entered in Civil Action No. 1306, Boulder County District Court, to the established point of diversion of the Green Ditch as described herein. Applicant believes that the erroneously described point of diversion in the Decree is due to a clerical error. The Green Ditch satisfies all requirements of C.R.S. §37-92-305(3.6) for correcting an established but erroneously described point of diversion: A. Applicant is the owner of the water rights for the Green Ditch. B Applicant first became aware that the decreed legal description for the Green Ditch was erroneously described on January 16, 2012 when Applicant's attorney sent an email to the President of the Company making Applicant aware of the potential issue with the legal description. This Application is filed within three years after Applicant became aware of the issue. C. The established headgate is in place and, upon information and belief, the established headgate has been used to divert the Green Ditch water rights described herein since the Decree in Civil Action 1306 was entered. D. This Application does not include nor will it be consolidated or joined with an action by Applicant seeking any type of change of water right or diligence proceeding or application to make absolute with respect to the water right or rights included in this application. E. The established point of diversion is more than 500 feet away from the legal description for the point of diversion set forth in the Decree in Civil Action 1306. **6. Remarks.** The existing channel of Boulder Creek changed during the September 2013 flood. Applicant made repairs to the Green Ditch to allow it to continue diverting its decreed water rights at the existing established point of diversion. However, Applicant may also relocate the existing headgate from the established location to a new point of diversion located upstream of the established point of diversion pursuant to C.R.S. §37-86-111. In support of the contemplated future relocation of the Green Ditch headgate, Applicant obtained consent of the Colorado Water Conservation Board ("CWCB") to the relocation based upon the Injury with Mitigation proposal set forth in the Memorandum dated November 20, 2014 to Colorado Water Conservation Board Members from Linda Bassi and Kaylea White ("Memorandum") which was approved by the CWCB at its meeting on November 20, 2014. If the headgate of the Green Ditch is relocated, Applicant shall either file an amended application in this case or file a new application to have the new relocated point of diversion confirmed by Water Court decree. The decree will include all applicable terms and conditions agreed upon by the CWCB and Applicant as set forth in the Memorandum. **7. Name and Address of Landowner Upon which any New or Modified Diversion Structure is Located.** The Green Ditch headgate is located on land owned by the City of Boulder, c/o City of Boulder Open Space and Mountain Parks, 66 S. Cherryvale Rd., Boulder, CO 80303. WHEREFORE, pursuant to C.R.S. §37-92-305(3.6), Applicant respectfully asks the Court to enter a decree granting the correction of legal description as set forth herein and such other relief as it deems proper.

15CW3002 (07CW34), Kennedy Gulch Properties, LLC, 2126 Wieler Road, Evergreen, CO 80439. Attorneys for Applicant Mark D. Detsky, Atty. Reg. No. 35276, Gabriella Stockmayer, Atty. Reg. No. 43770, Dietze and Davis, P.C., 2060 Broadway, Suite 400, Boulder, CO 80302, Telephone: 303.447.1375. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE FOR KENNEDY GULCH PROPERTIES, LLC IN JEFFERSON COUNTY.** 1. Name, mailing address, email address and telephone number of applicants: Kennedy Gulch Properties, LLC, 2126 Wieler Road,

Evergreen, CO 80439, Telephone: 847.533.7373, Email: annaberglund@me.com. Please send all correspondence to: Mark D. Detsky, Dietze and Davis, P.C., 2060 Broadway, Suite 400, Boulder, CO 80302, Telephone: 303.447.1375, Email: mdetsky@dietzedavis.com. 2. Name of structures: A. Sugarbush Conifer Well Nos. 1-7, each of which is a separate structure; B. Sugarbush Conifer Exchange. 3. Description of conditional water rights from previous decree: A. Date of Original Decree: March 14, 2008, Case No. 07CW34, District Court for Water Division No. 1, for all structures. B. Subsequent decrees awarding findings of diligence: N/A. C. Legal description from the most recent decree that adjudicated the location: i. Sugarbush Conifer Well Nos. 1-7: The exact locations of the Wells will not be known until the property is subdivided and the building envelopes are finally determined. However, the Wells can generally be described as being located within the S1/2 SW1/4 of Section 15, and the N1/2 NW1/4 of Section 22, Township 6 South, Range 71 West, 6th P.M., Jefferson County, Colorado. ii. Sugarbush Conifer Exchange: On North Turkey Creek and unnamed tributaries of North Turkey Creek above the point where Meadowview Reservoir water is released to the stream system, and water may be exchanged into an on-site storage container, Sugarbush Conifer, LLC was awarded a separate appropriative right of substitute supply and exchange pursuant to C.R.S. §37-80-120 and §37-92-302(1)(a). The reach of the exchange shall extend from the confluence of Turkey Creek and Bear Creek in the NW1/4 of Section 5, Township 5 South, Range 69 West, 6th P.M., Jefferson County; thence up Turkey Creek to the confluence of North Turkey Creek and South Turkey Creek near the North line of the NW1/4 NW1/4 of Section 27, Township 5 South, Range 70 West, 6th P.M.; thence up North Turkey Creek to its confluence with an unnamed tributary in the NW1/4 NW1/4 of Section 14, Township 6 South, Range 71 West, 6th P.M.; thence up the unnamed tributary to its confluence with a second unnamed tributary in the NE1/4 SW1/4 of Section 14, Township 6 South, Range 71 West, 6th P.M.; and thence up the unnamed tributary to the point where depletions from the subject wells impact the unnamed tributary in the SW1/4 SE1/4 of Section 15, Township 6 South, Range 71 West, 6th P.M. iii. Attached as EXHIBIT A please find a legible map illustrating the potential location of the Wells. D. Source of water: Ground water tributary to North Turkey Creek, tributary to Turkey Creek, tributary to Bear Creek. E. Appropriation Date: February 28, 2007 for all structures. F. Amount: i. The amount of water decreed to each of the seven Sugarbush Conifer Well Nos. 1-7 is 15 gallons per minute, CONDITIONAL. ii. The amount of water decreed to the Sugarbush Conifer Exchange is a maximum flow rate of 0.1 cfs, CONDITIONAL. G. Use: Water from each of the Wells is decreed for domestic and ordinary household purposes in a single family dwelling, the watering of livestock, and fire protection purposes. H. Depth: Unknown as the Wells have not yet been drilled. 4. 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, during the previous diligence period: The Applicant is the successor-in-interest to the Applicant Sugarbush Conifer, LLC ("Sugarbush") in the original decree 07CW34. The seven conditional Wells and the conditional right of exchange all apply to property owned by the Applicant at the street address of 28625 Kennedy Gulch Road in Conifer, Colorado (the "Property"). Applicant took title to the Property in April 2009. The following facts establish work that has been done toward the completion of the conditional appropriations and application of water to a beneficial use as conditionally decreed: A. After entry of the original decree on March 14, 2008, Sugarbush conducted a search for qualified firms to assist in the development of the Property. Sugarbush executed a Professional Services Agreement with the Carrol and Lange engineering firm on May 29, 2008, to plat, design, and permit the envisioned subdivision for which the Wells would be built, in part, to serve; B. During the first year of the diligence period, Carrol and Lange completed conceptual designs and drawings for the proposed subdivision. Site visits were made to the Property, as well as engineering work, and drawings completed. Approximately $20,100 was spent on this process of developing the Property in furtherance of the original decree; C. The Great Recession began approximately in the 3rd quarter of 2008 and caused Sugarbush to delay the subdivision process. The recession led to the economic failure of Sugarbush; D. Kennedy Gulch Properties, LLC ("KGP") was formed in April 2009. The purpose of Kennedy Gulch Properties, according to the original operating agreement, was to purchase real estate located at the Property, for which the water rights subject to this Application are to be located

and used. At the same time, Kennedy Gulch Investments, LLC was formed for the purpose of purchasing a loan and collateral held by Mile High Banks for the Property; E. The sale of the Property occurred on April 23, 2009. KGP assumed the existing mortgage of the Property represented by a promissory note in favor of Mile High Banks. The sale price was approximately $920,000. A separate deed was prepared to transfer the water rights; F. After purchase of the property, including the water rights, KGP on June 18, 2009 filed change of ownership forms for the existing wells – this work was integrated with the augmentation plan because one of the existing wells was to be used in the augmentation plan (for the horse stable); G. KGP's principal member passed away on July 25, 2010. Subsequently, Anna Berglund Brick took over management of KGP and arranged for transfer of interests, which included transfer of the water rights; H. In November 2011, an appraisal was completed on the Property and noted that new fencing had been installed. The new fencing was in anticipation of the livestock watering uses of the water rights; I. KGP has paid the annual assessments on its 12 shares of the Mountain Mutual Reservoir Company ("MMRC"), which shares are integral to operation of the Sugarbush Conifer Exchange as an element of the decreed augmentation plan. Applicant has incurred expenses to maintain the status of the MMRC shares in good standing for the term of the diligence period at an approximate cost of $500. J. KGP took steps to market the Property in 2014. These include retaining a broker to investigate the value of the water rights and how they could be transferred. KGP has incurred approximately $5,000 on services related to preparing the Property and water rights for sale; K. On June 17, 2013, an Improvement Survey Plat was completed and recorded at the Jefferson County Clerk and Recorder's Office. The Plat was completed at an expense of approximately $3,800. The Plat was created in furtherance of restarting the development process which would be necessary to perfect the water rights, in part. 5. If claim to make absolute in whole or in part: N/A. 6. Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. The structures are located on land owned by the Applicant. 7. Remarks or any other pertinent information: On October 31, 2014, the District Court for Water Division No. 1 issued an order continuing the water rights subject to this application and requiring the filing of this application on or before January 17, 2015. By separate order of October 31, 2014, KGP was substituted as a party for Sugarbush, the Applicant below. The measure of reasonable diligence is the steady application of effort to complete the appropriation in a reasonably expedient and efficient manner under all the facts and circumstances. §37-92-301(4)(b), C.R.S. (2014). The Great Recession started approximately during the 3rd quarter of 2008 and caused Sugarbush to delay the development process on the Property necessary to perfect the conditional water rights subject to this Application. Economic conditions which adversely affect the feasibility of perfecting a conditional water right or the proposed use of water from a conditional water right may not be considered sufficient to deny a diligence application, if other facts are present to support diligence. Id. at §4(c). Here, there are contributing economic conditions beyond the control of the Applicant which adversely affected the feasibility of perfecting the water rights or the proposed uses of water during the diligence period. Applicant has established facts that support diligence accompanied by a period of unfavorable economic conditions which included the sale of the Property to the current owner during the diligence period. In diligence cases, where there are integrated water rights, work on one aspect of the water rights indicates diligence towards all of the water rights. City & Cnty. of Denver By & Through Bd. of Water Comm'rs v. Colorado River Water Conservation Dist., 696 P.2d 730, 750 (Colo. 1985). The water rights are part of an integrated water system on the Property utilizing those rights decreed in Case No. W-3011. As a result, work done on any aspect of the water rights used on the Property indicates diligence towards all of the water rights. WHEREFORE, the Applicant requests that the Court find reasonable diligence in the prosecution of the above-mentioned water rights and continue such rights in existence.

