

**DISTRICT COURT, WATER DIVISION 1, COLORADO  
APRIL 2007 WATER RESUME PUBLICATION**

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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 **APRIL 2007** for each County affected.

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**07CW69 GARY L. JACOBSON, 2125 Lake Drive, Loveland, CO 80538. Telephone: (970) 667-4012. APPLICATION FOR CHANGE OF WATER RIGHT IN LARIMER COUNTY.**

Decreed name of structure for which change is sought: Kirchner Ditch. Type: Ditch right. Previous decree, date entered: 05/29/1884, Admin No. 8918 00000; Court: Boulder. Decreed point of diversion: The same as the Kirchner Ditch decree as filed, ID# 578 located in NE, NE, S5, T6N, R70W of the 6<sup>th</sup> PM. Source: Buckhorn Creek. Appropriation Date: 06/01/1874. Amount: 6.81 cfs. Historic use: Stock watering and irrigation of 60 acres of alfalfa hay. Proposed change: To use some of Kirchner Ditch Right to fill The Mountain Ranch Pond, Case No. 97CW346, when it is in priority. This pond was created by removing 10 acres of the historically irrigated 60 acres from production. Furthermore, another 23.75 acres were removed from production from the following events: A. The relocation of County Road 27 to the East taking 4.74 acres of my irrigated meadow. B. Sale of lot #10 without any water right, taking 4.65 acres out of production. C. Lot #8 & #9 were platted as development lots, taking 8.02 acres out of production. D. Lot #4A was platted as a development lot, taking 6.34 acres out of production. Zone 13.

**07CW70 KAUFFMAN LAND & DEVELOPMENT, LLC - APPLICATION FOR NONTRIBUTARY AND NOT NONTRIBUTARY UNDERGROUND WATER RIGHTS, IN WELD COUNTY, COLORADO.** Applicant, Kauffman Land & Development, LLC (“Applicant”), requests a determination of its rights to the nontributary and not nontributary underground water contained in the Lower Arapahoe and Laramie-Fox Hills aquifers underlying its property in Weld County, pursuant to Colo. Rev. Stat. § 37-90-137(4). **1. Name, Address, and Telephone Number of Applicant:** Kauffman Land & Development, LLC, c/o Gordon L. Allot, Jr., Executive Vice President and General Counsel, World Trade Center, 1675 Broadway, Suite 2800, Denver, CO 80202-4628, (303) 825-4822. Please direct all correspondence to Christopher L. Thorne and Tasha M. Newland, Holland & Hart LLP, 555 Seventeenth Street, Suite 3200, Post Office Box 8749, Denver, Colorado 80201-8749, (303) 295-8000. **2. Claim to Ground Water in the Lower Arapahoe and Laramie-Fox Hills Aquifers:** Applicant is the owner of approximately 40 acres of land in Weld County, more specifically described in paragraph 7 below (the “Property”), and through this application claims all of the ground water in the Lower Arapahoe and Laramie-Fox Hills aquifers underlying the Property. A copy of the deed evidencing Applicant’s ownership of the Property is attached as Exhibit 1. **3. Wells and Well Permits:** Applicant will apply for well permits prior to construction of any wells. Applicant will locate a sufficient number of wells on the Property to withdraw all ground water in the Lower Arapahoe and Laramie-Fox Hills aquifers underlying the Property. The wells may be constructed at any location on the Property subject to Colo. Rev. Stat. § 37-90-137(4). Applicant may establish a well field for the production of the ground water that is the subject of this application and shall be entitled to well permits for additional wells pursuant to Colo. Rev. Stat. § 37-90-137(10). **4. Total Amount of Water Claimed:** Total Amount of Water Claimed: Applicant seeks a decree confirming its right to all unappropriated water underlying the Property in the Lower Arapahoe and Laramie-Fox Hills aquifers. The estimated average annual amounts of withdrawal from the subject aquifers, as indicated below, are based upon the Denver Basin Rules, 2 C.C.R. § 402-6. For purposes of this application, Applicant estimates that the following annual amounts are representative of the Lower Arapahoe and Laramie Fox-Hills aquifers underlying the

Property: Lower Arapahoe Aquifer: 1.0 acre- feet, 17% specific yield, 15 feet average saturated thickness; Laramie-Fox Hills Aquifer: 12.4 acre-feet, 15% specific yield, 207 feet average saturated thickness. Applicant requests that the annual amounts of withdrawal be adjusted to conform to actual local aquifer characteristics when adequate information is obtained from well drilling or test holes. Applicant claims all nontributary and not nontributary ground water underlying the Property and requests the right to revise the estimated amounts of water available from the subject aquifers upward or downward, based on better or updated data, without the necessity of amending this application or republishing same. Applicant requests confirmation of its ability to withdraw the ground water in the Lower Arapahoe and Laramie-Fox Hills aquifers from the wells to be constructed in the future in excess of the average annual amount decreed, so long as the sum of the total withdrawals from the aquifer does not exceed the product of the total number of years since the date of issuance of the well permit or the date of this Court's decree, whichever occurs first, and the amount of average annual withdrawal. Applicant will supplement this application with evidence that the State Engineer has issued or failed to issue, within four months of the filing of the application with this Court, a determination as to the facts of this application.

**5. Character of Ground Water:** Applicant asserts that the ground water to be withdrawn from the Lower Arapahoe aquifer pursuant to this application is not nontributary ground water pursuant to Colo. Rev. Stat. § 37-90-103 (10.7). Thus, ground water from the Lower Arapahoe aquifer will not be used until a plan for augmentation is approved by the Court pursuant to Colo. Rev. Stat. § 37-90-137 (9)(c). Applicant asserts that it is entitled to a decree determining its rights to the water in the Lower Arapahoe aquifer underlying its land prior to the approval of any augmentation plan so long as such a plan is proposed and approved prior to the use of the water from the Lower Arapahoe aquifer. Applicant asserts that the annual withdrawal of the amounts of Laramie-Fox Hills aquifer ground water specified above, subject to the terms and conditions proposed herein, will not result in material injury to the vested water rights of others and will not, within 100 years, deplete the flow of the natural stream at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and the ground water is nontributary as defined in Colo. Rev. Stat. § 37-90-103(10.5). In order to assure that no vested water rights are materially affected by withdrawals of this nontributary ground water, no more than ninety-eight percent of the water withdrawn annually from any of the future wells shall be consumed by Applicant.

**6. Proposed Use of Water:** The water withdrawn from the proposed wells will be used for all existing and future beneficial purposes both on and off the Property, including, without limitation, domestic, irrigation, commercial, industrial, augmentation, fire protection, recreation, livestock watering, dust control, and fish and wildlife. Applicant claims the right to recapture, the right of reuse and successive use and, after use, the right to lease, sell, or otherwise dispose of said water. The right of successive use shall include the use and claiming of credit for any return flows generated, subject only to the provisions of Colo. Rev. Stat. § 37-82-106, and to Applicant's obligation to consume no more than ninety-eight percent of the nontributary water withdrawn annually from the wells described herein, pursuant to Rule 8 of the Denver Basin Rules. Said water will be produced for immediate application to beneficial use, both on and off the Property, for storage and subsequent application to beneficial use, for exchange purposes, for replacement of depletions, for relinquishment pursuant to Colo. Rev. Stat. § 37-90-137(9)(b), and for any other augmentation purpose.

**7. Description of the Land Overlying the Subject Nontributary and Not Nontributary Ground Water:** Applicant owns approximately 40 acres of land overlying the Lower Arapahoe and Laramie-Fox Hills aquifers, described as the W1/2 of Section 10, Township 1 North, Range 67 West of 6th P.M., Weld County, Colorado, more particularly described in the deed which is attached as Exhibit 1.

**8. Name and Address of Owner of Land:** Applicant (see above).

**WHEREFORE,** Applicant requests that this Court enter a judgment and decree: **A.** Granting the application and awarding the nontributary and not nontributary underground water rights claimed. **B.** Specifically determining as a matter of hydrological and geological fact that unappropriated ground water

from the Laramie-Fox-Hills aquifer in the estimated amounts specified in paragraph 4 is available for withdrawal by Applicant; that the vested water rights of others will not be materially injured by such withdrawals; and that such withdrawals will not, within 100 years, deplete the flow of a natural stream at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal. **C.** Specifically determining as a matter of hydrological and geological fact that unappropriated ground water from the Lower Arapahoe aquifer in the estimated amount specified in paragraph 4 is available for withdrawal by Applicant, and that vested water rights of others will not be materially injured by such withdrawal so long as Applicant obtains approval of a plan for augmentation pursuant to Colo. Rev. Stat. § 37-90-137(9)(c) prior to use. **D.** Specifically determining that Applicant's full average annual entitlement from the Laramie-Fox Hills aquifer may be produced through any combination of wells constructed into that aquifer, and that such wells shall be treated as a well field and operated in order to produce the full allocation of water from that aquifer. **E.** Specifically determining that Applicant may establish a well field on contiguous parcels and/or non-contiguous parcels, if it is determined that a well cylinder for a well to be located in such well field overlaps any portion of such non-contiguous parcels, that are currently owned by Applicant or may be purchased by Applicant in the future pursuant to Rules 11 and 14 of the Statewide Nontributary Ground Water Rules, 4 C.C.R. § 402-7. **F.** Specifically determining that Applicant may drill the subject wells at any point within the boundaries of the Property, but no closer than 200 feet to any property boundary, without the necessity of filing any further amendments to this application, republishing, or reopening the decree. **G.** Specifically determining that the decreed determination of rights to nontributary and not nontributary ground water is a determination of the right to use such water for existing and future uses and that this determination is not subject to the reasonable diligence requirements of Colo. Rev. Stat. § 37-92-301(4). **H.** Specifically determining that Applicant has the right successively to use and reuse to extinction the ground water which is the subject of this application, including the use in claiming of credit for return flows generated, subject only to the provisions of Colo. Rev. Stat. § 37-82-106 and to Applicant's obligation to consume no more than ninety-eight percent of the ground water withdrawn annually from the Lower Arapahoe and Laramie Fox-Hills aquifers. **I.** Specifically determining that the return flows resulting from the use of the nontributary water that is the subject of this application can be used to replace out-of-priority depletions under a plan for augmentation. **J.** Directing that Applicant can withdraw the ground water that is the subject of this application from the wells to be constructed in the future in excess of the average annual amount decreed, so long as the sum of the total withdrawals from the aquifer does not exceed the product of the total number of years since the date of issuance of the well permit or the date of this Court's decree, whichever occurs first, and the amount of average annual withdrawal. **K.** Specifically determining that Applicant has given adequate notice that the amounts decreed herein are subject to increase or decrease pursuant to this Court's retained jurisdiction. **L.** Directing the State Engineer to issue well permits in conformance with the provisions in this decree for the wells necessary to withdraw the ground water decreed herein and any additional wells required by Applicant to produce its full annual entitlement from the Lower Arapahoe and Laramie-Fox Hills aquifers. **M.** Specifically determining that the right to use the ground water determined by this Court to be available for withdrawal shall be deemed to be a vested property right. **N.** Directing that the Water Court shall retain jurisdiction as to determination of ground water from the subject wells as is necessary to provide for the adjustment of the average annual amount of withdrawal allowed to conform to actual local aquifer characteristics from adequate information obtained from well drilling or test holes, pursuant to Colo. Rev. Stat. § 37-92-305(11). 7 pages, 1 exhibit.

**07CW71 DOUGLAS M. AND REBECCA A. WOLF, 4570 Daydream Rd., Golden, CO 80403. Telephone: (303) 279-8157. APPLICATION FOR FINDING OF DILIGENCE IN JEFFERSON COUNTY.** Name of structure: Wolf Spring. Date of Original Decree:

03/14/2001 in Case No. 00CW034 in Water Division 1. Legal description: NW1/4, NE1/4, S22, T3S, R71W of the 6<sup>th</sup> PM at a distance 650 feet from North and 1700 feet from East. Street address: 27902 Golden Gate Canyon Road, Golden, CO 80403. (Jeffco renamed address to: 4570 Daydream Road. Source: Natural Spring. Appropriation Date: Feb. 25, 2000. Amount: .003 cubic feet per second (1.35gpm). Use: Stockwater, Absolute. Irrigation of less than one acre, Conditional. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed. Pasture lease to support cattle grazing, manually extract approx 10 gal/week when legal to supplement irrigation of a garden.