15CW3003 Town of Windsor, 301 Walnut Street, Windsor, CO 80550. Telephone: 970-674-2400. Please send future correspondence and pleadings to Bradley C. Grasmick, Lawrence Jones Custer Grasmick LLP, 5245 Ronald Reagan Blvd., Ste. 1, Johnstown, CO 80534; Email: brad@ljcglaw.com.

APPLICATION FOR CORRECTION OF ERRONEOUSLY DESCRIBED POINTS OF DIVERSION PURSUANT TO C.R.S. §37-92-305(3.6), **in <u>WELD COUNTY</u>**. 2. Decreed Names of Structures to be Corrected "Main Park Wells". 2.1 Main Park East Well #2; Well No. 13410-R-R, WDID 3-5150 2.1.1. Previous Decree. 2.1.1.1. Case No. W-4300 2.1.1.2. Adjudication date: June 1, 1978 2.1.1.3. Decreed point of diversion: NE1/4 of the NW1/4 of Section 21, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado, at a point 310 feet South and 2340 feet East of the NW corner of said Section 16. 2.1.1.4. Source: Groundwater 2.1.1.5. Appropriation date: December 31, 1906 2.1.1.6. Decreed flow rate: 0.67 c.f.s. 2.1.1.7. Decreed use: Municipal, including irrigation of 10 acres of Park in the SW1/4 of SW1/4 of Section 16, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado. 2.2 Main Park West Well #3; Well No. 13413-R-R, WDID 3-6907 2.2.1. Previous Decree. 2.2.1.1. Case No. W-4300 2.2.1.2. Adjudication date: June 1, 1978 2.2.1.3. Decreed point of diversion: NE1/4 of the NW1/4 of Section 21, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado, at a point 1250 feet South and 1900 feet East of the NW corner of said Section 21. 2.2.1.4. Source: Groundwater 2.2.1.5. Appropriation date: June 30, 1957 2.2.1.6. Decreed flow rate: 0.356 c.f.s. 2.2.1.7. Decreed use: Municipal, including irrigation of 10 acres of Park in the SW1/4 of SW1/4 of Section 16, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado. 3. Historical Use. Depletions from the Main Park Wells are augmented pursuant to the Weld County Underground Water Users Association augmentation plan administered by the Cache la Poudre Water Users Association decreed in Case No. W-7921. 4. Proposed Correction of Locations of Wells. Applicant seeks to correct a clerical error in the decreed location of the Main Park Wells to their actual location in accordance with C.R.S. §37-92-305(3.6). 4.1. Main Park East Well #2; Well No. 13410-R-R, WDID 3-5150 4.1.1. Original Decreed Location. NE1/4 of the NW1/4 of Section 21, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado, at a point 310 feet South and 2340 feet East of the NW corner of said Section 16. 4.1.2. Replacement Permit. Replacement well permit No. 13410-R-R was issued on April 15, 2010 which shows the correct location of the well. 4.1.3. Corrected Well Location. NE1/4 of the NW1/4 of Section 21, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado, at a point 1,231feet from the North section line and 2,287 feet from the West section line. 4.2. Main Park West Well #3; Well No. 13413-R-R, WDID 3-6907 4.2.1. Original Decreed Location. NE1/4 of the NW1/4 of Section 21, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado, at a point 1,250 feet South and 1,900 feet East of the NW corner of said Section 21. 4.2.2. Replacement Permit. A replacement well permit was issued on January 24, 1996 which shows the correct location of the well. 4.2.3. Corrected Well Location. SE1/4 of the NW1/4 of Section 21, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado, at a point 1,380 feet from the North section line and 1,900 feet from the West section line. 5. Name and Address of Owners of Structures. Applicant owns the structures and the land upon which the structures are located. 4 pages and 0 exhibits.

15CW3004 Town of Milliken, Town Administrator, 1101 Broad Street, P. O. Box 290, Milliken, Colorado 80543 C/O Lawrence Jones Custer Grasmick LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO, 80534. APPLICATION FOR WATER RIGHTS AND TO ADD WELLS AND AUGMENTATION SOURCES TO AUGMENTATION PLAN in **<u>WELD COUNTY</u>**. **Application for Water Rights 2.** Name of Structure. Milliken Well No. 3-Augmentation. 2.1. Location. In the NW1/4 of the NW1/4, Section 14, Township 4 North, Range 67 West of the 6th P.M., Weld County Colorado approximately 317 feet south and 997 feet east from the northeast corner of said section. 2.2. Appropriation date. January 28, 2015. Appropriation initiated by authorization of the Water Commission of the Town of Milliken. 2.3. Amount claimed. 1000 g.p.m., and 128 a.f., conditional. 2.4. Source. Groundwater tributary to the Big Thompson River. 2.5. Use. Augmentation of depletions from wells owned by Milliken and return flow obligations pursuant to the augmentation plan decreed in Case No. 02CW339. 3. Name of Structure. Knaub Well No. 0456-Augmentation. 3.1. Location. In the NW1/4 NW1/4 of Section 14 Township 4 North Range 67 West of the 6th P.M., Weld County Colorado at a point 450 feet south and 1000 feet east of the Northwest corner of said Section 14. 3.2. Appropriation date. January 28, 2015. Appropriation initiated by authorization of the Water Commission of the Town of

Milliken. 3.3. Amount claimed. 1.7 c.f.s. and 36 a.f., conditional. 3.4. Source. Groundwater tributary to the Big Thompson River. 3.5. Use. Augmentation of depletions from wells owned by Milliken and return flow obligations pursuant to the augmentation plan decreed in Case No. 02CW339. **Application to Add Wells to Augmentation Plan 4.** Augmentation Plan. Applicant operates an augmentation plan decreed in Case No. 02CW339. ¶20 of the decree in Case No. 02CW339 (Decree) allows the addition of wells to the plan subject to notice and terms and conditions. 5. Structures to be Added and Augmented. Milliken Well No. 3-Augmentation and Knaub Well No. 0456-Augmentation described in ¶2 and ¶3. 6. Proposed Terms and Conditions. The terms and conditions for the Wells will be the same as for the other Member Wells in the Decree. The consumptive use factor for each well will be 100% based on augmentation use. The method for determining future Well depletions will be those set out in the Decree at ¶20. The Glover parameters for the Wells will be the same as Milliken Well No. 3 and Knaub Well No. 0457 as set out in the Decree at Table 7. The Wells will be subject to all the terms and conditions for operation as for other Member Wells in the Decree. Application to Add Augmentation Sources. 7. The Decree at ¶23.2 allows the addition of augmentation sources to the plan for augmentation upon proper notice. Applicant seeks to add Milliken Well No. 3-Augmentation and Knaub Well No. 0456-Augmentation described in ¶2 and ¶3 as sources of augmentation under the Decree. The Wells will be subject to all the terms and conditions of the augmentation plan under the Decree. 8. Names and Addresses of Owners of the Structures: All structures are owned by Milliken.

15CW3005, Prairie Ridge Development, LLC, 7167 S. Alton Way, Centennial, CO 80112 (James Petrock, Petrock & Fendel, 700 17th Street, #1800, Denver, CO 80202), APPLICATION FOR CHANGE OF WATER RIGHT, **ELBERT COUNTY**. Decree information for which change is sought: Case No. 2013CW3123, decreed on April 17, 2014, District Court, Water Division 1. The property which is the subject of the decree is approximately 160 acres located in the W1/2SW1/4, NE1/4SW1/4, and the NW1/4SE1/4 of Section 23, T7S, R65W of the 6th P.M. as shown on Attachment A (Subject Property). Proposed change: In the original decree, an augmentation plan was approved for the use of up to 26 individual wells in the not nontributary Upper Dawson aquifer for the withdrawal of 0.65 acre-feet per year for 300 years for inhouse use, irrigation, and use in a water feature. The decree also approved the withdrawal of an additional 1.6 acre-feet per year for 300 years of not nontributary Upper Dawson aquifer groundwater for stockwatering use. However, the decree did not specifically approve use of the stockwatering water through the individual on lot wells. Applicant requests that the augmentation plan for use of up to 14 of the 26 Upper Dawson aquifer wells be amended to allow stockwatering use in the annual amount of 0.05 acre-feet for 300 years. Said stockwatering use will be withdrawn in addition to the 0.65 acre-feet per year for 300 years which was previously approved for a total withdrawal of 0.7 acre-feet per year for 300 years. Actual depletion at 300 years of pumping is 15.8% of the annual amount withdrawn or 0.11 acre-feet for each well. Return flow from inhouse use and irrigation for each lot is estimated to be 0.38 acre-feet per year which is sufficient to replace the actual depletion associated with each of the 14 wells while the wells are being pumped. Depletion occurs to the Running Creek stream system. No other provisions of the original decree will be changed. Further, Applicant prays that this Court grant the application and for such other relief as seems proper in the premises. (3 pages).