**07CW72 VERIFIED COMPLAINT FOR INJUNCTIVE RELIEF, COSTS AND PENALTIES. Plaintiffs: THE PEOPLE OF COLORADO, *ex rel.* HAROLD (“HAL”) SIMPSON, State Engineer for the State of Colorado, and JAMES (“JIM”) R. HALL, Division Engineer for Water Division No. 1, v. Defendants: HUNT FEEDYARD, INC., DAVID W. HUNT, KAYLEEN J. HUNT.**

**07CW73 GARY F. VENA, P.O. Box 339, Lake George, CO 80827. Julianne M. Woldridge, MacDougall, Woldridge & Worley, PC, 530 Communication Circle, Suite 204, Colorado Springs, CO 80905. APPLICATION FOR WATER RIGHTS in PARK COUNTY.** 2. Name of structures: House Spring (Well Permit # 271885 for an exempt well pursuant to C.R.S. §37-92-602(1) (b)) and Mine Spring. 3. Legal description: Both springs are located in the NW1/4NW1/4, Section 32, Township 12 South, Range 72 West, 6<sup>th</sup> P.M. 4. Source: springs. 5. Appropriation date: February 12, 1911. B. How appropriation was initiated: By placing the water to beneficial use. C. Date water applied to beneficial use: February 12, 1911. 6. Amount claimed: House Spring – 2.0 g.p.m., absolute; Mine Spring 1.7 g.p.m., absolute. 7. Uses: House Spring – domestic uses in up to three single-family dwellings, fire protection, irrigation of lawns and gardens (including greenhouse), watering livestock and domestic animals; Mine Spring – mining and domestic uses. 8. Name and address of owner of the land upon which the springs sit: Applicant. 9. Remarks: These water rights shall be administered according to Colorado law, including but not limited to C.R.S. § 37-92-502. Application is three pages.

**07CW74 APPLICATION OF UNDERGROUND WATER RIGHTS FROM THE NOT NONTRIBUTARY DENVER AND NONTRIBUTARY ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS IN THE DENVER BASIN, IN EL PASO COUNTY.** 1. **Name, Address, and Telephone Number of Applicant(s):** Jeffrey S. Herrle and Karen A. Herrle residing at 14495 Pine Glen Drive East, Colorado Springs CO 80908, (719) 495-0240. 2. **Well Permits:** State Engineer Well Permit No. 146040 is an exempt domestic well, presented as Attachment A. 3. **Legal Description of Wells and Subject Property.** a) **Existing Wells.** Existing well having Permit Number 146040 is located in El Paso County on 5.15 acres of land described as the NE1/4 of the NW1/4 of Section 03, Township 12 South, Range 65 West of the 6<sup>th</sup> PM, Lot 12 in Pine Glen having the street address of 14495 Pine Glen Drive East Colorado Springs CO 80908. The general location of the property is shown on Attachment A hereto “Subject Property”. b) **Additional Wells.** Additional wells may be drilled into the Denver Basin aquifers pursuant to this application and subsequent decree. Well permit applications for well(s) to be drilled into the Denver Basin Aquifers which are subject to this application will be applied for prior to well drilling. The well(s) will be located at any location on applicant’s property consisting of approximately 5.15 acres of land located in El Paso County, described as the NE1/4 of the NW1/4 of Section 03, Township 12 South, Range 65 East of the 6<sup>th</sup> PM, Lot 12 in Pine Glen having the street address of 14495 Pine Glen Drive West, Colorado Springs CO, in El Paso County. 4. **Source, Pumping Rates and Depth.** a) **Not- nontributary Ground Water.** The source of the groundwater to be withdrawn from the Dawson aquifer is not-nontributary as

described in 37-90-103(10.7) and 37-90-137(9)(c), C.R.S. Applicant plans to retain the existing permit for the exempt well located in the Dawson aquifer on the Subject Property. Permit is provided as Attachment B. Well(s) to withdraw the remaining available Dawson aquifer groundwater will require replacement to the effected stream system of an amount of water equal to either the actual depletions caused by pumping such wells or four percent (4%) of the amount of water withdrawn pursuant to a judicially approved plan for augmentation. *No such plan is sought herein.* **b) Nontributary Ground Water.** The groundwater to be withdrawn from the Denver, Arapahoe and Laramie-Fox Hills aquifers is nontributary groundwater as described in 37-90-103(10.5), C.R.S. Applicant will comply with the requirement to relinquish two percent (2%) of all such nontributary ground water withdrawn to the stream system. **c) Average Pumping Rates and Well Depths, Future Wells.** The wells will withdraw the subject groundwater at rates of flow necessary to efficiently withdraw the entire decreed amounts. Applicants will withdraw the subject groundwater through wells to be located at any location on the Subject Property. Applicants waive the 600 foot spacing rule as described in Section 37-90-137(2) C.R.S. for wells located on the Subject Property. Applicants also claim the right to construct additional and/or replacement wells in order to maintain levels of production, to meet water supply demands, or to recover the entire amount of groundwater in each of said aquifers underlying the Subject Property. Based on an average ground surface elevation of 7630 feet above mean sea level, on the Subject Property, the approximate depths to the top and bottom of each aquifer are as follows:

Aquifer	Depth to Top (feet below ground surface)	Depth to Bottom (feet below ground surface)
Dawson	0	1035
Denver	1140	1990
Arapahoe	2030	2525
Laramie-Fox Hills	2765	3113

These depths are approximate and are based on geologic and topographic information available from the Colorado State Engineers' Office. Actual well completion depth(s) may vary from these estimates based on the actual geologic conditions below the Subject Property. **5. Date of Appropriation.** Pursuant Section 37-92-305 (11) C.R.S. the date of appropriation, the date the water was applied to beneficial use, and the manner of initiation of the water rights sought herein are not applicable to the not- nontributary and nontributary groundwater rights sought herein, and no showings of, or applications for, reasonable diligence are required with respect to such water rights. **6. Amount Claimed.** The estimated average annual amounts available for withdrawal from the aquifers underlying the Subject Property, as indicated below, are based on the Denver Basin Rules, 2 C.C.R. 402-6. The amount of available water for the Dawson aquifer reflects the total amount underlying the property and will be adjusted reserving 1-acre ft per year, 100 acre-foot total based on a 100 year supply, to meet the permit requirements of the existing exempt well. Applicants estimate the following annual amounts are representative of the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Subject Property:

Aquifer	Saturated Thickness (feet)	Specific Yield (percent)	Estimated Amount Available (Acre-ft)
Dawson (NNT)	505	20	5.30
Denver (NT)	400	17	3.20
Arapahoe (NT)	265	17	2.30
Laramie-Fox Hills (NT)	185	15	1.43

Pursuant to C.R.S. 37-92-305(11), Applicants request the Court to retain jurisdiction as necessary to provide for the adjustment of the average annual amount of groundwater in the not-nontributary Dawson, and nontributary Denver, Arapahoe and Laramie-Fox Hills aquifers of the

Denver Basin underlying the subject property to conform to actual local aquifer characteristics as determined from adequate information obtained from well drilling or test holes. **a) Banking.** As allowed by the “banking” provisions of Rule 8.A of the Statewide Nontributary Groundwater Rules 2C.C.R. 402-7, Applicants claim the right to withdraw more water each year from each of the aquifers than the average amount available annually from each aquifer, so long as the sum of the withdrawals from all the wells completed into each aquifer does not exceed the product of the average annual amount of withdrawal available from that aquifer times the number of years since the date of issuance of a permit to construct a well into the aquifer, or the date of this decree, whichever date occurs first. **b) Well Field Provisions.** Consistent with Rule 14 of the Statewide Nontributary Groundwater Rules, Applicants claim the right to produce the total allowed annual amount of withdrawal claimed hereunder for each aquifer, including amounts claimed from each aquifer pursuant to the “banking” provision of Rule 8.A through a single well drilled into each aquifer or through a combination of wells drilled into each aquifer. **c) Adjustments Based on Site-Specific Data.** As wells are drilled and site-specific data are obtained for each aquifer, different characteristics and sand thickness may be proven to exist and the total amount of groundwater available may change. Accordingly, Applicants request the right to revise these estimates and to obtain a decree for whatever amount of groundwater is shown to be in the Aquifers without the necessity of amending this application or republishing the same. **8. Proposed Uses.** Water withdrawn through the existing exempt well located in the Dawson aquifer on the Subject Property will be used in accordance with the uses specified in permit 146040. The remaining ground water in the Dawson aquifer and the Denver, Arapahoe, and Laramie-Fox Hills ground water withdrawn pursuant the water rights claimed herein may be used, stored, reused and successively used to extinction and /or leased, sold or otherwise disposed of for all purposes including domestic, agricultural, commercial, irrigation, stock watering, recreational, fish and wildlife, fire protection, replacement of depletions, augmentation, exchange and any other beneficial uses on or off the Subject Property. **9. Names and Addresses of Owners of Land Upon Which the Wells are to be Located.** Same as Applicants. There is one lien against the Property. Pursuant to C.R.S. 37-92-302(b), notice has been given to the lien holder, Digital Federal Credit Union; a copy of the letter is attached as Attachment C. **10. Remarks.** Applicants request the Court to enter a decree a) granting the application and confirming the Applicants’ right to withdraw groundwater from the nontributary Denver, Arapahoe and Laramie-Fox Hills Aquifers and that such water rights are vested property rights. And, further confirming the Applicants’ right to withdrawal the not-nontributary Dawson with the provision that an application and approval of an augmentation plan to replace stream depletions caused by pumping from said aquifer will be required prior to withdrawal of Dawson aquifer groundwater and that such water rights are vested property rights b) The Applicant may retain the existing well under the exempt well Permit Number 146040; c) finding that such groundwater is available for withdrawal by Applicants in the estimated average annual amount described herein and for all the uses claimed herein at rates of flow up to such rates as will allow for efficient withdrawal of the entire available amount from each aquifer, including such higher rates as may be necessary to meet peak pumping requirements; d) granting the right to withdrawal such groundwater anywhere on the Subject Property, and waiving applicable spacing requirements; e) granting the right to construct additional or replacement wells into the Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers to meet water supply demands, or to recover the entire amount of groundwater available to the Applicants without the necessity of filing an amendment to this application, republishing it, or petitioning the Court for the reopening of any decree hereafter entered; f) granting the right to have two or more wells constructed into the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Subject Property be considered a well field pursuant to Rule 4.A. (13) and Rule 14 of the Statewide Nontributary Groundwater Rules, 2 C.C.R. 402-7 and the right to produce the total allowed annual allowed withdrawal claimed hereunder, including amounts claimed from each aquifer pursuant to the “banking” provisions, through a

single well drilled into each aquifer or combination of wells drilled into each aquifer; g) finding that the groundwater in the Denver, Arapahoe, and Laramie-Fox Hills aquifers is “nontributary” as defined in C.R.S. 37-90-103 (10.5), and that the rate of withdrawal from each said aquifers will not, within 100 years, deplete the flow of a surface stream at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal. Further finding that the groundwater in the Dawson aquifer is not-nontributary and vested or conditionally decreed water rights of others will not be materially injured by the withdrawals proposed herein provided that no withdrawals of the not-nontributary ground water will be made except pursuant to a court approved augmentation plan. h) granting Applicants right to consume, by means of original use, reuse, and successive use, all but two percent of the amount of groundwater which will be withdrawn from the Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Subject Property; i) granting the right to withdraw more water each year from each of the aquifers than the average amount available annually from each, so long as the sum of the withdrawals from all of the wells completed into a particular aquifer does not exceed the product of the average annual amount of withdrawal available from that aquifer times the number of years since the date of issuance of a permit to construct a well into such aquifer or the date of this decree, whichever occurs first; j) finding that the date of appropriation, date the water was applied to beneficial use, and the manner of initiation of the water rights sought herein are not applicable to the water rights sought herein and that no showings of or applications for findings of reasonable diligence are required with respect to such water rights; k) retaining jurisdiction to provide for the adjustment of the average annual amount of groundwater available in the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers under the Subject Property to conform to actual local aquifer characteristics as determined from adequate information obtained from well drilling or test holes; l) and directing the State Engineer to issue well permits in conformance with this decree.

**07CW75. (00CW212, 86CW372). APPLICATION FOR FINDING OF REASONABLE DILIGENCE. IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF PETE C. KUYPER, IN TELLER COUNTY, COLORADO.** DISTRICT COURT, WATER DIVISION NO. 1, STATE OF COLORADO, Weld County Courthouse, 901 9th Street, Greeley, CO 80632. 1. Name, address and telephone number of applicant: Pete C. Kuyper, P.O. Box 729, Divide, CO 80814, (719) 687-6011. Direct all pleadings to: Michael F. Browning, Porzak Browning & Bushong LLP, 929 Pearl Street, Suite 300, Boulder, Colorado, 80302. 2. Name of structures: Divide Reservoir Nos. 2 and 3. 3. Description of conditional water rights: (a) Decree: Decreed by the District Court in and for Water Division No. 1 in Case No. 86CW372 on March 15, 1988. Prior diligence decrees were obtained in Case Nos. 94CW026 and 00CW212. (b) Decreed locations: The outlet of Divide Reservoir No. 2 is to be located in the SW1/4NW1/4 of Section 7, Township 13 South, Range 69 West of the 6th P.M. at a point 1,880 feet south of the north line and 1,360 feet east of the west line of said Section 7. The outlet of Divide Reservoir No. 3 is to be located in the NW1/4SW1/4 of Section 7, Township 13 South, Range 69 West of the 6th P.M. at a point 2,840 feet south of the north line and 736 feet east of the west line of said Section 7. (c) Source: Rule Creek and unnamed tributaries thereto. (d) Appropriation dates: December 31, 1986 as to each reservoir. (e) Amount: 5 acre-feet for each reservoir, with the right to refill continuously whenever in priority. (f) Use: Augmentation purposes, recreational, piscatorial, municipal, fire protection, commercial, irrigation, domestic, and aesthetic. 4. Detailed outline of work done to complete project and apply water to beneficial use: Since the last diligence decree was entered on April 16, 2001, applicant has undertaken the following specific activities that demonstrate diligence with regard to the subject conditional rights: (a) Applicant filed for and obtained findings of reasonable diligence in Case Nos. 01CW174, 01CW173, and 02CW258 concerning other aspects of the integrated water supply system of which the subject reservoirs are decreed to be a part. All diligence activities found in those cases are also claimed herein with respect to the subject reservoir. (b) Applicant made significant additions to the water

distribution system of which the subject reservoirs are a part, at a cost of over \$200,000. (c) Applicant modeled, designed and is constructing new loop connections to its distribution system to provide fire flows for the County maintenance facilities, at a cost of approximately \$95,000. (d) Applicant began the design and permitting of a new water treatment plant that would treat the water from the water supply system of which the subject reservoirs are a part. Construction of the treatment plant is expected to commence later in 2007. (e) Applicant continued to operate and improve the water supply system of which the subject reservoirs are a part, including operation of the augmentation plan of which the subject reservoirs are a part. WHEREFORE, applicant requests that the Court enter a finding of reasonable diligence with respect to the conditional water rights described herein.

**07CW76 APPLICATION OF UNDERGROUND WATER RIGHTS FROM THE NOT NONTRIBUTARY DENVER AND NONTRIBUTARY ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS IN THE DENVER BASIN, IN EL PASO COUNTY.** **1. Name, Address, and Telephone Number of Applicant(s):** Walter C Seelye and Marie A Seelye residing at 13802 Pine Glen Drive East, Colorado Springs CO 80908, (719) 495-4316. **2. Well Permits:** State Engineer Well Permit Nos. 149367 and 171921 are exempt domestic wells. **3. Legal Description of Wells and Subject Property.** **a) Existing Wells.** Existing well having Permit Number 149367 is located on Lot 6 and well having Permit No. 171921 is located on Lot 7. Both wells are located in El Paso County on 10.07 acres, combined, of land described as the NE1/4 of the SW1/4 of Section 03, Township 12 South, Range 65 West of the 6<sup>th</sup> PM, in Pine Glen having the street address of 13802 Pine Glen Drive East Colorado Springs CO 80908. The general location of the property is shown on Attachment A hereto "Subject Property". **b) Additional Wells.** Additional wells may be drilled into the Denver Basin aquifers pursuant to this application and subsequent decree. Well permit applications for well(s) to be drilled into the Denver Basin Aquifers which are subject to this application will be applied for prior to well drilling. The well(s) will be located at any location on applicant's property described in Paragraph 3 above. **4. Source, Pumping Rates and Depth.** **a) Not- Nontributary Ground Water.** The source of the groundwater to be withdrawn from the Dawson aquifer is not-nontributary as described in 37-90-103(10.7) and 37-90-137(9)(c), C.R.S. Applicant plans to retain the existing permit for the exempt well located in the Dawson aquifer on the Subject Property. Existing Well Permits are provided as Attachment B-1 and B-2. Well(s) to withdraw the remaining available Dawson aquifer groundwater will require replacement to the effected stream system of an amount of water equal to the actual depletions caused by pumping such wells pursuant to a judicially approved plan for augmentation. *No such plan is sought herein.* **b) Nontributary Ground Water.** The groundwater to be withdrawn from the Denver, Arapahoe and Laramie-Fox Hills aquifers is nontributary groundwater as described in 37-90-103(10.5), C.R.S. Applicant will comply with the requirement to relinquish two percent (2%) of all such nontributary ground water withdrawn to the stream system. **c) Average Pumping Rates and Well Depths, Future Wells.** The wells will withdraw the subject groundwater at rates of flow necessary to efficiently withdraw the entire decreed amounts. Applicants will withdraw the subject groundwater through wells to be located at any location on the Subject Property. Applicants waive the 600 foot spacing rule as described in Section 37-90-137(2) C.R.S. for wells located on the Subject Property. Applicants also claim the right to construct additional and/or replacement wells in order to maintain levels of production, to meet water supply demands, or to recover the entire amount of groundwater in each of said aquifers underlying the Subject Property. Based on an average ground surface elevation of 7540 feet above mean sea level, on the Subject Property, the approximate depths to the top and bottom of each aquifer are as follows:

Aquifer	Depth to Top (feet below ground surface)	Depth to Bottom (feet below ground surface)
Dawson	0	1015

Denver	1020	1875
Arapahoe	1915	2405
Laramie-Fox Hills	2649	2990

These depths are approximate and are based on geologic and topographic information available from the Colorado State Engineers' Office. Actual well completion depth(s) may vary from these estimates based on the actual geologic conditions below the Subject Property. **5. Date of Appropriation.** Pursuant Section 37-92-305 (11) C.R.S. the date of appropriation, the date the water was applied to beneficial use, and the manner of initiation of the water rights sought herein are not applicable to the not- nontributary and nontributary groundwater rights sought herein, and no showings of, or applications for, reasonable diligence are required with respect to such water rights. **6. Amount Claimed.** The estimated average annual amounts available for withdrawal from the aquifers underlying the Subject Property, as indicated below, are based on the Denver Basin Rules, 2 C.C.R. 402-6. The amount of available water for the Dawson aquifer reflects the total amount underlying the property and will be adjusted reserving 2-acre ft per year, 200 acre-foot total, based on a 100 year supply, to meet the permit requirements of the existing exempt wells. Applicants estimate the following annual amounts are representative of the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Subject Property:

Aquifer	Saturated Thickness (feet)	Specific Yield (percent)	Estimated Amount Available (Acre-ft)
Dawson (NNT)	482	20	9.71
Denver (NT)	375	17	6.42
Arapahoe (NT)	265	17	4.51
Laramie-Fox Hills (NT)	186	15	2.81

Pursuant to C.R.S. 37-92-305(11), Applicants request the Court to retain jurisdiction as necessary to provide for the adjustment of the average annual amount of groundwater in the not-nontributary Dawson, and nontributary Denver, Arapahoe and Laramie-Fox Hills aquifers of the Denver Basin underlying the subject property to conform to actual local aquifer characteristics as determined from adequate information obtained from well drilling or test holes. **a) Banking.** As allowed by the "banking" provisions of Rule 8.A of the Statewide Nontributary Groundwater Rules 2C.C.R. 402-7, Applicants claim the right to withdraw more water each year from each of the aquifers than the average amount available annually from each aquifer, so long as the sum of the withdrawals from all the wells completed into each aquifer does not exceed the product of the average annual amount of withdrawal available from that aquifer times the number of years since the date of issuance of a permit to construct a well into the aquifer, or the date of this decree, whichever date occurs first. **b) Well Field Provisions.** Consistent with Rule 14 of the Statewide Nontributary Groundwater Rules, Applicants claim the right to produce the total allowed annual amount of withdrawal claimed hereunder for each aquifer, including amounts claimed from each aquifer pursuant to the "banking" provision of Rule 8.A through a single well drilled into each aquifer or through a combination of wells drilled into each aquifer. **c) Adjustments Based on Site-Specific Data.** As wells are drilled and site-specific data are obtained for each aquifer, different characteristics and sand thickness may be proven to exist and the total amount of groundwater available may change. Accordingly, Applicants request the right to revise these estimates and to obtain a decree for whatever amount of groundwater is shown to be in the Aquifers without the necessity of amending this application or republishing the same. **8. Proposed Uses.** Water withdrawn through the existing exempt well located in the Dawson aquifer on the Subject Property will be used in accordance with the uses specified in permits 149367 and 171921. The remaining ground water in the Dawson aquifer and the Denver, Arapahoe, and Laramie-Fox Hills ground water withdrawn pursuant the water rights claimed herein may be used, stored, reused and successively used to extinction and /or leased, sold or

otherwise disposed of for all purposes including domestic, agricultural, commercial, irrigation, stock watering, recreational, fish and wildlife, fire protection, replacement of depletions, augmentation, exchange and any other beneficial uses on or off the Subject Property. **9. Names and Addresses of Owners of Land Upon Which the Wells are to be Located.** Same as Applicants. There are no liens against the Property. Attachment C is a copy of Applicants Deed of Trust. **10. Remarks.** Applicants request the Court to enter a decree a) granting the application and confirming the Applicants' right to withdraw groundwater from the nontributary Denver, Arapahoe and Laramie-Fox Hills Aquifers and that such water rights are vested property rights. And, further confirming the Applicants' right to withdrawal the not-nontributary Dawson with the provision that an application and approval of an augmentation plan to replace stream depletions caused by pumping from said aquifer will be required prior to withdrawal of Dawson aquifer groundwater and that such water rights are vested property rights b) The Applicant may retain the existing wells under the exempt wells Permit Numbers 149367 and 171921; c) finding that such groundwater is available for withdrawal by Applicants in the estimated average annual amount described herein and for all the uses claimed herein at rates of flow up to such rates as will allow for efficient withdrawal of the entire available amount from each aquifer, including such higher rates as may be necessary to meet peak pumping requirements; d) granting the right to withdrawal such groundwater anywhere on the Subject Property, and waiving applicable spacing requirements; e) granting the right to construct additional or replacement wells into the Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers to meet water supply demands, or to recover the entire amount of groundwater available to the Applicants without the necessity of filing an amendment to this application, republishing it, or petitioning the Court for the reopening of any decree hereafter entered; f) granting the right to have two or more wells constructed into the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Subject Property be considered a well field pursuant to Rule 4.A. (13) and Rule 14 of the Statewide Nontributary Groundwater Rules, 2 C.C.R. 402-7 and the right to produce the total allowed annual allowed withdrawal claimed hereunder, including amounts claimed from each aquifer pursuant to the "banking" provisions, through a single well drilled into each aquifer or combination of wells drilled into each aquifer; g) finding that the groundwater in the Denver, Arapahoe, and Laramie-Fox Hills aquifers is "nontributary" as defined in C.R.S. 37-90-103 (10.5), and that the rate of withdrawal from each said aquifers will not, within 100 years, deplete the flow of a surface stream at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal. Further finding that the groundwater in the Dawson aquifer is not-nontributary and vested or conditionally decreed water rights of others will not be materially injured by the withdrawals proposed herein provided that no withdrawals of the not-nontributary ground water will be made except pursuant to a court approved augmentation plan. h) granting Applicants right to consume, by means of original use, reuse, and successive use, all but two percent of the amount of groundwater which will be withdrawn from the Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Subject Property; i) granting the right to withdraw more water each year from each of the aquifers than the average amount available annually from each, so long as the sum of the withdrawals from all of the wells completed into a particular aquifer does not exceed the product of the average annual amount of withdrawal available from that aquifer times the number of years since the date of issuance of a permit to construct a well into such aquifer or the date of this decree, whichever occurs first; j) finding that the date of appropriation, date the water was applied to beneficial use, and the manner of initiation of the water rights sought herein are not applicable to the water rights sought herein and that no showings of or applications for findings of reasonable diligence are required with respect to such water rights; k) retaining jurisdiction to provide for the adjustment of the average annual amount of groundwater available in the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers under the Subject Property to conform to actual local aquifer characteristics as determined from adequate information obtained

from well drilling or test holes; l) and directing the State Engineer to issue well permits in conformance with this decree.