15CW3006 H & E, LLC, 200 Quebec, Bldg. 300, #111, Denver, CO 80230 (James J. Petrock, Petrock & Fendel, 700 17th Street, #1800, Denver, CO 80202), APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT NONTRIBUTARY SOURCES AND FOR APPROVAL OF PLAN FOR AUGMENTATION, IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AND THE NOT NONTRIBUTARY UPPER DAWSON AQUIFERS, DOUGLAS COUNTY. 39.4 acres generally located in the NW1/4SE1/4 of Section 20, T6S, R65W of the 6th P.M., as described and shown on Attachment A hereto ("Subject Property"). Source of Water Rights: The Upper Dawson aquifer is not nontributary as described in Sections 37-90-103(10.7), C.R.S., and the Lower Dawson, Denver,

Arapahoe and Laramie-Fox Hills aquifers are nontributary as described in Section 37-90-103(10.5), C.R.S. Estimated Amounts: Upper Dawson: 9 acre-feet, Lower Dawson: 10 acre-feet, Denver: 25 acre-feet, Arapahoe: 17 acre-feet, Laramie-Fox Hills: 11 acre-feet. Proposed Use: Domestic, commercial, industrial, irrigation, agriculture, livestock watering, fire protection, and augmentation purposes, including storage, both on and off the Subject Property. Description of plan for augmentation: Groundwater to be augmented: All of the available Upper Dawson aquifer groundwater as requested herein. Water rights for augmentation: Return flows from the use of not nontributary and nontributary groundwater and direct discharge of nontributary ground water. Statement of plan for augmentation: The Upper Dawson aquifer water will be used for inhouse use in up to two single family residences, irrigation of lawn, garden, trees, pasture and hay on the Subject Property, stockwatering, and storage. Applicant reserves the right to revise these uses without having to amend the application or republish the same. Sewage treatment for inhouse use will be provided by non-evaporative septic systems and return flow from inhouse and irrigation use will be approximately 90% and 15% of that use, respectively. During pumping Applicant will replace actual depletions to the affected stream system pursuant to Section 37-90-137(9)(c.5), C.R.S. Applicant estimates that depletions occur to the Cherry Creek stream system. Return flows accrue to the South Platte River stream system, and those return flows are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicant will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post pumping augmentation requirements. Further, Applicant prays that this Court grant the application and for such other relief as seems proper in the premises. (6 pages).

15CW3007 Custom Castles, Inc., 17145 Colonial Park Drive, Monument, CO 80132 (James Petrock, Petrock & Fendel, 700 17th Street, #1800, Denver, CO 80202), APPLICATION FOR CHANGE OF WATER RIGHT, EL PASO COUNTY. Decree information for which change is sought: Consolidated Case Nos. 02CW187, Water Division 1, and 02CW117, Water Division 2, decreed on July 22, 2004. The property which is the subject of the decree is approximately 349 acres located in parts of Section 14, 15, 22, and 23, T11S, R66W of the th P.M. as shown on Attachment A (Subject Property). Proposed change: In the original decree, an augmentation plan was approved for the use of 93 individual wells in the not nontributary Dawson aquifer for the annual withdrawal of 0.47 acre-feet per well and 43.71 acre-feet total for 300 years (13,113 acre-feet total over 300 years). The decree also required that an equal amount of nontributary groundwater be reserved for future use in the plan. (107.3 acre-feet per year of nontributary Laramie-Fox Hills and 23.8 acre-feet of nontributary Arapahoe aquifer groundwater as also decreed in the referenced cases were reserved for this purpose). Final planning for the Subject Property only requires the use of 22 individual Dawson aquifer wells which require 10.34 acre-feet per year for 300 years (3102 acre-feet total). Applicants request that the augmentation plan be revised to reduce the number of Dawson aquifer wells which will operate pursuant to the plan from 93 to 22 lots. Individual wells for the remaining 71 lots will no longer be required and the terms and conditions of the original decree shall be vacated as to those 71 lots and wells. Applicant also requests a finding by the court that the amount of nontributary aquifer groundwater which is to be reserved for future use in the augmentation plan be reduced to 3102 acre-feet per year total for operation of only the 22 wells. The original decree shall remain in full effect as to permitting and operation of the 22 wells only. Further, Applicant prays that this Court grant the application and for such other relief as seems proper in the premises. (4 pages).

15CW3008 Rose-Marie E. Mann, 29200 Rainbow Hill Road, Evergreen, Colorado 80439, **North Fork Associates, LLC**, 2686 South Yukon Court, Lakewood, Colorado 80227, and **Mountain Mutual Reservoir Company**, 6949 Highway 73, Suite 15, Evergreen, Colorado 80439. (c/o David C. Lindholm, Esq., P.O. Box 18903, Boulder, Colorado 80308-1903). APPLICATION FOR UNDERGROUND WATER RIGHTS, APPROVAL OF A PLAN FOR AUGMENTATION AND EXCHANGE RIGHT. **IN JEFFERSON COUNTY**. APPLICATION FOR UNDERGROUND WATER RIGHTS: 1. Names of Wells and Permit, Registration or Denial Numbers: Mann Well No. 1 (Permit No. 76211-A) and Mann

Well No. 2 (Permit No. 78190-A). 2. Legal Description of the Wells: Mann Well No. 1 is located in the NE1/4 NE1/4 of Section 16, Township 4 South, Range 71 West, 6th P.M., Jefferson County, at a point approximately 898 feet from the North Section line and 497 feet from the East Section line of said Section 16. Mann Well No. 2 is located in the NE1/4 NE1/4 of Section 16, Township 4 South, Range 71 West, 6th P.M., Jefferson County, at a point approximately 1,098 feet from the North Section line and 272 feet from the East Section line of said Section 16. 3.A. Source of Water: Ground water that is tributary to Swede Gulch, Bear Creek and the South Platte River. 3.B. Depth of Wells: Mann Well No. 1: 450 feet. Mann Well No. 2: 525 feet. 4.A. Dates of Appropriation: Mann Well No. 1: April 30, 1948. Mann Well No. 2: December 31, 1952. 4.B. How Appropriation was Initiated: Construction of each well. 4.C. Dates Water Applied to Beneficial Use: Mann Well No. 1: April 30, 1948. Mann Well No. 2: December 31, 1952. 5. Amounts Claimed: Mann Well No. 1: 15.0 gallons per minute, Absolute. Mann Well No. 2: 10.0 gallons per minute, Absolute. 6. Uses: Mann Well No. 1: Ordinary household purposes inside a single family dwelling, irrigation and fire protection purposes. Mann Well No. 2: Ordinary household purposes inside a single family dwelling and fire protection purposes. 7. Name and Address of Owner of Land on which the Wells are Located: Rose-Marie E. Mann, as described above. 8. Remarks: The Permits for the Mann Well No. 1 and the Mann Well No. 2 were issued pursuant to C.R.S. §37-92-602. Copies of the Late Registration Statements and Permits for each well are attached as Exhibits “B” and "C." It has been determined that the legal descriptions set forth in the Well Permits are not correct. Upon approval of the plan for augmentation being requested, new well permit applications will be submitted to the State Engineer, along with a request that Permit Nos. 76211-A and 78190-A be cancelled. APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION AND EXCHANGE RIGHT: 1. Names of Structures to be Augmented: Mann Well No. 1 and Mann Well No. 2. 2. Water Rights to be used for Augmentation Purposes. a. Rose-Marie E. Mann (“Mann”), has entered into a contract with North Fork Associates, LLC to purchase 3.8 shares of the capital stock of the Mountain Mutual Reservoir Company, ("MMRC"). The 3.8 shares represent the right to receive 0.120 of an acre foot of augmentation water per year from the water rights and storage facilities MMRC holds for the benefit of its shareholders, as more particularly described below. b. The water rights which MMRC owns for the benefit of its shareholders (hereinafter referred to as the "Bear Creek/Turkey Creek water rights"), are summarized as follows: i. Harriman Ditch. 7.71 shares of the 400 shares of capital stock (1.93%), issued and outstanding in the Harriman Ditch Company. Said Company owns direct flow water rights decreed to the Harriman Ditch. Pursuant to the Decree entered in Civil Action No. 6832, on February 4, 1884, the Ditch was awarded the following direct flow priorities:

Appropriation Date	Priority Number	Source	Amount	MMRC Entitlement
April 15, 1868	21	Turkey Creek	10.75 cfs	0.2072 cfs
March 16, 1869	23	Bear Creek	7.94 cfs	0.1530 cfs
May 1, 1871	25	Bear Creek	25.54 cfs	0.4923 cfs
March 1, 1882	30	Bear Creek	12.87 cfs	0.2481 cfs

The Bear Creek headgate of the Harriman Ditch is located on the South bank of Bear Creek in the NE1/4 NE1/4, Section 2, Township 5 South, Range 70 West, 6th P.M., Jefferson County. The Turkey Creek headgate of the Harriman Ditch is located on the South bank of Turkey Creek near the Southwest corner of Section 6, Township 5 South, Range 69 West, 6th P.M., Jefferson County. The Ditch was originally decreed for irrigation, livestock watering, domestic and municipal purposes. ii. Warrior Ditch. 2.0 shares of the 160 shares of capital stock (1.25%), issued and outstanding in the Warrior Ditch Company. Said Company owns direct flow water rights decreed to the Warrior Ditch. Pursuant to the Decree entered in Civil Action No. 6832 on February 4, 1884, the Ditch was awarded the following direct flow priorities:

Appropriation Date	Priority Number	Source	Amount	MMRC Entitlement

Dec. 1, 1861	4	Bear Creek	12.33 cfs	0.1541 cfs
April 16, 1862	8	Turkey Creek	2.86 cfs	0.0358 cfs
Oct. 31, 1864	14	Bear Creek	25.47 cfs	0.3184 cfs
April 1, 1865	16	Bear Creek	11.49 cfs	0.1436 cfs