**07CW77 JAYE R. WILLSON, P.O. Box 901, Franktown, CO 80116. Telephone: (303) 688-1160. APPLICATION TO MAKE ABSOLUTE IN DOUGLAS COUNTY.** Name of structure: Ty's Pond. Date of Original Decree: March 14, 2001 in Case No. 00CW88 in Water Division 1. Legal Description: NE1/4, SW1/4, S34, T7S, R66W of the 6<sup>th</sup> PM at a distance 250 feet from South and 700 feet from West. Street Address: 2323 Walker Rd., Franktown, CO 80116. Source: Mitchell Gulch tributary to Cherry Creek. Appropriation Date: June 14, 2000. Amount: 0.15 acre feet CONDITIONAL. Use: Stockwater. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed: On August 15, 2003 a small dam was constructed with the assistance of USDA, Natural Resources Services, to allow storage of 0.15 acre feet of water. The dam is consistent with an outlet structure that allows complete drainage of ponding area. Claim to make absolute. Date water applied to beneficial use: September 2003. Amount: 0.15 acre ft. Use: To water stock. Description of place of use where water is applied to beneficial use: "Mitchell Gulch" is a dry creek that runs through this property. At the point of erosion, a culvert was placed to collect and direct this water into a small pond at the north central boundary of the pasture.

**07CW78 PATRICK P. CONLEY, 11940 S. Spring Valley Road, Larkspur, CO 80118. Telephone: (303) 660-2332. APPLICATION TO MAKE ABSOLUTE IN DOUGLAS COUNTY.** Name of structure: Conley Well 191458. Date of Original Decree: 05/23/01 in Case No. 00CW028 in Water Division 1. Legal description: SW1/4, SW1/4, S10, T10S, R66W of the 6<sup>th</sup> PM at a distance 150 feet from South and 64 0 feet from West. Street Address: 11940 S. Spring Valley Road, Larkspur, CO 80118. Source: groundwater. Appropriation date: September 15, 1995. Amount: 0.033 cubic feet per second (15 gpm). Use: Domestic in one single family dwelling including irrigation of 0.5 acre and stock water absolute. Domestic in an additional single family dwelling including an additional 0.5 acre of irrigation conditional. Depth: 750 feet. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed: Applicant constructed and put to use an additional single family dwelling including an additional 0.5 acre of irrigation. Date water applied to beneficial use: August 1, 2005. Amount: 7.5 gpm. Use: Domestic in an additional single family dwelling including an additional 0.5 acre of irrigation. Description of place of use where water is applied to beneficial use: Tract of 40 acres described as SW1/4, SW1/4 of S 10, T10S, R66W of the 6<sup>th</sup> PM, Douglas County, Colorado.

**07CW79, Bennett R. Houston, 9053 CR 34, Platteville, CO 80651, 970-785-2408 (P. Andrew Jones, 355 Eastman Park Drive, Suite 200, Windsor, CO 80550 970-674-9888). Application for Finding of Reasonable Diligence In WELD COUNTY. 2.** Name of Structure: Pintail Reservoir. 3. Description of conditional water right: A. Original Decree: Case No. 99CW174. February 28, 2003, Division One Water Court. B. Legal description of location: Legal Description: In the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section Eight (8), Township Three (3) North, Range Sixty-Seven (67) West of the 6<sup>th</sup> P.M. Dam Location: The center of the proposed dam is located 680 feet West of the East line of Section 8 and 2240 feet North of the South line of Section 8, Township 3 North, Range 67 West of the 6<sup>th</sup> P.M. C. Source: Surface run-off, seepage and drainage, tributary to St. Vrain Creek, Weld County, Colorado. D. Date of Appropriation: 11/2/99. E. The amount of water: 15 acre feet, conditional (first fill) 15 acre feet, conditional (refill). F. Uses: Stock watering and irrigation of 40 acres in the Southeast Quarter (SE 1/4) of Section Eight (8), Township Three (3) North, Range Sixty-Seven (67) West of the 6<sup>th</sup> P.M., piscatorial, recreational, wetland and wildlife

development, fire protection. Recreational, wetland and wildlife uses will occur within the high water line of the Reservoir. 4. Outline of what has been done toward completion of the appropriation: A. Applicant's predecessor in interest constructed Pintail Reservoir, and planted wetland vegetation conducive to wildlife use. Applicant has performed work to maintain the Reservoir and surrounding area and has inspected the reservoir outlet and overflow structure to verify that it is in working order. Applicant has consulted with legal counsel regarding the legal aspects of the right. 5. Remarks: The reservoir is located on land owned by Applicant.

**07CW80 STEPHEN SEDNEK, 542 P.R. 78, Bailey, CO 80421. Telephone: (303) 838-5361. APPLICATION TO MAKE ABSOLUTE IN PARK COUNTY.** Name of structure: Dream Lake (spring). Date of original decree: 04/20/2001 in Case No. 00CW069 in Water Division 1 located NW1/4, NW1/4, S25, T6S, R73W of the 6<sup>th</sup> PM at a distance 1200 feet from North and 200 feet from West. Street address: 542 P.R. 78. Source: Springs and natural runoff tributary to Deer Creek. Appropriation date: May 23, 2000. Amount: 8.5 acre ft. conditional. Use: Fishing, for breeding of fish and wildlife, fire reservoir for area. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed: 6 and 8 and 10 foot trenches for fish dug. Also a island for wildlife and fishing holes on each side. Finished with 8.5 acre feet clean up lake and ponds. If claim to make absolute-Date water applied to beneficial use: 2006. Amount: 8.5. Use: Fishing and wildlife and irrigating grass and wildflowers around lake. Description of place of use where water is applied to beneficial use: Dream Lake property 32 acres for all types of wildlife.

**07CW81 GLENN HAAS AND MARCELLA WELLS, 3403 Green Wing Court, Ft. Collins, CO 80524. Telephone: (970) 498-9350. APPLICATION FOR UNDERGROUND WATER RIGHT IN PARK COUNTY.** Name of Well: Glenn Haas, permit 60586-F located NE1/4, SE1/4, S11, T9S, R75W of the 6<sup>th</sup> PM at a distance 2500 feet from South and 200 feet from East. Street Address: 305 Travois Court. Subdivision: Indian Mountain, Lot 575, Filing 26, Block 5. Source: Groundwater. Depth: 480. Date of appropriation: 12-22-2003. How appropriation was initiated: applied for permit. Date water applied to beneficial use: 12-04-2004. Amount claimed: 5 gpm Absolute. Use: Household only.

**07CW82 INDIAN HILLS WATER DISTRICT, (Kenneth J. Burke, Esq., 1600 Broadway, Suite 2350, Denver, CO 80202; Telephone: (303) 861-2500, Fax: (303) 861-0402; E-mail: [kburke@burke-law.com](mailto:kburke@burke-law.com)) APPLICATION FOR PERIODIC FINDING OF REASONABLE DILIGENCE FOR IHWD RESERVOIR NO. 1, IN JEFFERSON COUNTY** Indian Hills Water District, a Quasi Municipal Corporation and Political Subdivision of the State of Colorado ("District"), by counsel, hereby requests that a Periodic Finding of Reasonable Diligence be entered with respect to the conditional water right described herein: 1. The Name, Address and Telephone Number of Applicant: Indian Hills Water District, P.O. Box 710, Indian Hills, Colorado 80454. Telephone: (303) 698-8810. 2. Name of the Structure: Indian Hills Water District Reservoir No. 1 ("IHWD Reservoir No. 1"). 3. Describe the conditional water right giving the following from the Referee's Ruling and Judgment and Decree: A) Date and Particulars of Original Decree: February 4, 1980, Case No. W-8550-77, entered by the District Court in and for Water Division No. 1. B.) Decreed Location: The Reservoir is located within the N1/2 of the NE1/4 of Section 7, Township 5 South, Range 70 West of the 6<sup>th</sup> Principal Meridian, in Jefferson County, Colorado. The dam axis across the channel of the Parmalee Gulch stream is located within portions of Lots 96, 97, 135 and 136, Block 8, INDIAN HILLS FIFTH FILING, according to the recorded plat thereof on file with the Clerk and Recorder, Jefferson County, Colorado. The juncture of Lots 96, 97, 135 and 136 is located 787 feet South of the North Line of Section 7 and 1,255 feet West of the East line of Section 7. C.) The Sources of the Water: (1) Streamflow, springs, runoff and other water sources located within the watershed

of Parmalee Gulch above the dam axis, and (2) Applicant's Turkey Creek and Parmalee Gulch wells described as follows: a. Turkey Creek Wells: As described in the Findings and Decree of the Water Court in Case No. W-8551-77 dated February 4, 1980 in the District court in and for Water Division No. 1, State of Colorado, the contents of which are incorporated herein by reference ; and b. Parmalee Gulch Wells: As described in the Ruling of the Referee entered April 17, 1978 in Case No. W-4755 and made the judgment and Decree of the Water Court on May 9, 1978 in the District Court in and for Water Division No. 1, State of Colorado, the contents of which are incorporated herein by reference. D. Date of Appropriation: November 5, 1976 E. Amount of Water Claimed: 3.8 acre feet, CONDITIONAL F. The Proposed Uses of the Water: Water will be released to replace water consumed from water diverted from Applicant's Turkey Creek and Parmalee Gulch wells; irrigation; fire protection; recreational purposes including fishery and wildlife; stock watering; and maintenance of adequate system storage reserves. The water right that is the subject of this application is a part of a single, integrated water system designed to provide a water supply to District's service area which will be developed to full utilization over an extended period of time. District requests that the Water Court recognize the existence of this integrated system and the related phased development program for purposes of demonstrating reasonable diligence. 4. Provide a Detailed Outline of What Has Been Done Toward or for Completion of the Appropriation and Application of water to a Beneficial Use as Conditionally Decreed, Including Expenditures: District has expended funds for the completion of engineering and legal services associated with District's development of both its water supply system (of which the subject decreed priority is a part) as well as its augmentation plan decreed in connection therewith. District has continued to expand its water supply and storage system preparatory to the completion of the decreed facility, its incorporation into District's system, storage of water therein and its application to the decreed beneficial uses. More specifically regarding IHWD Reservoir No. 1, District has maintained the gates and fencing around the reservoir's site, has conducted spraying operations and has otherwise kept the site free of troublesome vegetation, and has regraded and relined the stonework in the reservoir's entry ditch. Total funds expended for such work during the diligence period was at least \$1,270.00 exclusive of pertinent District salaries and associated administrative costs. In addition, District has expended funds for the development (including excavation and construction activities), maintenance and improvement of its related facilities and for the completion of engineering and legal services as aforesaid. The total amount of additional funds so expended by District is at least \$276,217.00 exclusive of pertinent District salaries and associated administrative costs. WHEREFORE, District respectfully requests that this court grant its application, and make the determination of reasonable diligence as requested herein.

**07CW83 RONALD E. TOOPS, 954 Manning Place, The Villages, FL 32162, phone 352.259.8066. Henry D. Worley, MacDougall, Woldridge & Worley, PC., 530 Communication Circle, Suite 204, Colorado Springs, CO 80905. APPLICATION FOR DENVER BASIN GROUND WATER RIGHTS AND FOR APPROVAL OF PLAN FOR AUGMENTATION, in EL PASO COUNTY.** Applicant seeks the adjudication of the water in the Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers underlying Lots 1 and 3, Block 2, Willow Springs Estates in El Paso County (the □Property□). The Property is located in the East Cherry Creek drainage in the S1/2 NW1/4 and slightly in the N1/2 SW1/4 Section 15, T. 11 S., R. 65 W., 6<sup>th</sup> P.M. in El Paso County. A map showing the general location of the Property is attached as Figure 1, and a portion of the Willow Springs Estates plat map showing the configuration of Lots 1 and 3 is attached as Figure 2. **2. Names of wells and permit, registration, or denial numbers:** there are no wells or well permits for either lot. **3. Legal description of wells:** at any location on the Property. Applicants hereby waive the 600 foot spacing rule in regard to all Dawson aquifer wells constructed on the Property. **4. Source:** Not nontributary Dawson aquifer; nontributary Denver aquifer; nontributary Arapahoe aquifer, and

nontributary Laramie-Fox Hills aquifer. **5.A. Date of appropriation:** Not applicable. **5.B. How appropriation was initiated:** Not applicable. **5.C. Date water applied to beneficial use:** Not applicable. **6. Amount claimed:** In addition to the amounts underlying the lots, Applicant claims the amounts to the center of the adjacent county roads. Thus calculated, the acreage of Lot 1 is 8.7 acres and the acreage of Lot 3 is 6.04 acres. The amounts claims are total amounts available for appropriation, in acre feet; annual amounts equal one percent of the total amounts.

Lot No / Aquifer	Dawson	Denver	Arapahoe	Laramie-Fox Hills
Lot 1	794	572	388	246
Lot 3	554	400	272	172

The Water Court will be asked to retain jurisdiction over such decree to enter a final determination of the amount of water available for appropriation from each aquifer based on geophysical logs for wells in such aquifers. **7. Proposed use:** indoor residential and commercial, stock water, fire protection, garden and landscape irrigation, decorative fountains and pools, hot tub/swimming pool, augmentation. **8. Names and addresses of owners of land on which well is located:** Same as Applicant. **9. Remarks:** There are no liens against the Property, so no notice is required pursuant to C.R.S. 37-92-302(b). **II. APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION.** **10. Name of structures to be augmented:** One Dawson aquifer well on each lot. **11. Previous decrees for water rights to be used for augmentation:** None. **12. Historic use:** Not applicable. **13. Statement of plan for augmentation:** **A. Water Demand.** Lots 1 and 3 will be used for single family residences which may include some commercial uses, such as a home-based business. Uses of water on such lots will be expected to be for some or all of the following uses: for indoor uses for drinking and sanitary purposes, for livestock watering and for landscape irrigation, hot tubs, swimming pools and landscape uses including irrigation and decorative ponds and fountains. Annual pumping from the Dawson aquifer will be limited to 1.0 acre foot annually per lot, or 2.0 acre feet total. Indoor water usage for each house is expected to equal 0.30 acre foot per house. A typical hot tub may require approximately 1,400 gallons (0.004 acre foot) per year; a swimming pool, 7,500 gallons (0.023 acre foot) per year; landscape irrigation, annual applications of 2.00 acre feet per acre, or 0.046 acre foot per 1,000 square feet; livestock watering, ten gallons per horse per day, or 0.011 acre foot per horse per year. The decree will limit annual diversions to 1.0 acre foot per lot, but will not to otherwise restrict in the decree which of these uses may occur. Applicants for well permits will designate how they intend to allocate their 1.0 acre foot on their well permit applications, based on the above criteria, or based upon criteria agreed to with the State Engineer for any uses not specified above. **B. Water Consumption and Return Flows.** It is generally accepted that no more than ten percent of water used indoors in residences using non-evaporative septic systems and leach fields for wastewater disposal is consumed, with 90 percent returning to the stream system. Although there will be some return flows from other uses, Applicants will rely only on return flows from septic systems and leach fields for replacement of depletions during pumping. **C. Replacement of Stream Depletions During Pumping.** Based on computer modeling, stream depletions will occur to tributaries of the South Platte and Arkansas Rivers. Applicant proposes to aggregate and replace all stream depletions to East Cherry Creek, a tributary of the South Platte River. Computer modeling indicates that during pumping stream depletions will gradually increase to a maximum of 19 percent of annual pumping in the 300<sup>th</sup> year, or 0.38 acre foot based on annual pumping of 2.0 acre feet. Applicant proposes to replace those depletions with septic system return flows, which will equal 0.54 acre

foot annually for two lots. Thus, return flows from two septic systems will always exceed stream depletions during pumping. **D. Replacement of Stream Depletions After Cessation of Pumping.** Applicant agrees to replace depletions for the shortest of the following periods: the period provided by the Colorado Legislature, should it eventually specify one and if the Applicant obtains water court approval for such modification, the period determined by the State Engineer, should the State Engineer lawfully establish such a period; the period established through rulings of the Colorado Supreme Court in relevant cases; or until Applicant petitions the water court and after notice to parties in the case proves that it has complied with all statutory requirements. Applicant will reserve adequate water from the Denver aquifer underlying the Property for the replacement of post-pumping depletions, unless and until such time as any of the above conditions occurs which terminates the obligation to replace post-pumping depletions, or unless Applicant obtains judicial approval of another source of replacement water for post-pumping depletions. It is Applicant's present estimate that based on pumping 2.0 acre feet annually, post-pumping depletions will equal 552 acre feet. If that figure is not revised, Applicant shall reserve 563 acre feet of Denver aquifer water to replace such depletions, and shall make post-pumping replacements annually as required to replace modeled stream depletions. Applicant proposes to aggregate all depletions and to replace them to the South Platte drainage. **E. Miscellaneous.** (1). Applicant will establish restrictive covenants on the Property which: (a) restrict total pumping from the Dawson aquifer to no more than 1.0 acre foot annually per well; (b) require the use of non-evaporative septic systems for wastewater treatment; (c) require that a house be constructed, so that septic system return flows will begin, prior to any other use of the well on that lot; (d) reserve adequate nontributary water for replacement of post-pumping depletions, which reservation may be voided upon the occurrence of any of the events specified above eliminating the need for such reservation; (e) require annual reporting of the amount pumped from each well; and (f) which inform the future homeowners that they will be required to construct a well or wells into the Denver aquifer underlying the Property for replacement of post-pumping depletions if the source of augmentation water is unchanged. Restrictive covenants limiting the area to be irrigated or the number of horses, or their water-consuming equivalents, which are allowed on the Property, are unnecessary because the limitation to 1.0 acre foot of total pumping annually per lot, and the requirement that non-evaporative septic systems be used, ensures that return flows will exceed depletions throughout the 300 year pumping period. (2) This application is being filed in both Water Divisions 1 and 2 because stream depletions will occur in both the South Platte and Arkansas drainages. After the time for filing statements of opposition has expired, Applicant will seek to consolidate the two applications in Water Division 1. (Application and attachments 7 pages)

**07CW84 (85CW435)** Name, address, and telephone number of Applicant: **City of Fort Collins, c/o Michael B. Smith, Utilities General Manager, P.O. Box 580, Ft. Collins, CO 80522, Telephone (970) 221-6700; c/o Michael D. Shimmin Esq., Vranesh and Raisch, LLP, P.O. Box 871, Boulder, CO 80306, (303) 443-6151.** **APPLICATION FOR FINDING OF DILIGENCE IN LARIMER COUNTY, Name of Structure:** Halligan Reservoir Enlargement **3. Description of Conditional Water Rights:** A. Prior Decrees: i. Original Decree a. Date of Entry: June 12, 1987 b. Case No.: 85CW435 c. Court: District Court, Water Division No. 1, State of Colorado ii. Diligence Decrees: The conditional water rights for the Halligan Reservoir Enlargement were continued in full force and effect by diligence decrees entered in Case Nos. 93CW078 and 00CW211. B. Legal Description: The dam will be located in the SW1/4 of Section 34, Township 11 North, Range 71 West of the 6th P.M. The eastern abutment will be located at a point whence the southwest corner of said Section 34 bears South 52° 30' West a distance of 3,000 feet, in Larimer County, Colorado. C. Sources: Six Mile Creek, Meadow Creek, the North Fork of the Cache La Poudre River, and any water tributary thereto above the dam, all tributary to the Cache La Poudre River. D. Appropriation Date: The date of appropriation is

August 1, 1979, with a 1985 priority based on the initial year of filing. E. Amount: The amount of the conditional water right is 33,462 acre-feet. This is in addition to the 6,428 acre-feet of water already decreed absolute for Halligan Reservoir and the right to refill the Reservoir as originally decreed in Case No. 11217, Larimer County District Court. F. Uses: Water stored pursuant to this conditional water right will be used for irrigation of approximately 42,000 acres located in Larimer and Weld Counties, and for municipal, domestic, industrial, commercial, hydroelectric power generation, irrigation, stock watering, recreational, and fish and wildlife propagation and maintenance within the South Platte River drainage. Said water may also be used for exchange purposes, for replacement of depletions resulting from use of water from other sources, and for augmentation purposes. **4. Work Done Toward Completion of Appropriation:** Fort Collins has taken the following steps and/or done the following work toward completion of the Halligan Reservoir Enlargement conditional water right during the subject diligence period: A. An updated feasibility study and report was completed in 2002 at a cost of about \$185,000. A consultant was hired to evaluate the engineering, environmental, and permitting aspects of the enlargement. Site conditions, dam alternatives, design and construction costs, and environmental and permitting issues were evaluated as part of this study. B. In 2003 Fort Collins exercised an option agreement with the North Poudre Irrigation Company ("NPIC") to acquire land and the right to pursue the development of the Halligan Reservoir Enlargement. Payments to preserve the option and subsequent annual payments to NPIC were approximately \$1,100,000.00 during the subject diligence period. C. Cooperative agreements with several entities concerning the Halligan Reservoir Enlargement were entered into in 2004. Fort Collins and the City of Greeley entered into an agreement to cooperate in the planning and environmental review for the permitting of their respective Halligan Reservoir Enlargement and Seaman Reservoir projects. Fort Collins entered into an agreement with NPIC, Fort Collins-Loveland Water District, East Larimer County Water District, and North Weld County Water District to share in the capacity of the Halligan Reservoir Enlargement and to pursue the project through a cost-sharing arrangement. D. A letter of intent to proceed with the Halligan Reservoir Enlargement project was filed with the U.S. Army Corps of Engineers ("ACOE") in late 2004. The ACOE subsequently selected a third-party consultant in 2005 to assist with studies related to an Environmental Impact Statement. Fort Collins and other project participants pay the costs of the meetings, studies, and reports of the third-party consultant. E. In addition to the project feasibility study, the participants in the project have paid for numerous other expenses including staff time for meetings and in-house evaluations and analyses. Studies related to the project conducted by consultants have included a Prebles's Meadow Jumping Mouse survey, a wetlands inventory, an aquatics study, a geotechnical study, and a hydrology study. Consultants also helped with an assessment of alternatives, and Fort Collins acquired a conservation easement for wetlands and mouse mitigation during the diligence period. NPIC initiated a system-wide study to determine the feasibility of additional storage in an enlarged Halligan Reservoir and conservation opportunities in its agricultural system. The named Water Districts also conducted planning studies to determine the need and feasibility of participating in the Halligan Reservoir Enlargement project. F. Total costs for work related directly to the Halligan Reservoir Enlargement project during the subject diligence period incurred by Fort Collins and the other project participants are estimated to be in excess of \$4,000,000.00. G. The Halligan Reservoir Enlargement is a component in Fort Collins' integrated water supply system. As such, work on one component constitutes work with respect to all components. During the subject diligence period Fort Collins also incurred legal and engineering fees opposing other water rights applications which could have an adverse effect on the Halligan Reservoir Enlargement conditional water right and Fort Collins' integrated water supply system. Fort Collins maintains its intent to construct the enlargement and complete the appropriation, and will divert water and use it for the decreed beneficial purposes in the future when the water rights are in priority. **5. Name(s) and address(es) of owner(s) or reputed owner(s) 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:** A. City of Fort Collins Utilities, 700 Wood St., P.O. Box 580, Fort Collins, CO 80522. B. North Poudre Irrigation Company, 3729 Cleveland Avenue, P.O. Box 100, Wellington, CO 80549. C. Free Enterprises, Inc., c/o Lee Stark, 1803 Garfield Ave., Loveland, CO 80537. D. State of Colorado, Division of Wildlife, 6060 Broadway Ave., Denver, CO 80216. E. United States of America - Bureau of Land Management, 1037 20th Street, Denver, CO 80202. F. Phantom Canyon Ranch Company, 851 County Rd. 76 H, Livermore, CO 80536. G. The Landowners Assoc. for Phantom Canyon Ranches, c/o Dale Lake, 939 Travis Road, Fort Collins, CO 80524 H. The Landowners Assoc. for Phantom Canyon Ranches, c/o Sandy Beardmore, 2212 Kiowa Ct., Fort Collins, CO 80525. I. Gary C. and Mary J. Packard, 865 Three Corner Gate Rd., Livermore, CO 80536. J. Meadow Creek Cabin Assoc., LLC, c/o Sandy Beardmore, 2212 Kiowa Ct., Fort Collins, CO 80525. K. Catherine A. Roberts, P.O. Box 250, Livermore, CO 80536-0250. L. T.J. Mac, Ltd, P.O. Box 9, Greeley, CO 80632-0009. WHEREFORE, Applicant requests that the court enter a decree finding that Applicant has exercised reasonable diligence in completing the appropriation and placing the conditional water rights described herein to beneficial use, and ruling that the conditional water rights remain in full force and effect. (5 pages in Application)