The headgates of the Warrior Ditch are the same as those of the Harriman Ditch, described above. The Ditch was originally decreed for irrigation purposes. iii. Soda Lakes Reservoir Nos. 1 and 2. 8.71 shares of the 400 shares of capital stock (2.18%), issued and outstanding in the Soda Lakes Reservoir and Mineral Water Company. Said Company owns storage water rights decreed to the Soda Lakes Reservoir Nos. 1 and 2. Pursuant to the Decree entered in Civil Action No. 91471 on September 24, 1935, the Soda Lake Reservoir Nos. 1 and 2 were adjudicated for 1,794 acre feet for irrigation purposes, and 598 acre feet for storage for supplying the City of Denver with water for municipal purposes, including the watering of lawns and gardens. The date of appropriation awarded the structures was February 11, 1893. The Soda Lakes Reservoirs are located in Section 1, Township 5 South, Range 70 West, 6th P.M., Jefferson County. The Reservoirs are filled through the Harriman Ditch. iv. Meadowview Reservoir. The structure is located in the NE1/4 SW1/4 and the NW1/4 SE1/4 of Section 26, Township 5 South, Range 71 West, 6th P.M., Jefferson County. Meadowview Reservoir was awarded an absolute water right in Case No. 2009CW92 (2001CW294), in an amount of 20 acre feet, and a conditional water right in Case No. 94CW290, in an amount of 30 acre feet, for augmentation, replacement, exchange and substitution purposes. The source is water tributary to North Turkey Creek. Harriman Ditch and Warrior Ditch direct flow water and water available to MMRC in the Soda Lakes Reservoirs are also stored in Meadowview Reservoir by exchange pursuant to the appropriative rights of substitution and exchange decreed in Case Nos. 94CW290, 2000CW060 and 2001CW293. c. The overall "firm" yield of consumptive use water available from the MMRC portfolio of Bear Creek/Turkey Creek water rights and storage facilities was quantified in the Decree entered by the District Court for Water Division 1 in Case No. 2001CW293, dated July 16, 2003. The terms and conditions under which the Bear Creek/Turkey Creek water rights are used for augmentation and replacement purposes are set forth in the Decree in Case No. 2001CW293, and are deemed to be *res judicata* in future proceedings involving such rights, pursuant to *Williams v. Midway Ranches*, 938 P.2d 515 (Colo. 1997). Reference is made to the Decree in Case No. 2001CW293 for more detailed information. 3. Statement of Plan for Augmentation, Covering all Applicable Matters under C.R.S. §37-92-103(9), §302(1)(2) and §305(8): a. Mann is the owner of an 11.5 acre parcel of property located in the NE1/4 NE1/4 of Section 16, Township 4 South, Range 71 West, 6th P.M., Jefferson County. The property is referred to as the Rainbow Hills Minor Subdivision. There are two existing residences on the property, one with an address of 29200 Rainbow Hill Road and the other with an address of 29202 Rainbow Hill Road. Wastewater from all in-building uses of water in each residence is treated utilizing a non-evaporative septic system with a soil absorption leach field. Return flows are to Swede Gulch. The property is depicted on the attached Exhibit "A." b. The Mann Well No. 1 serves the home at 29200 Rainbow Hill Road, also known as Lot 1 of the Rainbow Hills Minor Subdivision. The Mann Well No. 2 serves the home at 29202 Rainbow Hill Road, also known as Lot 2 of the Rainbow Hills Minor Subdivision. Each well is used to supply water for in-house purposes and to irrigate up to 1,000 square feet of lawns and gardens. c. Based on prior engineering studies, it is assumed that the maximum average occupancy of each single family residence will be 3.5 persons, and that the per capita daily water usage will not exceed 80 gallons as an annual average. Gross irrigation requirements for lawn grass are no more than 1.25 acre-feet of water per irrigated acre at this location. The total volume of water required is projected to be approximately 0.7 of an acre foot per year. d. Depletions associated with water that is used inside each residence will be based on a ten percent (10%) consumption factor. Consumption of lawn grass at this location is 1.0 acre-foot per acre. Maximum stream depletions are not anticipated to exceed 0.120 of an acre foot per year, or a maximum of 0.07 of a gallon per minute. e. The required volume of augmentation water will be provided from the sources described in Paragraph No. 2, above. Due to the small volume of annual stream depletions projected to occur under this plan, instantaneous stream depletions may be aggregated and replaced by one or more

releases from storage of short duration. f. Whenever possible, depletions to the stream system which occur during the period April through October, inclusive, will be continuously augmented by MMRC forgoing the diversion of a portion of its Warrior Ditch and/or Harriman Ditch direct flow water rights. During times when MMRC's direct flow water rights are not in priority and during the months of November through March, inclusive, depletions will primarily be augmented by periodically releasing water from the Soda Lakes Reservoirs. Water may also be released from Meadowview Reservoir. g. Since the point of depletion associated with water use under this augmentation plan is on a side tributary of Bear Creek and upstream of the Harriman Ditch headgate, Mann asserts an appropriative right of substitute supply and exchange pursuant to C.R.S. §37-80-120 and §37-92-302(1)(a). The reach of the exchange shall extend from the confluence of Bear Creek and Turkey Creek at Bear Creek Lake in Section 5, Township 5 South, Range 69 West, 6th P.M., Jefferson County; thence up Bear Creek to its confluence with Swede Gulch (a/k/a Kerr Gulch), located in the SE1/4 NW1/4 of Section 36, Township 4 South, Range 71 West, 6th P.M. (very close to the line between the N1/2 and the S1/2 of Section 36); and thence up Swede Gulch to the point where depletions from the Mann Well Nos. 1 and 2 impact Swede Gulch in the NE1/4 NE1/4 of Section 16, Township 4 South, Range 71 West, 6th P.M. The exchange will operate to replace depletions to the flow of water in Swede Gulch, Bear Creek and the South Platte River as the depletions occur. The exchange will be administered with a priority date of January 28, 2015, at a maximum flow rate of 0.001 of a cubic foot per second. 4. Name and Address of Owner of Land on which New Structures will be Located: N/A. WHEREFORE, Mann requests the entry of a decree approving this Application, specifically determining that the source and location of delivery of augmentation water are sufficient to eliminate material injury to vested water rights. Mann also requests a determination that the Mann Well Nos. 1 and 2 can be operated without curtailment so long as out-of-priority stream depletions are replaced as proposed herein. Mann further requests the entry of an Order directing the State Engineer to issue new permits for the wells. (8 pages and three exhibits).

15CW3009 City of Lafayette, 1290 South Public Road, Lafayette, Colorado 800026. (c/o David C. Lindholm, Esq., P.O. Box 18903, Boulder, Colorado 80308-1903). APPLICATION TO MAKE ABSOLUTE A CONDITIONAL WATER STORAGE RIGHT AND FOR A FINDING OF REASONALBE DILIGENCE. **IN BOULDER COUNTY**. 2. Name of Structure: Goose Haven Reservoir Complex. 3. Description of Conditional Water Right: A. Date of Original Decree: April 11, 1991. Case No.: 85CW406. Court: District Court, Water Division 1. Note: Findings of Reasonable Diligence were entered by this Court on September 28, 2000, in Case No. 97CW140, and on January 30, 2009, in Case No. 2006CW205. B. Location: The Goose Haven Reservoir Complex consists of interconnected, excavated and clay lined reservoirs located in Sections 15, 16, 21 and 22, Township 1 North, Range 69 West, 6th P.M., Boulder County. The Goose Haven Reservoir Complex is off-channel. Water is diverted from Boulder Creek using the Lower Boulder Ditch at a rate of fill of 27.62 cubic feet per second, Absolute and 22.38 cubic feet per second conditional; and the Lafayette Boulder Creek Pipeline No. 1 at a rate of fill of 25.0 cubic feet per second, Conditional. Water is diverted from Dry Creek using the Leyner Cottonwood Ditch at a rate of fill of 12.5 cubic feet per second, Absolute. C. Source: Boulder Creek, South Boulder Creek, Dry Creek and their tributaries. D. Appropriation Date: January 22, 1985. E. Amount: 1,618 acre feet, CONDITIONAL. The Goose Haven Reservoir Complex was originally awarded a Conditional storage right, in the amount of 2,200 acre feet, in Case No. 85CW406. In Case No. 97CW140, 582 acre feet of that amount was made Absolute. F. Use: Municipal, domestic, industrial, commercial, recreational, irrigation, piscatorial, and all other beneficial purposes related to, occurring in, or deriving from the operation of the City of Lafayette municipal utility system. Applicant is also allowed to use this water for those augmentation, replacement, or exchange purposes decreed in Case Nos. 79CW387 and 90CW108, and as may be allowed by future decrees of the Water Court. In Case No. 97CW140, the uses of municipal, domestic, industrial, commercial, recreational, irrigation, piscatorial, exchange and all other beneficial purposes related to, occurring in, or deriving from the operation of the City of Lafayette municipal utility system, were made Absolute. 4. 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 has done the following in furtherance of the completion of the conditional priority: (a) Water has been stored in the Goose Haven Reservoir Complex under the storage priority decreed to the structure numerous times since the Application in Case No. 2006CW205 was filed. A total of 1,040 acre feet was stored during the 2010 Water Year and subsequently beneficially used. Water was diverted from Boulder Creek through the Lafayette Boulder Creek Pipeline No. 1 at the decreed rate of 25.0 cubic feet per second. (b) Applicant processed a change of water right application, involving water rights decreed to the Leyner-Cottonwood Ditch, in Case No. 2005CW295. The Goose Haven Reservoir Complex is one of the structures in which the water is authorized to be stored. (c) Applicant is in the process of expanding the Goose Haven Reservoir Complex to its decreed capacity of 2,200 acre feet. (d) The Goose Haven Reservoir Complex is an important component of an integrated water system that Applicant operates for the benefit of its customers. Applicant has completed the following improvements to its water infrastructure since January of 2009. Improvements have been made to Applicant's water treatment plant and the historic portion of the plant has been decommissioned. Property has been acquired for a new peaking water treatment plant and for another potable water storage tank. Water rights have been purchased and transferred to municipal purposes. Repairs have been made to Baseline Reservoir. Improvements have been made to the Goose Haven pumping plant. New potable water lines have been installed. Applicant entered into Intergovernmental Agreements with the City and County of Denver, acting by and through its Board of Water Commissioners, and the City of Boulder that will allow Applicant to store water in Gross Reservoir when it is expanded. Applicant has continued its participation in the Windy Gap Firming Project and the Northern Integrated Supply Project. (e) Total expenditures on the above referenced activities exceed $6,000,000.00. Date Water Applied to Beneficial Uses: A total of 1,040 acre feet of water was stored in the Goose Haven Reservoir Complex under the storage priority decreed to the structure during December of 2009, and January, April, May and June of 2010. Diversions were made from Boulder Creek through the Lafayette Boulder Creek Pipeline No. 1 at the rate of 25.8 cubic feet per second on April 26, 2010. All of the water was subsequently beneficially used. WHEREFORE, Applicant requests that of the 2,200 acre feet originally decreed as a Conditional water storage right to the Goose Haven Reservoir Complex, 1,040 acre feet be made Absolute (an increase of 458 acre feet from the amount previously made Absolute), for the purposes described herein, and that the rate of fill through the Lafayette Boulder Creek Pipeline No. 1 be decreed Absolute in the amount of 25.0 cubic feet per second. Applicant further requests that the Court enter an Order continuing as conditional rights, the remaining 1,160 acre feet of the water storage right, the remaining 22.38 cubic feet per second rate of fill through the Lower Boulder Ditch and the use of the water for augmentation and replacement purposes decreed in Case Nos. 79CW387 and 90CW108, and as may be allowed by future decrees of the Water Court, for another diligence period. (5 pages).

15CW3010 Boxelder Creek Properties, LLC. Attn: Walraven Ketellapper, 2355 Canyon Blvd. Suite 105, Boulder, CO 80302. (Steven P. Jeffers, Elizabeth M. Joyce, Lyons Gaddis Kahn Hall Jeffers Dworak & Grant, PC, P.O. Box 978, Longmont, CO 80502-0978, (303) 776-9900.) and **Town of Wiggins,** 304 Central Avenue, Wiggins, CO 80654. (Frederick A. Fendel, III, Matthew S. Poznanovic, 700 Seventeenth Street, Suite 1800, Denver, Colorado 80202, (303) 534-0702.) **APPLICATION FOR CONDITIONAL UNDERGROUND WATER RIGHT, RIGHTS OF EXCHANGE AND APPROVAL OF PLAN FOR AUGMENTATION IN MORGAN AND WELD COUNTIES.** 2. Summary. In Case No. 13CW3108, Boxelder Creek Properties, LLC ("BCP") seeks approval of a plan for augmentation for certain wells located in the Box Elder Creek basin in Arapahoe and Adams Counties ("BCP plan"), using the Wiggins Recharge Pond and a portion of the Weldon Valley shares and other water sources owned by Wiggins as augmentation sources. In Case No. 11CW131, the court approved a plan for augmentation for Wiggins's municipal wells ("Wiggins plan"). Wiggins has agreed to operate the BCP plan and integrate operations of the BCP plan with the Wiggins plan. Wiggins now leases and will acquire 10 Weldon Valley shares pursuant to a lease/purchase agreement from William M. and Susan K.

Kammerer ("Kammerer shares"). Wiggins changed 6 of the Kammerer shares to municipal and augmentation and other uses in Case 11CW131. Wiggins has since acquired 17 additional Weldon Valley shares from BCP, formerly owned by Joe Hawkins ("Hawkins shares"). 10.4 of the 17 shares were changed to new uses by Joe Hawkins in Case No. 04CW90. 6.6 shares were part of the historical use analysis in that case but were not changed. In Case No. 14CW3068, following amendment of the application, Wiggins will seek to: change the water rights associated with the 6.6 unchanged Hawkins shares based on their historical use as determined in 04CW90; change the water rights associated with the remaining 4 Kammerer shares; add water from the 21 shares, including Weldon Valley recharge pursuant to Case No. 02CW377, and recharge from the Wiggins Recharge Pond to the Wiggins plan; and integrate operation of Wiggins plan with operation of the BCP plan and the augmentation plan for the Wiggins Recharge pond diversion. By this application, Wiggins and BCP seek water rights for a recharge project, including a recharge well ("Recharge Well") to deliver water to one or two interconnected recharge ponds (the "Wiggins Recharge Pond"), all located in a 30-acre parcel within the NE1/4 NE1/4 of Section 3, the W1/2 of Section 2, and the W1/2 of Section 11, Township 4 North, Range 63 West, 6th PM, Weld County ("Recharge Project Area"), a plan for augmentation for the Recharge Well, to quantify recharge credits generated thereby, and to confirm appropriation of additional exchange rights to the diversion point for the Wiggins Recharge Pond, or the location at which the depletions from the Recharge Well reach the South Platte River. CONDITIONAL UNDERGROUND WATER RIGHT 3. **Name of wells and permits, registrations, or denial numbers**: Applicants propose to construct one well anywhere within the Recharge Project Area for diversion into the Wiggins Recharge Pond. Applicants have identified two possible locations for the Recharge Well, one called the Bridge Well and the other called the RR Well**.** Neither well has an existing permit. Applicants are in the process of filing well permit applications and have not received any permits or denials for this proposed use. 4. **Legal Descriptions of wells**:

Well Name	Location
Bridge Well	NE1/4 of the NE1/4 of Section 3, T4N, R63W, 6th P.M., Weld County, 175 feet south of the north section line and 250 feet west of the east section line.
RR Well	SE1/4 of the NW1/4 of Section 2, T4N, R63W, 6th PM, Weld County, 2655 feet south of the north section line and 1860 feet east of the west section line.

5. **Source of Water**: Groundwater from the South Platte River alluvial aquifer. 6. **The Date of Appropriation**: August 14, 2013. The appropriation was initiated by formation of intent, planning, financing, acquisition of land and water for the implementation of recharge project, exchange, and plan for augmentation requested herein, approval of agreements to acquire water rights and file this application, identification of the recharge project in the application filed in Case No. 13CW3108, and entry into agreements with the owner of the land where the recharge project facilities will be located. No water has been placed to beneficial use. 7. **Do the wells withdraw tributary ground water**? Yes. 8. **Do the wells withdraw nontributary ground water**? No. 9. **Do the wells operate pursuant to a decreed plan for augmentation**? The Recharge Well is a proposed structure. It is not currently operated pursuant to any existing decreed plans. The out of priority depletions from diversions through the Recharge Well will be replaced pursuant to the plan for augmentation and exchange proposed in this application. 10. **List all proposed uses**: The proposed pumping rate for the Recharge Well is 500 gpm (1.11 cfs), CONDITIONAL. The total annual diversion from the Recharge Well is up to 150 acre-feet, CONDITIONAL. Water diverted from the Recharge Well will be delivered to the Wiggins Recharge Pond, to deliver water back to the South Platte River for augmentation, replacement, and exchange by Wiggins and BCP. The Recharge Pond may be constructed anywhere within the Recharge Project Area. The current proposed location of the east end of the recharge pond embankment will be in the SE1/4 of

the NW1/4 of Section 11, T4N, R63W, 6th PM, in Weld County, 1885 feet south of the north section line and 2590 feet east of the west section line. Such water may be used for replacement of depletions from BCP wells on Box Elder Creek currently proposed in Section 31, T3S, R64W, 6th P.M. in Adams County, and in Sections 9 and 28, T4S, R64W, and Section 4, T5S, R64W (to be relocated), all in 6th P.M in Arapahoe County, and used in portions of Townships 3, 4, 5 and 6, Ranges 64 and 65 in Adams and, Arapahoe Counties, as described in the application in Case No. 13CW3108, as may be amended. Applicants may use the water to replace depletions from other wells owned by BCP included in future applications and subject to the terms of any agreement(s) between BCP and the owner of the land where the Recharge Project is located. Such recharge accretions may also be used to replace depletions from the Recharge Well in Weld County, replace return flows pursuant to the changes of any of Wiggins's Weldon Valley shares, and replace depletions from the Town Wells Nos. 1 and 2 located within a five-acre site located in the S1/2SE1/4NE1/4SE1/4, Section 19, T4N, R60W, 6th P.M., in Morgan County. Water from the Town Wells Nos. 1 and 2 will be used in the Town of Wiggins Service Area as it now exists and may exist in the future. The current service area is generally located in Sections 10, 11, 12, 14 and 15, T3N, R60W, 6th P.M., in Morgan County. A map showing the location of the Recharge Project Area, proposed Recharge Well and Wiggins Recharge Pond is attached as **EXHIBIT A.** Maps showing the general location of the BCP Wells and the Town Wells are attached as **EXHIBITS B and C.** CONDITIONAL APPROPRIATIVE RIGHT OF EXCHANGE 11. Description of Conditional Water Right: When Wiggins's sources of augmentation and recharge in Case Nos. 11CW131 and 14CW3068 are delivered to the South Platte River in excess of the amount of water required to replace out of priority depletions and return flow obligations for the Town Wells Nos. 1 and 2, Wiggins may substitute and exchange the recharge or augmentation water for water diverted at the Recharge Well. 12. Exchange Reach. The downstream "exchange from" points are: where recharge from the Kammerer ponds described in the Case No. 11CW131 decree is delivered to the South Platte River in and above the SW1/4, Section 31, Township 5 North, Range 59 West of the 6th P.M., Morgan County, Colorado; the most downstream location where recharge decreed in Case No. 02CW377 returns back to the South Platte River, estimated to be in or above the NW1/4, Section 18, Township 4 North, Range 58 West, 6th P.M., Morgan County; where recharge from the Wiggins Recharge Pond enters the river, estimated to be in the NW1/4 of Section 12, T4N, R63W 6th P.M., Weld County; the discharge from the Hawkins augmentation station, located in the NE1/4, Section 3, T4N, R60W, 6th P.M., Morgan County; where return flows from the Town's municipal water system and effluent from the Town's wastewater treatment facility enter the South Platte estimated to be in the reach from Section 19, Township 4 North, Range 60 West to Section 27, Township 4 North, Range 58 West, 6th P.M., Morgan County, the point near the headgate of the Weldon Valley Ditch where Weldon Valley water is discharged or recharged via Pond A, described in Case No. 14CW3068, and; any other location within the exchange reach where Wiggins' water is introduced. Water will be exchanged upstream to the "exchange to" points at the Recharge Well or the location at which the depletions from that well reach the South Platte River. 13. Date of appropriation: August 14, 2013. The appropriation was initiated by formation of intent, planning, financing, acquisition of land and water for the implementation of the recharge project, exchange, and plan for augmentation requested herein, approval of agreements to acquire water rights and rights to construct the Recharge Project facilities, and filing this application. 14. Amount: 1.11 cfs, conditional. 15. Use: The waters exchanged will be used for augmentation of all municipal uses, including commercial, industrial, domestic, irrigation, stock watering, recreation, fish culture and propagation, fishing, wildlife, aesthetic, and fire protection, augmentation, replacement and recharge, with the right to totally consume the consumable portion of the water that is delivered for exchange, either by first use, reuse, successive use or disposition. Such uses include replacement of depletions from uses associated with oil and gas well drilling, development and operations. Water will be used directly, following storage, by exchange, and for augmentation of out-of-priority diversions and depletions resulting from the above uses, including augmentation by recharge of ground water for delayed credit. PLAN FOR AUGMENTATION **16. Names of structures to be augmented:** The Bridge Well and RR Well referred to as the Recharge Well. The structures have not been decreed. A new conditional water right is claimed for one well at the