**07CW85 KEVIN G. AND LAURA C. FARYNAZ, Applicants, IN DOUGLAS COUNTY, 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, 1.**Name, address, and telephone number of Applicants: Kevin G. and Laura C. Farynaz, 20321 Vista Circle, Parker, CO 80138, (303) 500-2246 Attorneys:, through their Attorneys Petrock & Fendel, P.C., Scott M. Huyler, Atty. Reg. #27342, 700 Seventeenth Street, Suite 1800, Denver, Colorado 80202, Telephone: (303) 534-0702, 2.Well Permits: Well permits will be applied for prior to construction of the wells., 3. Legal Description of Wells and Subject Property: The wells which will withdraw groundwater from the not nontributary Upper Dawson and nontributary Lower Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers will be located at any location on approximately 17 acres of land, being Lot 1, A & B Subdivision, as recorded under Reception No. 9301374, County of Douglas, and which is generally located in part of the NW1/4 of Section 8, T7S, R65W of the 6th P.M., as shown on Attachment A hereto ("Subject Property"). 4. Source of Water Rights: The source of the groundwater to be withdrawn from the Upper Dawson aquifer is not nontributary as described in 37-90-103(10.7) and 37-90-137(9)(c), C.R.S. The groundwater to be withdrawn from the Lower Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers is nontributary groundwater as described in 37-90-103(10.5), C.R.S. 5. Estimated Amounts and Rates of Withdrawal: The wells will withdraw the groundwater at rates of flow necessary to efficiently withdraw the entire decreed amounts. Applicants will withdraw the subject groundwater through wells to be located at any location on the Subject Property, including an existing well completed into the Upper Dawson aquifer as permitted in Well Permit No. 76235A which will be re-permitted to operate pursuant to the augmentation plan requested below. Applicants waive any 600 foot spacing rule as described in Section 37-90-137(2), C.R.S. for wells located on the Subject Property. The estimated average annual amounts of withdrawal available from the subject aquifers as indicated below, are based upon the Denver Basin Rules, 2 C.C.R. 402-6. Applicants estimate the following annual amounts are representative of the subject aquifers:

Aquifer	Saturated Thickness	Annual Amount
Upper Dawson	169 feet	6 acre-feet
Lower Dawson	80 feet	3 acre-feet

Denver	288 feet	8 acre-feet
Arapahoe	240 feet	7 acre-feet
Laramie-Fox Hills	189 feet	5 acre-feet

6. Well Field: 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 which may be located anywhere on the Subject Property, and any additional wells which may be completed in the future as Applicants' well fields. As additional wells are constructed, applications will be filed in accordance with 37-90-137(10), C.R.S., 7. Proposed Use: Applicants will use, reuse, and successively use the water for domestic, commercial, industrial, irrigation, livestock watering, fire protection, and augmentation purposes, both on and off the Subject Property., 8. Jurisdiction: The Water Court has jurisdiction over the subject matter of this application pursuant to 37-92-302(2), and 37-90-137(6), C.R.S. , 9. Description of plan for augmentation: A. Groundwater to be augmented: 3 acre-feet per year of Upper Dawson aquifer groundwater as requested herein as described in paragraph 5 above. , B. Water rights to be used for augmentation: Return flows from the use of not nontributary and nontributary groundwater and direct discharge of nontributary ground water., C. Statement of plan for augmentation: Applicants will use the Upper Dawson water to supply three individual wells, including the existing well, on three residential lots to be located on the Subject Property at rates of flow of 15 gpm. Each well will require 1 acre-foot per year for inhouse use (0.4 acre-feet), irrigation/limited to 9500 square-feet of lawn and garden (0.55 acre-feet), and stockwatering of 4 large domestic animals (0.05 acre-feet). Applicants reserve the right to amend these values based on final planning of the Subject Property. Sewage treatment for inhouse use will be provided by a non-evaporative septic system. Consumptive use associated with in-house use will be approximately 10% of water used and it is estimated that approximately 10% of water used for irrigation will be returned to the stream system. Stockwatering use 100% consumptively used. , During pumping Applicants will replace actual depletions to the affected stream system pursuant to 37-90-137(9)(c), C.R.S. Applicants estimate that depletions may occur to the Cherry Creek or Coal Creek stream systems. Return flows from use of the subject water rights via those stream systems will 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. Applicants will reserve an equal amount of nontributary Laramie-Fox Hills aquifer groundwater underlying the Subject Property to meet post pumping augmentation requirements, but reserves the right to substitute the use of other nontributary groundwater, including return flows, either underlying the Subject Property, or from another location which is legally available for such purpose, for replacement of post-pumping depletions at such time that post-pumping depletions may begin.

**07CW86 Albert Frei & Sons, Inc., P.O. Box 700, 7321 East 88<sup>th</sup> Avenue, Henderson, CO 80640 (303) 289-1837 (c/o Stephen T. Williamson, Law Office of Stephen T. Williamson, P.O. Box 850, 813 Main Street, Louisville, Colorado 80027 303-666-4060) APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN CLEAR CREEK COUNTY 2.**

Names of structures: Walstrum Quarry Pipeline No. 2, and Walstrum Quarry Reservoir No. 1. Prior decree: Walstrum Quarry Pipeline No. 2 and Walstrum Quarry Reservoir No. 1 were each awarded conditional decrees in Case No. 98CW473, Water Division No. 1, by decree dated April 16, 2001. 4. Description of conditional water rights (including source, amounts, priority dates and legal description):

Walstrum Quarry Pipeline No. 2	Mainstem of Clear Creek	7.85 cfs (3,525 gpm)	March 25, 1998	NE 1/4 SW 1/4 of Sec. 34, T 3 S, R 72 W, 6th P.M., Clear Creek, Co., CO, at a point approx. 2,860 feet from the East line and 1,770 feet from the South line of said Sec. 34. The
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				pipeline reaches the reservoir near the center of the SE 1/4 of Sec. 34 at a point approx. 1,690 feet from the East line and 1,630 feet from the South line of said Sec. 34.
Walstrum Quarry Reservoir No. 1	Mainstem of Clear Creek by Walstrum Quarry Pipeline No. 2 and surface runoff	310 acre feet with one refill per year	March 25, 1998	SE 1/4 of Sec. 34, T 3 S, R 72 W, 6th P.M., Clear Creek Co., CO, with a point of survey on the South boundary of the reservoir high water line being approx. 1,300 feet from the South line and 1,400 feet from the East line of said Sec. 34. The property address is 33500 State Highway 6, Idaho Springs, CO 80452.

5. Decreed Uses: Industrial, commercial, mining, wash water, dust suppression, environmental mitigation, domestic and irrigation. 6. Provide a detailed outline of what has been done toward completion or for completion of the appropriations and application of water to a beneficial use as conditionally decreed: A. Applicant has been mining the subject property continuously since 1996. Mining efforts are currently concentrated within the quarry to the area directly above the foot print for Walstrum Quarry Reservoir No. 1. The quarry elevation needs to be lowered a significant amount to reach the proper elevation for said reservoir, and that effort will take many more years. During the period 1996-2006, Applicant produced 1,666,913 cubic yards of material from the reservoir area. Market conditions have allowed production to increase significantly in Years 2004, 2005 and 2006, as compared with earlier years. B. The subject conditional water rights are included by agreement with Central City, Colorado in the city's augmentation and exchange plan in Case No. 92CW168. That case was tried in 2003, appealed in Case No. 04SA145, remanded and concluded by the entry of a Second Corrected Decree on January 16, 2007. Prior to entry of said decree, Applicant's water rights adjudicated for the quarry in Case No. 98CW473 were included in said City's annual Substitute Water Supply Plan approved by the State Engineer. C. In 2006, Applicant successfully obtained zoning approvals from Clear Creek County which will allow construction of a concrete batch plant at the quarry property. Applicant is proceeding with efforts to construct that facility, which will require additional water from the 98CW473 portfolio. Applicant intends to complete both the reservoir and the pipeline and integrate said facilities into its existing water operations. WHEREFORE, Applicant requests that the court find diligence in the development of the Walstrum Quarry Pipeline No. 2 and Walstrum Quarry Reservoir No. 1 and continue the conditional decrees for said structures for the statutory period.

**07CW87 (Case No. 02CW335) Name, address and telephone number of Applicant: The Ground Water Management Subdistrict of the Central Colorado Water Conservancy District ("GMS"), 3209 W. 28th Street, Greeley, CO 80634, (970) 330-4540, c/o Lind, Lawrence & Ottenhoff, LLP, 355 Eastman Park Drive, Suite 200, Windsor, CO 80550, (970) 674-9888. Application to Add Augmentation Wells to Decreed Plan of Augmentation in ADAMS, LARIMER, MORGAN and WELD COUNTIES.** 1. GMS desires to add certain augmentation wells to its augmentation plan decreed in Water Court, Division No. 1, Case No. 02CW335 (the "Augmentation Plan Decree"). 2. Pursuant to paragraph 16.1 of the Augmentation Plan Decree GMS may add additional augmentation wells to the Augmentation Plan Decree "by filing a new application in the Water Court to add such additional sources. Augmentation Wells may be added under such appropriation date and priority as the Court may determine, so long as the wells are operated and used, and depletions are replaced, on terms and conditions as least as

restrictive as those decreed herein.” 3. The following wells are proposed by GMS to be added to the Augmentation Plan Decree as augmentation wells: **A. Name of Structure: Herman Well No. 15117-R**, located in the SE1/4 SE1/4 of Section 31 Township 3 North, Range 66 West of the 6<sup>th</sup> P.M., Weld County Colorado. 1. WDID: 207853. 2. Appropriation Date: January 4, 2007. 3. How appropriation was initiated: Filing of a permit application. 4. Amount: 1600 gpm. 5. Glover Parameters: T = 81,000 gpd/ft, X = 5,469 ft, W = 7,336 ft. 6. Location of Delivery to South Platte River: Via the Platteville Irrigating and Milling Company Ditch in the SW1/4 of Section 19, Township 3 North, Range 66 West of the 6<sup>th</sup> P.M., Weld County, Colorado upstream from the Farmers Independent Ditch Company headgate. 7. Said well is owned by Gary and Joyce Herman 12994 Weld County Road 28, Platteville Colorado 80651. **B. Name of Structure: Herman Well No. 2696-F**, located in the SW1/4 SE1/4 of Section 31, Township 3 N, Range 66 West of the 6<sup>th</sup> P.M., Weld County Colorado. 1. WDID: 207855. 2. Appropriation Date: January 4, 2007. 3. How appropriation was initiated: Filing of a permit application. 4. Amount: 1400 gpm. 5. Glover Parameters: T = 90,000 gpd/ft, X = 4,832 ft, W = 7,373 ft. 6. Location of Delivery to South Platte River: Via the Platteville Irrigating and Milling Company Ditch in the SW1/4 of Section 19, Township 3 North, Range 66 West of the 6<sup>th</sup> P.M., Weld County, Colorado upstream from the Farmers Independent Ditch Company headgate. 7. Said well is owned by Gary and Joyce Herman 12994 Weld County Road 28, Platteville Colorado 80651. **C. Name of Structure: Petrocco Well No. 1-11897-R**, located in the NW1/4 SE1/4 of Section 11 Township 4 North, Range 66 West of the 6<sup>th</sup> P.M., Weld County Colorado. 1. WDID: 207059. 2. Appropriation Date: January 4, 2007. 3. How appropriation was initiated: Filing of a permit application. 4. Amount: 900 gpm. 5. Glover Parameters: T = 160,000 gpd/ft X = 10,000 ft W = 22,000 ft. 6. Location of Delivery to South Platte River: Via the Farmers Independent Ditch in the SE1/4 NW1/4 of Section 31, Township 5 North, Range 65 West of the 6<sup>th</sup> P.M., Weld County Colorado above the Lower Latham Ditch headgate. 7. Said well will is owned by Petrocco Family Limited Partnership, c/o David Petrocco, 14110 Brighton Road, Brighton Colorado 80601. **D. Name of Structure: Petrocco Well No. 11893-R**, located in the SE1/4 NE1/4 of Section 11 Township 4 N, Range 66 W of the 6<sup>th</sup> P.M., Weld County Colorado. 1. WDID: 205048. 2. Appropriation Date: January 4, 2007. 3. How appropriation was initiated: Filing of a permit application. 4. Amount: 1350 gpm. 5. Glover Parameters: T = 190,000 gpd/ft, X = 9,249 ft, W = 20,634 ft. 6. Location of delivery to South Platte River: Via the Farmers Independent Ditch in the SE1/4 NW1/4 of Section 31, Township 5 North, Range 65 West of the 6<sup>th</sup> P.M., Weld County Colorado above the Lower Latham Ditch headgate. 7. Said well will is owned by Petrocco Family Limited Partnership, c/o David Petrocco, 14110 Brighton Road, Brighton Colorado 80601. **E. Name of Structure: Smith Well No. 1-10591-R**, located in the NE1/4 SE1/4 of Section 13, Township 4 North, Range 61 West of the 6<sup>th</sup> P.M., Weld County Colorado. 1. WDID: 108405. 2. Appropriation Date: February 2, 2007. 3. How appropriation was initiated: Filing of a permit application. 4. Amount: 2500 gpm. 5. Glover Parameters: T = 390,000 gpd/ft, X = 831 ft, W = 15,512 ft. 6. Location of Delivery to South Platte River: The South Platte River in Section 13, Township 4 North, Range 61 West of the 6<sup>th</sup> P.M. near the Headgate of the Weldon Valley Ditch. 7. Said well is owned by the Central Colorado Water Conservancy District, 3209 W. 28th Street, Greeley, CO 80634. **F. Name of Structure: McCarthy Well No. 13589-R**, located in the SW1/4 SW1/4 of Section 6, Township 4 North, Range 65 West of the 6<sup>th</sup> P.M., Weld County, Colorado. 1. WDID: 207167. 2. Appropriation Date: February 2, 2007. 3. How appropriation was initiated: Filing of a permit application. 4. Amount: 750 gpm. 5. Glover Parameters: T = 180,000 gpd/ft, X = 7,000 ft, W = 16,600 ft. 6. Location of Delivery to South Platte River: Via the Farmers Independent Ditch in the SE1/4 NW1/4 of Section 31, Township 5 North, Range 65 West of the 6<sup>th</sup> P.M., Weld County Colorado above the Lower Latham Ditch headgate. 7. Said well is owned by the Central Colorado Water Conservancy District, 3209 W. 28th Street, Greeley, CO 80634. **G. Name of Structure: McCarthy Well No. 13588-R**, located in the SW1/4 SW1/4 of Section 6, Township 4 North, Range 65 West of the 6<sup>th</sup> P.M., Weld County,