alternate locations as described above. There are no other water rights diverted from the Recharge Well. All relevant information is provided above. 17. **Water rights to be used for augmentation:** Applicants will rely on augmentation water delivered by the Town of Wiggins including the yield of 27 shares in the Weldon Valley Ditch Company as described above, and any other shares acquired in the future. The augmentation water will primarily consist of fully consumable water from the senior direct flow water right and recharge rights represented by those shares. The senior direct flow water right was originally decreed to the Weldon Valley Ditch on November 21, 1895, in Case No. 433, District Court for Weld County, in the amount of 165 cfs for irrigation with an appropriation date of October 26, 1881. Wiggins is also entitled to a share of recharge accretions from the Weldon Valley Ditch decreed on November 5, 2008, in Case No. 02CW377, Water Division 1. The source of water for the senior direct flow and recharge water rights is the South Platte River. Those water rights are decreed for diversion through the Weldon Valley Ditch headgate located on the north bank of the South Platte River in the Southeast 1/4 of Section 13, T4N, R61W, 6th P.M., Weld County, Colorado. The Wiggins water rights may be delivered directly to the South Platte River through one or more augmentation stations on the Weldon Valley Ditch, including the Hawkins augmentation station or at Pond A, or delivered as accretions to the River through one or more recharge structures located along the Ditch, including the Kammerer recharge ponds and Pond A. Wiggins may also deliver return flows from its treated water system and reusable effluent from its wastewater treatment plant to the South Platte River. Such water will be exchanged up the South Platte River to the diversion point for the Recharge Well, or to the point of depletion on the river from diversion of water from the Recharge Well. Applicants also request approval of a procedure to allow the addition of other water rights decreed for augmentation purposes pursuant to procedures described in Section 37–92–305(8)(c), C.R.S. 18. **Will any water rights be changed to provide a source of augmentation**? Applicants do not propose to change any water rights in this case. The Weldon Valley Ditch water rights to be delivered by Wiggins will only be used for augmentation in this case if they have been changed to allow augmentation use pursuant to one or more separate water court decrees or approved substitute water supply plans. A total of 10.4 shares have already been changed to allow use for irrigation, augmentation, replacement, recharge, and exchange in Case No. 04CW90. Wiggins changed 6 Weldon Valley shares in Case No. 11CW131, and has a pending separate application in Case No. 14CW3068 that will be amended to change Weldon Valley Ditch water rights represented by additional shares to allow municipal use by Wiggins, including augmentation of out of priority depletions caused by the BCP Wells, the Recharge Well, and the Wiggins municipal wells, Town Wells Nos. 1 and 2. Replacement will be limited to water from the changed 10.4 shares until additional shares have been approved for such use by the Weldon Valley Ditch Company and by the water court or State Engineer. 19. **Complete statement of plan for augmentation.** Applicants will divert water from the Recharge Well. Stream depletions from pumping the Recharge Well will be delayed and spread out over time. Applicants estimate that maximum annual stream depletions to the South Platte River will be approximately 150 acre-feet per year on average from the Recharge Well, only a portion of which will be out of priority. Applicants request that the timing and amount of depletions from such well pumping and the resulting replacement obligations be determined in this case. Applicants propose to replace all out of priority stream depletions as needed to prevent injury to water rights having a decreed priority senior to the August 14, 2013 appropriation date for the Recharge Well. Wiggins will provide replacement water for these out-of-priority stream depletions by delivery of accretions from the Wiggins Recharge Pond, or by exchange of Weldon Valley Ditch water rights and any other water rights to the South Platte River to the Recharge Well or to the point on the South Platte River where the depletions occur on the river. Wiggins's augmentation supplies, including recharge from the Wiggins Recharge Pond under this plan, will also be used to replace depletions from the BCP wells under the augmentation plan proposed in Case No. 13CW3108, as that application may be amended. 20. **Names and addresses of owner or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool**: The Wiggins Recharge Pond and the Recharge Well will be located on land owned by: TH Ranch LLC, 34555 WCR 50, Kersey, CO 80644.

Weldon Valley Ditch is owned by: Weldon Valley Ditch Company, P.O. Box 626, Weldona, CO 80653. Town Wells and Kammerer Site Recharge Ponds are owned by Wiggins. The Hawkins Augmentation Station is owned by Wiggins and: Justin & Julie Hawkins, 22857 Washington Avenue, Orchard, CO 80649; United Water & Sanitation District, 8301 E. Prentice Ave., Suite 120, Greenwood Village, CO 80111; Central Colorado Water Conservancy District, 3209 W. 28th St., Greeley, CO 80644. Pond A is owned by: Joe Hawkins, 22411 Dunreath Ave., Orchard, CO 80649. WHEREFORE, Applicants respectfully request the Court to enter a decree finding that Applicants are entitled to the conditional underground water right and appropriative right of exchange, and approving the plan for augmentation proposed in this application.

15CW3011 East Cherry Creek Valley Water and Sanitation District ("ECCV"), (c/o Brian M. Nazarenus, Esq., Sheela S. Stack, Esq., RYLEY CARLOCK & APPLEWHITE, 1700 Lincoln Street, Suite 3500, Denver, CO 80202, Telephone: (303) 863-7500; **APPLICATION FOR QUANTIFICATION OF WATER RIGHTS FOR USE IN PLAN FOR AUGMENTATION, IN ARAPAHOE COUNTY.**

2. Introduction. East Cherry Creek Valley Water and Sanitation District ("ECCV") is a quasi-municipal corporation which supplies and distributes potable water for municipal use to approximately 50,000 residents, as well as to schools, businesses, and recreation areas within ECCV's service area located in Arapahoe and Douglas Counties. Through projected population growth and development within ECCV, it is anticipated that the demand for water supplies will continue to increase in the future. By this Application, ECCV seeks a judicial determination of the amount and timing of lawn irrigation return flows attributable to the use of ECCV's nontributary ground water rights and other fully reusable water sources, described in more detail below, that accrue to the portions of Piney Creek and Cherry Creek within ECCV's service area. ECCV seeks to recapture and reuse such amounts to extinction by augmenting out-of-priority depletions associated with ECCV's Piney Creek and Cherry Creek wells pursuant to ECCV's augmentation plan decreed in Case No. 00CW217. **3. Description of the Sources of Irrigation Return Flows.** The sources of water include return flows from irrigation of lawns, parks, open spaces, school grounds, and spillage from the following Denver Basin nontributary ground water rights and other fully consumable sources owned, controlled, or claimed by ECCV within ECCV's boundaries. A map of ECCV's boundaries is attached as **Exhibit A**. All such water may be fully consumed by ECCV by use, reuse, and successive use pursuant to the applicable decrees and C.R.S. § 37-82-106, except in those instances in which 2% is required to be relinquished to the stream. 3.1. Nontributary Sources.