Colorado. 1. WDID: 207166. 2. Appropriation Date: February 2, 2007. 3. How appropriation was initiated: Filing of a permit application. 4. Amount: 925 gpm. 5. Glover Parameters: T = 180,000 gpd/ft, X = 7,000 ft, W = 16,600 ft. 6. Location of Delivery to South Platte River: Via the Farmers Independent Ditch in the SE1/4 NW1/4 of Section 31, Township 5 North, Range 65 West of the 6<sup>th</sup> P.M., Weld County Colorado above the Lower Latham Ditch headgate. 7. Said well is owned by the Central Colorado Water Conservancy District, 3209 W. 28th Street, Greeley, CO 80634. **H. Name of Structure: Strohauer/Bostron Well No. 1-7225**, located in the SW1/4 SE1/4, Section 32, Township 5 North, Range 65 West of the 6<sup>th</sup> P.M., Weld County, Colorado, approximately 100 feet North and 2277 feet West from the Southeast corner of said section. 1. WDID: 205443. 2. Appropriation Date: January 17, 2003 or as otherwise determined in Case No. 03CW99. 3. Amount: 4.0 cfs. 4. Glover Parameters: T = 150,000 gpd/ft X = 5,700 ft W = 16,500 ft. 5. Location of Delivery to South Platte River: Via the Union Ditch in the SE1/4 NE1/4 of Section 29, Township 5 North, Range 65 West of the 6<sup>th</sup> P.M., Weld County Colorado where the Union Ditch tails back to the South Platte River. 6. Said well is owned by Harry Strohauer, 19595 WCR 50, La Salle, CO 80645. **I. Name of Structure: Strohauer/Geis Well No. 1 (Aug Well Permit No. 60583-F)** located in the NE1/4 SW1/4 Section 5, Township 4 North, Range 65 West of the 6<sup>th</sup> P.M., Weld County, Colorado, approximately 1330 feet North and 1440 feet west from the Southeast corner of said section. 1. WDID: 206376. 2. Appropriation Date: January 17, 2003 or as otherwise determined in Case No. 03CW99. 3. Amount: 4.0 cfs. 4. Glover Parameters: T = 150,000 gpd/ft, X = 9,200 ft, W = 16,900 ft. 5. Location of Delivery to South Platte River: Via the Union Ditch in the SE1/4 NE1/4 of Section 29, Township 5 North, Range 65 West of the 6<sup>th</sup> P.M., Weld County Colorado where the Union Ditch tails back to the South Platte River. 6. Said well is owned by Harry Strohauer, 19595 WCR 50, La Salle, CO 80645. **J. Name of Structure: WCL Partnership Well No. 3-11997** located in the NW1/4 NE1/4, Section 8, Township 4 North, Range 65 West of the 6<sup>th</sup> P.M., Weld County, Colorado approximately 600 feet South and 0 feet East of the North quarter corner of said section. 1. WDID: 208533. 2. Appropriation Date: January 17, 2003 or as otherwise determined in Case No. 03CW99. 3. Amount: 4.0 cfs. 4. Glover Parameters: T = 147,000 gpd/ft, X = 11,481 ft, W = 16,933 ft. 5. Location of Delivery to South Platte River: Via the Western Mutual Ditch in the SE1/4 NE1/4 of Section 29, Township 5 North, Range 65 West of the 6<sup>th</sup> P.M., Weld County Colorado where the Union Ditch tails back to the South Platte River. 6. Said well is owned by WCL Partnership, c/o Mike Lehan, 328 N. Market St. #342, San Jose, CA 95110. **K. Name of Structure: WCL Partnership Well No. 2-11998** located in the NW1/4 NE1/4, Section 8, Township 4 North, Range 65 West of the 6<sup>th</sup> P.M., Weld County, Colorado, approximately 600 feet South and 500 feet East of the North quarter corner of said section. 1. WDID: 208532. 2. Appropriation Date: January 17, 2003 or as otherwise determined in Case No. 03CW99. 3. Amount: 4.0 cfs. 4. Glover Parameters: T = 147,000 gpd/ft, X = 11,481 ft, W = 16,933 ft. 5. Location of Delivery to South Platte River: Via the Western Mutual Ditch in the SE 1/4 NE1/4 of Section 29, Township 5 North, Range 65 West of the 6<sup>th</sup> P.M., Weld County Colorado where the Union Ditch tails back to the South Platte River. 6. Said well is owned by WCL Partnership, c/o Mike Lehan, 328 N. Market St. #342, San Jose, CA 95110. **L. Name of Structure: WCL Partnership Well No. 3-11994** located in the SW1/4 NE1/4, Section 5, Township 4 North, Range 65 West of the 6<sup>th</sup> P.M., Weld County, Colorado, approximately 2640 feet South and 100 feet East of the North quarter corner of said section. 1. WDID: 208535. 2. Appropriation Date: January 17, 2003 or as otherwise determined in Case No. 03CW99. 3. Amount: 4.0 cfs. 4. Glover Parameters: T = 180,000 gpd/ft, X = 8,580 ft, W = 16,777 ft. 5. Location of Delivery to South Platte River: Via the Western Mutual Ditch in the SE1/4 NE1/4 of Section 29, Township 5 North, Range 65 West of the 6<sup>th</sup> P.M., Weld County Colorado where the Union Ditch tails back to the South Platte River. 6. Said well is owned by WCL, Partnership, c/o Mike Lehan, 328 N. Market St. #342, San Jose, CA 95110. **M. Name of Structure: WCL Partnership Well No. 3-12000** located in the NW1/4 NE1/4, Section 8, Township 4 North,

Range 65 West of the 6<sup>th</sup> P.M., Weld County, Colorado, approximately 15 feet South and 660 feet East of the North quarter corner of said section. 1. WDID: 208534. 2. Appropriation Date: January 17, 2003 or as otherwise determined in Case No. 03CW99. 3. Amount: 4.0 cfs. 4. Glover Parameters: T = 147,000 gpd/ft, X = 11,481 ft, W = 16,933 ft. 5. Location of Delivery to South Platte River: Via the Western Mutual Ditch In the SE1/4 NE1/4 of Section 29, Township 5 North, Range 65 West of the 6<sup>th</sup> P.M., Weld County Colorado where the Union Ditch tails back to the South Platte River. 6. Said well is owned by WCL Partnership, c/o Mike Lehan, 328 N. Market St. #342, San Jose, CA 95110. **N. Name of Structure: Conrad/Matthew/Bass Well No. 1-13054** located in the SE1/4 NE1/4, Section 12, Township 4 North, Range 66 West of the 6<sup>th</sup> P.M., Weld County, Colorado, approximately 2581 feet South and 82 feet West from the Northeast corner of said section. 1. WDID: 207139. 2. Appropriation Date: January 17, 2003 or as otherwise determined in Case No. 03CW99. 3. Amount: 4.0 cfs. 4. Glover Parameters: T = 190,000 gpd/ft, X = 9,732 ft, W = 17,664 ft. 5. Location of Delivery to South Platte River: Via the Western Mutual Ditch in the SE1/4 NE1/4 of Section 29, Township 5 North, Range 65 West of the 6<sup>th</sup> P.M., Weld County Colorado where the Union Ditch tails back to the South Platte River. 6. Said well is owned by Linda Conrad, 6305 W. 6th Ave. #C-20, Lakewood, CO 80214-2359. **O. Name of Structure: Annan Well No. 1-13315** located in the SW1/4 NW1/4, Section 7, Township 4 North, Range 65 West of the 6<sup>th</sup> P.M., Weld County, Colorado, approximately 2550 feet South and 50 feet east from the Northwest corner of said section. 1. WDID: 205257. 2. Appropriation Date: January 17, 2003 or as otherwise determined in Case No. 03CW99. 3. Amount: 4.0 cfs. 4. Glover Parameters: T = 190,000 gpd/ft, X = 9,817 ft, W = 17,298 ft. 5. Location of Delivery to South Platte River: Via the Western Mutual Ditch In the SE1/4 NE1/4 of Section 29, Township 5 North, Range 65 West of the 6<sup>th</sup> P.M., Weld County Colorado where the Union Ditch tails back to the South Platte River. 6. Said well is owned by John L. Annan, 19532 Barnes Circle, Sterling, CO, 80751. **P. Name of Structure: Jerke Well No. 872** located in the SE1/4 NE1/4 of Section 7, Township 4 North, Range 65 West of the 6<sup>th</sup> P.M., Weld County, Colorado. 1. WDID: 206690. 2. Appropriation Date: January 17, 2003 or as otherwise determined in Case No. 03CW99. 3. Amount: 4.0 cfs. 4. Glover Parameters: T = 170,000 gpd/ft, X = 11,000 ft, W = 16,500 ft. 5. Location of Delivery to South Platte River: Via the Western Mutual Ditch In the SE1/4 NE1/4 of Section 29, Township 5 North, Range 65 West of the 6<sup>th</sup> P.M., Weld County Colorado where the Union Ditch tails back to the South Platte River. 6. Said well is owned by William and Charles Jerke, c/o William Jerke, 22911 County Road 39, La Salle, CO 80645. **Q. Name of Structure: Schmidt Well No. 16157R** located in the NW1/4 SE1/4 of Section 7, Township 4 North, Range 66 West of the 6<sup>th</sup> P.M., Weld County, Colorado. 1. WDID: 207546. 2. Appropriation Date: January 17, 2003 or as otherwise determined in Case No. 03CW99. 3. Amount: 4.0 cfs. 4. Glover Parameters: T = 190,000 gpd/ft, X = 11,749 ft, W = 16,509 ft. 5. Location of Delivery to South Platte River: Via the Western Mutual Ditch in the SE1/4 NE1/4 of Section 29, Township 5 North, Range 65 West of the 6<sup>th</sup> P.M., Weld County Colorado where the Union Ditch tails back to the South Platte River. 6. Said well is owned by Clarence and Tylene Schmidt, 18816 WCR 42, LaSalle, CO 80645. 5. Source: The Source for each well is groundwater tributary to the South Platte River. 6. Terms and Conditions for Use: GMS proposes to use the wells listed in this application consistent with the applicable terms and conditions set forth in the Augmentation Plan Decree regarding Augmentation Wells, specifically those set forth in Section 13 of said decree regarding “Terms and Conditions for Use of Augmentation Wells” and Paragraph 17.5.3.2 regarding “Projected Augmentation Well Pumping”. Use of these augmentation wells by GMS within the Augmentation Plan Decree will be augmented by GMS under the Augmentation Plan Decree. No other changes to the Augmentation Plan Decree are requested in this application.