WATER COURT CASE NUMBER	AVERAGE ANNUAL WITHDRAWAL (AF) DAWSON	DENVER	ARAPAHOE	L-F HILLS
89CW166 (W-9433)	196	290		
84CW186 (79CW176)	160			
79CW253	95	59	287	129
85CW053 (79CW178)		180		
94CW007[1]			128.3	93.6

3.2. ECCV's Water Supply Project (*a/k/a* the Northern Project). All water rights described in more detail in **Exhibit B** will result in fully consumable water deliveries to ECCV's service area within the Piney Creek and Cherry Creek basins. 3.3. Other Reusable Water Rights. Any and all additional water rights with the rights of reuse in which ECCV has an interest or acquires an interest in the future that are

[1] DECREE REQUIRES 2% OF WITHDRAWALS TO BE RELINQUISHED TO THE STREAM SYSTEM.

used within the ECCV municipal water supply system. **4. Description of Use of Reusable Irrigation Return Flows:** ECCV will quantify the amount of irrigation return flows attributable to the fully consumable sources described in **Exhibit B**, along with system flushing and spillage of those sources that accrue to ECCV's service area located within the Piney Creek and Cherry Creek basins ("Reusable Return Flows"). The quantification of Reusable Return Flows will be made through use of the "Cottonwood Curve" methodology as set forth in Paragraph 6.2 of the decree entered in Case No. 00CW217. ECCV will recapture and reuse such amounts to extinction by augmenting out-of-priority depletions associated with ECCV's Piney Creek Wells and Cherry Creek Wells pursuant to the terms and conditions of the plan for augmentation decreed in Case No. 00CW217. The timing and rate of these diversions shall be such that no material injury will be experienced by holders or users of vested or decreed conditional water rights and that the flow regimen of the stream system shall not be materially affected. After recapture of its return flows by augmentation, ECCV will directly distribute such water into its municipal supply system, use such water for irrigation purposes, store such water in holding ponds, or dispose of such water to the benefit of other water users. All such water shall be used for all municipal purposes and for storage for subsequent use. WHEREFORE, ECCV requests that this Court enter a Decree quantifying the return flows described above, and for such other and further relief this Court deems just and proper. (3 pages, 2 exhibits)

15CW3012 City of Brighton, Attn: Curtis Bauers, Director of Utilities, 500 S. 4th Street, Brighton, Colorado 80601, (303) 655-2033. Please send all further pleadings and correspondence to: Brent A. Bartlett, Esq., Sara J.L. Irby, Esq., Fischer, Brown, Bartlett & Gunn, P.C., 1319 E. Prospect Road, Fort Collins, CO 80525. APPLICATION FOR CHANGE OF WATER RIGHTS IN **ADAMS AND WELD COUNTIES.** 2. Purpose of Application. The purpose of this Application for a Change of Water Rights is to add or confirm the type and place of use of Brighton's existing decreed water rights, permitting the use of said rights by other water users and municipalities as further described herein and in accordance with C.R.S. § 37-92-302(1)(a) and (3). Nothing in this application shall supersede, restate, amend or replace any of the terms and conditions set forth in the decrees described in Paragraph 3 below except to specifically clarify Brighton's intent that their existing decreed water rights may be used by other water users and municipalities pursuant to the terms and conditions described herein. **CHANGE OF WATER RIGHTS.** 3. Change in Type of Use of Brighton's Water Rights. The water rights decreed in the City of Brighton's Case Nos. 1992CW018, 1998CW257, 2000CW202, 2002CW234, 2003CW320, 2004CW174, 2008CW105 and 2009CW144, all in District Court, Water Division No. 1 ("Brighton's Water Rights"), may be used to fulfill contractual obligations to other municipalities, water districts and water users pursuant to the following conditions: (a) the obligation exists at the time of this Decree; or (b) the contractual obligation is met by use of a metered water tap supplied by Brighton; or (c) the contractual obligation is of limited duration and is for use in a decreed augmentation plan or in a substitute water supply plan approved by the State Engineer pursuant to C.R.S. § 37-92-308 or successor statutes; or (d) the contractual obligation is pursuant to a water trade agreement whereby Brighton is obligated to deliver water to a party in return for deliveries by said party to Brighton of a similar amount of water from alternate sources. Brighton's Water Rights may be used to fulfill such contractual obligations with other municipalities, water districts and water users, so long as such use of Brighton's Water Rights are added or included as a water source, pursuant to the terms of those municipalities', water districts' or water users' decrees. 4. Change in Place of Use of Brighton's Water Rights. The place of use of Brighton's Water Rights may occur within the City of Brighton's service area as it may exist now and in the future and/or any extra-territorial area in which the City of Brighton contracts to provide or trade water to municipalities, water districts other water users including without limitation the City of Thornton, the City of Westminster, Central Colorado Water Conservancy District, the Groundwater Management Subdistrict of the Central Colorado Water Conservancy District and the Water Augmentation Subdistrict of the Central Colorado Water Conservancy District, or any area in which Brighton has augmentation or return flow obligations. 3 pages

AMENDMENTS

11CW271 Board of County Commissioners for the County of Gilpin ("Gilpin County"), 203 Eureka St., Central City, CO 80427; P.O. Box 255, Central City, CO 80427 (Petrock & Fendel, P.C., Brad Benning and Rick Fendel, 700 17th St., Ste. 1800, Denver, CO 80202; 303-534-0702). AMENDED APPLICATION FOR APPROVAL OF APPROPRIATIVE RIGHTS OF SUBSTITUTION AND EXCHANGE (FIRST AMENDMENT), **IN GILPIN, CLEAR CREEK, AND JEFFERSON COUNTIES**. Gilpin County filed the original Application in this case on December 28, 2011. Notice of the Application was published as required by C.R.S. §37-92-302. Other than the addition of the below described amendments, the Application remains as previously filed. **Amendments: 1. Addition of Black Hawk's Hidden Valley Diversion Point No. 3 as additional Exchange-to-Point.** Gilpin County's Exchange No. 1 claimed in this case utilizes a number of exchange-to-points of diversion. Many of these exchange-to-points are owned and operated by the City of Black Hawk. Gilpin County is working with Black Hawk in using these exchange-to-points in operation of this Exchange. During the pendency of the original Application, Black Hawk added a new point of diversion to its water rights operations, Hidden Valley Diversion Point No. 3 (Infiltration Gallery). This point of diversion was recently decreed in Case No. 12CW286. The Hidden Valley Diversion Point No. 3 exchange-to-point/point of diversion is described as follows: Hidden Valley Diversion Point No. 3 (Infiltration Gallery) is located under Clear Creek in the SW1/4 of the SE1/4 of the NE1/4 of Section 32, T3S, R72W of the 6th P.M., Clear Creek County, Colorado, at location 1,229 feet west of the East boundary of said Section 32 and 2,313 feet south of the North boundary line of said Section 32. The source is groundwater and surface water tributary to Clear Creek, a tributary to the South Platte River. **2. Removal of Central City's Tascher, Toimby, and Wilson Feeders as Exchange-to-Points.** Gilpin County has determined that these exchange-to-points are not needed and are, therefore, withdrawn. **3. Correction of Legal Description for the Upper North Clear Creek Pump Station No. 1.** The original Application incorrectly put the location of this exchange-to-point in the wrong quarter quarter section. The corrected legal description is as follows: Upper North Clear Creek Pump Station No. 1 is located on North Clear Creek in the NW1/4 of the SW1/4 of Section 34, Township 2 South, Range 73 West of the 6th P.M., Gilpin County, Colorado, at a point located approximately 900 feet from the West section line and 2,100 feet from the South section line of said Section 34, as decreed in Case No. 92CW058, District Court, Water Division 1. The source is water in North Clear Creek, tributary to Clear Creek, tributary to the South Platte River. **4. Listing of certain specific augmentation stations as Farmers High Line Canal Exchange-From-Points.** This amendment adds a specifically identified augmentation station, Coors' FHL Augmentation Station, to the previously generally described exchange-from-points in Gilpin County Exchange Nos. 1 and 2 involving the Farmer's High Line Canal. The amended description of these exchange-to-points is as follows: Farmers High Line Canal located at or near the headgate of the Farmers High Line Canal located on the North Bank of Clear Creek in the NW1/4 SW1/4, Section 27, T3S, R70W, 6th P.M., Jefferson County, Colorado, more particularly described in Case No. 89CW99 or an augmentation station located near the headgate including, but not limited to, Coors' FHL Augmentation Station or any other augmentation station. Coors' FHL Augmentation Station is located at a point on the North bank of Clear Creek in the NE1/4 SW1/4 of Section 27, T3S, R70W of the 6th P.M., Jefferson County, Colorado. **5. Listing of certain specific augmentation stations as Church Ditch Exchange-From-Points.** This amendment adds two specifically identified augmentation stations, Black Hawk's Church Ditch Augmentation Station and the City of Westminster's Church Ditch Augmentation Station, to the previously generally described exchange-from-points in Gilpin County Exchange Nos. 1 and 2 involving the Church Ditch. The amended description of these exchange-to-points is as follows: Church Ditch located at or near the headgate of the Church Ditch located on the North Bank of Clear Creek in the NW1/4 NE1/4, Section 32, T3S, R70W, 6th P.M., Jefferson County, Colorado, more particularly described in Case No. 89CW99 or an augmentation station located near the headgate including, but not limited to, Black Hawk's Church Ditch Augmentation Station, the City of Westminster's Augmentation Station a.k.a. Church Ditch Clear Creek Augmentation Station, or any other augmentation station. Black

Hawk's Church Ditch Augmentation Station is located at a point on the North bank of Clear Creek in the NW1/4 NE1/4 of Section 32, T3S, R70W of the 6th P.M., Jefferson County, Colorado. Westminster's Church Ditch Augmentation Station is located at a point on the North bank of Clear Creek in the NE1/4 NE1/4 of Section 32, T3S, R70W of the 6th P.M., Jefferson County, Colorado.

13CW3161 Colorado Historical Society ("CHS"), 1200 Broadway, Denver, CO 80203. Telephone: (303) 866-3682. Please send all future correspondence and pleadings to: Jennifer Mele, Senior Assistant Attorney General, Natural Resources & Environment Section, 1300 Broadway, 7th Floor, Denver, CO 80203. Telephone: (720) 508-6282. E-mail: jennifer.mele@state.co.us **FIRST AMENDED APPLICATION FOR APPROPRIATIVE RIGHTS OF EXCHANGE**, **IN CLEAR CREEK AND JEFFERSON COUNTIES**. 2. Name of Exchange: Church Ditch to Chicago Creek Reservoir Exchange. A. Exchange from point: The Church Ditch augmentation station, located on the north bank of Clear Creek in the NE1/4 of NE1/4 of Section 32, Township 3 South, Range 70 West of the 6th P.M., at a point that is approximately 480 feet west and 320 feet south of the NE corner of said Section, Jefferson County, Colorado. B. Exchange to point: point of diversion for the Chicago Creek Reservoir. The Chicago Creek Reservoir is an on-channel reservoir located on Chicago Creek, in the West 1/2 of Section 6, Township 5 South, Range 73 West, 6th P.M. and the East 1/2 of Section 1, Township 5 South, Range 74 West, 6th P.M. C. Maximum rate of exchange: 70 g.p.m. (0.156 c.f.s.), conditional. D. Date of appropriation: September 27, 1991. 3. Name of Exchange: Chicago Creek Reservoir to Georgetown Loop Railroad Well Exchange. A. Exchange from point: outlet of Chicago Creek Reservoir. The Outlet of Chicago Creek Reservoir is located on Chicago Creek, in the SE1/4 of the NE1/4 of Section 1, Township 5 South, Range 74 West, 6th P.M. at a point approximately 2,560 feet from the North section line and 653 feet from the East section line of said Section 1. B. Exchange to point: Georgetown Loop Railroad Well, located in the NE1/4 of the SE1/4 of Section 18, Township 4 South, Range 74 West of the 6th P.M., Clear Creek County, Colorado, approximately 1950 feet from the south Section line and 500 feet from the east Section line, Section 18, T4S, R74W. The well is located within 100 feet of Clear Creek. C. Maximum rate of exchange: 70 g.p.m. (0.156 c.f.s.), conditional. D. Date of appropriation: September 27, 1991. 4. Name of Exchange: Church Ditch to Georgetown Loop Railroad Exchange. A. Exchange from point: The Church Ditch augmentation station, located on the north bank of Clear Creek in the NE1/4 of NE1/4 of Section 32, Township 3 South, Range 70 West of the 6th P.M., at a point that is approximately 480 feet west and 320 feet south of the NE corner of said Section, Jefferson County, Colorado. B. Exchange to point: Georgetown Loop Railroad Well, located in the NE1/4 of the SE1/4 of Section 18, Township 4 South, Range 74 West of the 6th P.M., Clear Creek County, Colorado, approximately 1950 feet from the south Section line and 500 feet from the east Section line, Section 18, T4S, R74W. The well is located within 100 feet of Clear Creek. C. Maximum rate of exchange: 70 g.p.m. (0.156 c.f.s.), conditional. D. Date of appropriation: September 27, 1991. 5. Name of Exchange: Church Ditch to Lebanon Mill Reservoir Exchange. A. Exchange from point: The Church Ditch augmentation station, located on the north bank of Clear Creek in the NE1/4 of NE1/4 of Section 32, Township 3 South, Range 70 West of the 6th P.M., at a point that is approximately 480 feet west and 320 feet south of the NE corner of said Section, Jefferson County, Colorado. B. Exchange to point: Lebanon Mill Reservoir, an on-channel reservoir on Clear Creek, located in the SW1/4 of the SE1/4 of Section 18, Township 4 South, Range 74 West of the 6th P.M., Clear Creek County, Colorado, approximately 872 feet from the south Section line and 2,040 feet from the east Section line. C. Maximum rate of exchange: 0.74 c.f.s. D. Date of appropriation: December 27, 2013. 6. Source for all exchanges: Clear Creek. 7. Proposed uses: The Church Ditch to Chicago Creek Reservoir Exchange, Chicago Creek Reservoir to Georgetown Loop Railroad Well Exchange and the Church Ditch to Georgetown Loop Railroad Exchange will be used pursuant to the augmentation plan decreed in Case No. 84CW166, for augmentation of drinking and sanitary use of the Georgetown Loop Railroad Well. The Church Ditch to Lebanon Mill Reservoir Exchange will be used to fill the Lebanon Mill Reservoir for the purposes decreed in Case No. 06CW37. 8. How appropriation was initiated: The appropriation of the Church Ditch to Chicago Creek Reservoir Exchange, Chicago Creek Reservoir to Georgetown Loop Railroad Well Exchange and the Church Ditch

to Georgetown Loop Railroad Exchange were initiated by the filing of the application in consolidated Case Nos. 91CW68 and 91CW69, the cases in which these exchanges were originally decreed. The appropriation of the Church Ditch to Lebanon Mill Reservoir Exchange was initiated by the filing of this application. 9. Owners of land on which facility is located: A. Colorado Historical Society, State of Colorado, B. City of Northglenn, 11701 Community Center Drive, Northglenn, CO 80233. C. City of Idaho Springs, PO Box 907, Idaho Springs, CO 80452. D. The City of Black Hawk, P.O. Box 68, Black Hawk, Colorado 80422. E. Church Ditch Water Authority, 2350 West 112th Avenue, Northglenn, Colorado 80234. 10. Remarks: CHS may only exchange the one inch of Church Ditch water that was donated to the Colorado Historical Society by the Adolph Coors Company for use in these exchanges. The exchanges listed in paragraphs 2-4, above, were previously decreed conditional in consolidated Case Nos. 91CW68 and 91CW69, however were canceled on January 10, 2013 for failure to file timely diligence. WHEREFORE, the State of Colorado, by and through the Colorado Historical Society, requests that this Court grant the conditional exchanges claimed herein.

13CW3183, United Water and Sanitation District, acting by and through the United Water Acquisition Enterprise ("United" or the "Applicant"), c/o Robert Lembke, 8301 East Prentice Ave., #100, Greenwood Village, Colorado 80111, (303) 775-1005. **FIRST AMENDED APPLICATION CASE NO. 13CW3183 FOR A CONDITIONAL STORAGE RIGHT, CONDITIONAL RIGHT OF DIVERSION TO RECHARGE, INCLUSION AS A SOURCE OF WATER FOR THE AUGMENTATION PLAN DECREED IN CASE NO. 88CW264(B), AND PLAN FOR AUGMENTATION, IN ADAMS, ARAPAHOE, DENVER, DOUGLAS, ELBERT, MORGAN AND WELD COUNTIES.** Please send all pleadings and correspondence to: Tod J. Smith, Esq., LAW OFFICE OF TOD J. SMITH, LLC, 1007 Pearl Street, Suite 220, Boulder, Colorado 80302, (Attorney for Applicant). The application has been amended as follows: Paragraph 3.2.1 claiming a point of diversion in the SE1/4 of the NE1/4 of Section 18, Township 4 North, Range 66 West of the 6th P.M. in Weld County Colorado has been withdrawn from the application. Paragraph 3.2.1.2, identifying the point of diversion of the Haren Pipeline has been amended as follows: SW1/4 of the SW1/4 of Section 8, Township 4 North, Range 66 West of the 6th P.M. in Weld County, Colorado, or a point upstream of that location but downstream of the Union ditch headgate. A map showing the location of the Haren Pipeline amended point of diversion is attached to this First Amended Application as Revised Exhibit 4. A Plan for Augmentation has been added as paragraph 4 as follows: 4. Plan for Augmentation. 4.1. General Description. United seeks approval of a plan for augmentation to replace the out-of-priority depletions resulting from the pumping of wells in the United Diversion Facility No. 6, described above and in the original application in paragraph 2.2.1, when those depletions are legally required in the South Platte River to prevent injury to senior water rights at or below the 70 Ranch. United will replace those out-of-priority depletions in time, location, and amount from the sources of substitute supply listed below. 4.2. Structures to Be Augmented. A well field identified as the United Diversion Facility No. 6, located as described above and in the original application in paragraph 2.2.1. 4.3. Sources of Substitute Supply. 4.3.1. The 70 Ranch Storage Rights claimed in the original Application in this case. 4.3.2. Water that accretes to the South Platte River which was diverted at the Haren Pipeline and recharged in the Haren Pond as claimed in the original Application in this case. 4.3.3. Water stored in Gilcrest Reservoir pursuant to the Application filed and decree entered in Case No. 13CW3180. 4.3.4. Water that accretes to the South Platte River which was diverted into recharge ponds located on the 70 Ranch pursuant to a future application and decree. 4.3.5. Sources of replacement water of limited duration, and additional and alternative sources of replacement water if such sources are decreed or lawfully available for such use or are part of a substitute water supply plan approved pursuant to C.R.S. § 37-92-308, or an interruptible water supply agreement approved pursuant to C.R.S. § 37-92-309. 4.4. Surface Storage Structures. United may store water attributable to the water rights listed above in paragraph 4.3 in the following surface storage structures for subsequent delivery to the South Platte River as a source of substitute supply: 4.4.1. 70 Ranch Reservoir described above and in the original Application in paragraph 2.1.1. 4.4.2. Gilcrest Reservoir will be a lined off-channel reservoir located within a part of Section 2, Township

3 North, Range 67 West and Sections 23, 26, 34, and 35, Township 4 North, Range 67 West of the 6th P.M. in Weld County, Colorado. Gilcrest Reservoir will consist of a series of lined gravel pit cells. United filed an application in Case No. 13CW3180 claiming a conditional right of storage in Gilcrest Reservoir. 4.4.3. United Reservoir No. 3 is an off-channel reservoir located in the E1/2 of Section 26 and the N1/2 of Section 35, Township 1 South, Range 67 West of the 6th P.M. in Adams County, Colorado. 4.5. Augmentation Requirements. The replacement water to offset out-of-priority depletions for pumping wells in the United Diversion Facility No. 6 will be owed to the South Platte River in the vicinity of the 70 Ranch. 4.6. Lagged Well Depletions. Pumping at the United Diversion Facility No. 6 will be metered and recorded on a daily basis and summarized on a monthly basis. URFs will be calculated to determine the lagged depletive effects of the pumping. Former paragraph 4, which is now paragraph 5, has been revised to delete the following landowner: Eaton Cattle Company, 21421 Highway 60, Platteville, CO 80651 (Dorothy Thomas Phelps). (First Amended Application 8 pages, 1 exhibit page)

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 2015** (forms available on www.courts.state.co.us or in the Clerk's office), and must be filed as an Original and include **$158.00** 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.