**07CW88 Conifer Ridge Properties, LLC**, 32223 Upper Bear Creek Road, Evergreen, Colorado 80439, and **Mountain Mutual Reservoir Company**, 2525 South Wadsworth Blvd., Suite 306,

Denver, Colorado 80227. (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: Conifer Ridge Well No. 1 (Permit No. 158354) and Conifer Ridge Well Nos. 2-8. 2. Legal Descriptions of the Wells: Conifer Ridge Well No. 1 is located in the SE1/4 NW1/4 of Section 14, Township 6 South, Range 71 West, 6th P.M., Jefferson County, at a point approximately 1,790 feet from the North Section line and 2,330 feet from the West Section line of said Section 14. Conifer Ridge Well No. 2 will be located in the SE1/4 NW1/4 of Section 14, Township 6 South, Range 71 West, 6th P.M., Jefferson County, at a point approximately 2,140 feet from the North Section line and 2,350 feet from the West Section line of said Section 14. Conifer Ridge Well No. 3 will be located in the SE1/4 NW1/4 of Section 14, Township 6 South, Range 71 West, 6th P.M., Jefferson County, at a point approximately 2,370 feet from the North Section line and 2,140 feet from the West Section line of said Section 14. Conifer Ridge Well No. 4 will be located in the SE1/4 NW1/4 of Section 14, Township 6 South, Range 71 West, 6th P.M., Jefferson County, at a point approximately 1,520 feet from the North Section line and 2,610 feet from the West Section line of said Section 14. Conifer Ridge Well No. 5 will be located in the SW1/4 NE1/4 of Section 14, Township 6 South, Range 71 West, 6th P.M., Jefferson County, at a point approximately 1,760 feet from the North Section line and 2,340 feet from the East Section line of said Section 14. Conifer Ridge Well No. 6 will be located in the SW1/4 NE1/4 of Section 14, Township 6 South, Range 71 West, 6th P.M., Jefferson County, at a point approximately 2,030 feet from the North Section line and 2,230 feet from the East Section line of said Section 14. Conifer Ridge Well No. 7 will be located in the SE 1/4 NW1/4 of Section 14, Township 6 South, Range 71 West, 6th P.M., Jefferson County, at a point approximately 2,190 feet from the North Section line and 2,630 feet from the West Section line of said Section 14. Conifer Ridge Well No. 8 will be located in the SE1/4 NW1/4 of Section 14, Township 6 South, Range 71 West, 6th P.M., Jefferson County, at a point approximately 1,860 feet from the North Section line and 2,580 feet from the West Section line of said Section 14. 3.A. Source of Water: Ground water that is tributary to unnamed tributaries of North Turkey Creek, Turkey Creek, Bear Creek and the South Platte River. 3.B. Depth of Wells: Conifer Ridge Well No. 1: 277 feet. Conifer Ridge Well Nos. 2-8: 1,000 feet, approximate, for each well. Dates of Appropriation: Conifer Ridge Well No. 1: August 15, 1990. Conifer Ridge Well Nos. 2-8: April 30, 2007. 4.B. How Appropriation was Initiated: Issuance of a well permit by the Colorado Division of Water Resources, construction of well, survey of the property and the filing of this Application. 4.C. Dates Water Applied to Beneficial Use: Conifer Ridge Well No. 1: July 15, 1992. Conifer Ridge Well Nos. 2-8: N/A. 5. Amount Claimed: Conifer Ridge Well No. 1: 4 gallons per minute, Absolute, and 11 gallons per minute, Conditional. Conifer Ridge Well Nos. 2-8: 15 gallons per minute, Conditional, for each well. 6. Uses: Commercial, domestic, irrigation and fire protection purposes. 7. Name and Address of Owner of Land on which the Wells are or will be Located: Conifer Ridge Properties, LLC, as described above. **APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION AND EXCHANGE RIGHT:** 1. Names of Structures to be Augmented: Conifer Ridge Well Nos. 1-8. 2. Water Rights to be Used for Augmentation Purposes. a. Conifer Ridge Properties, LLC. ("Conifer Ridge"), has entered into a contract to purchase 31.8 shares of the capital stock of the Mountain Mutual Reservoir Company, ("MMRC"). The 31.8 shares represent the right to receive 0.80 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, Colorado. 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 a conditional water right in Case No. 2001CW294, in an amount of water up to 50 acre feet, for augmentation, replacement, exchange and substitution purposes, with the understanding that the amount will be reduced to the difference between 50 acre feet and the volume of water decreed in Case No. 94CW290 for the same 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. Conifer Ridge proposes to subdivide a tract of land consisting of approximately 25 acres into a mixed-use development. The property is located in portions of the S1/2 N1/2 of Section 14, Township 6 South; Range 71 West, 6th P.M., Jefferson County. Current plans are to construct independent living and assisted living facilities, along with town homes and condominiums. The subject property is depicted on the attached Exhibit "A." The water supply for the development will be obtained from the Conifer Ridge Well Nos. 1-8. Water may be used for purposes other than those specifically mentioned herein, provided that out-of-priority stream depletions associated with ground water diversions do not exceed the available volume of augmentation water. b. Wastewater from all in-building uses of water will be treated at the regional wastewater treatment plant operated by the Conifer Metropolitan District. The plant is located in the E1/2 of Section 14, Township 6 South, Range 71 West, 6th P.M., Jefferson County. Return flows will either be discharged to the fractured granite ground water system or released to an unnamed tributary of North Turkey Creek. c. Depletions associated with water that is used inside buildings will be based on a five percent (5%) consumption factor. The augmentation plan will include an allowance for the irrigation of vegetation within the development. Gross irrigation requirements for lawn grass are anticipated to be no more than 1.25 acre feet of water per irrigated acre. Gross irrigation requirements for gardens are anticipated to be no more than 0.5 of an acre foot of water per irrigated acre. Consumption of lawn grass at this location is 1.0 acre foot per acre. Consumption of gardens is 0.4 of an acre foot per acre. The consumptive use for irrigation operations was determined using the SCS TR-21 modification to the Blaney Criddle consumptive use method with the Pochop elevation adjustment, and the Evergreen turf adjustment as outlined in a report prepared by Blatchley Associates, Inc., which is titled "Turf Irrigation in Mountainous Areas of Evergreen, Colorado." Maximum stream depletions are not anticipated to exceed 0.80 of an acre foot per year. d. 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. e. During times when the exchange decreed in Case No. 2001CW293 can be operated, depletions to North Turkey Creek, Turkey Creek and points downstream will be augmented by continuously leaving a portion of MMRC's direct flow water rights in the stream. Periodic releases of water stored in the Soda Lakes Reservoirs may also be exchanged upstream. During times when such exchanges of water cannot be operated, depletions will primarily be augmented by periodically releasing water from Meadowview Reservoir. f. Depletions to Turkey Creek and portions of North Turkey Creek associated with the operation of the above referenced wells are within the exchange reach described in the Decree entered in Case No. 2001CW293. Therefore, no separate exchange priority is required for the operation of this augmentation plan regarding such depletions. However, since depletions will also occur to 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, Conifer Properties 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 Turkey Creek and Bear Creek in the NW 1/4 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 NW1/4 of Section 14, Township 6 South, Range 71 West, 6th P.M.; and thence up both arms of the unnamed tributaries to points where depletions from the subject wells impact the unnamed tributaries in the SE1/4 NW1/4 and the SW1/4 NE1/4 of Section 14, Township 6 South, Range 71 West, 6th P.M.. The exchange will operate to replace depletions to the flow of water in the unnamed tributaries of North Turkey Creek, North Turkey Creek, Turkey Creek, Bear Creek and the South Platte River as the depletions occur. The exchange may also be used to store water in an on-site reservoir. The exchange will be administered with a priority date of April 30, 2007, at a maximum flow rate of 0.003 of a cubic foot per second. 4. Name and Address of Owner of Land on which any New Structures will be Located: Conifer Ridge Properties, LLC, as described above. WHEREFORE, Conifer Ridge Properties, LLC 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. Conifer Ridge also requests a determination that the wells described herein can be operated without curtailment so long as out-of-priority stream depletions are replaced as proposed herein. Conifer Ridge further requests the entry of an Order directing the State Engineer to issue permits for the construction and use of the subject wells. (8 pages and one exhibit).

**07CW89 APPLICATION TO MAKE ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE IN LARIMER COUNTY, COLORADO.** 1. **Name, address and telephone number of Applicant:** Girl Scouts - Mile Hi Council, c/o Andrea Jagger, Property Manager, 400 South Broadway, Denver, CO 80209, (303) 778-8774. **Communications, including pleadings regarding this application should be directed to counsel for the applicant, Cynthia F. Covell, Alperstein & Covell P.C., 1600 Broadway, Suite 2350, Denver, CO 80202.** 2. **Name of structures:** Magic Sky Reservoir, Lone Pine Northside Well, Lone Pine Southside Well. 3. **Describe conditional water right (as to each structure) giving the following from the Referee's ruling and judgment and decree.** a. **Date of original decrees.** Magic Sky Reservoir: December 4, 1987, Lone Pine Northside Well: December 4, 1987, Lone Pine Southside Well: December 4, 1987. b. **Case No.:** 85CW455 (Diligence awarded in Case Nos. 93CW174 and 2000CW145). c. **Court:** Water Division 1. d. **Decreed location as corrected in Case No. 2000CW145:** **Magic Sky Reservoir:** SW1/4 SW1/4, Sec. 5, Township 9 North, Range 68 West of the 6<sup>th</sup> P.M., Larimer County, Colorado. The underdrain outlet from the reservoir is located 760' from the West section line and 1070' from the south section line of said Section 5. **Lone Pine Northside Well:** SE1/4 NE1/4 Sec. 5, T.9N, R72 W. of the 6<sup>th</sup> P.M., Larimer County, Colorado, 1500 feet from the North section line and 400 feet from the East section line. **Lone Pine Southside Well:** NE1/4 SW1/4 Sec. 5, T.9N, R72 W. of the 6<sup>th</sup> P.M., Larimer County, Colorado, 1440 feet from the South section line and 2250 feet from the West section line. e. **Source:** South Lone Pine Creek, as to all structures. f. **Appropriation date:** December 31, 1985, for all structures. g. **Amount.** Magic Sky Reservoir: 10 acre-feet conditional; Lone Pine Northside Well: 15 g.p.m. conditional (as amended in Case No. 2000CW145); Lone Pine Southside Well: 5 g.p.m. conditional (as amended in Case No. 00CW145); h. **Use of water.** **Magic Sky Reservoir:** Municipal, recreation, piscatorial, domestic and augmentation. **Lone Pine Northside Well:** Domestic and municipal uses to provide a water supply for the Magic Sky Ranch Girl Scout camp, which includes outdoor showers and field kitchen. **Lone Pine Southside Well:** Domestic and municipal uses to provide a water supply for the Magic Sky Ranch Girl Scout camp, which includes outdoor showers and field kitchen. i. **Depth of Wells.** Lone Pine Northside Well: 380 feet, Lone Pine Southside Well: 360 feet. j. **Constructed Reservoir Capacity:** 6.54 acre-feet. 4. **Provide a detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed,**

including expenditures. See Exhibit A attached hereto, and incorporated herein by reference. WHEREFORE, Applicant Girl Scouts - Mile Hi Council, having demonstrated that it has steadily applied effort to complete the appropriation of the foregoing water rights in a reasonably expedient and efficient manner under all the facts and circumstances, respectfully requests this Court to find and decree as follows: a. that Applicant has put to beneficial use 14 g.p.m. decreed to the Lone Pine Northside Well, and that 14 g.p.m. decreed to the Lone Pine Northside Well be decreed absolute; and b. that Applicant has demonstrated that it can and will put the remaining 1 g.p.m. decreed to the Lone Pine Northside Well to beneficial use within a reasonable time, and that the conditional decree be continued as to the remaining 1 g.p.m. decreed to the Lone Pine Northside Well; and c. that Applicant has drilled and tested the Lone Pine Southside Well, and has demonstrated that it can and will put the water to beneficial use within a reasonable time, and that the conditional decree of 5 g.p.m. be continued; and d. that Applicant has constructed the Magic Sky Reservoir to a capacity of 6.54 acre-feet, stored water therein and placed it to beneficial use, and that 6.54 acre-feet of the Magic Sky Reservoir storage right be decreed absolute; and e. that Applicant has exercised reasonable diligence in putting to beneficial use the remainder of the water storage right for the Magic Sky Reservoir conditionally decreed in Case No. 85CW455, and that the conditional decree as to said remaining 3.46 acre-feet of the Magic Sky Reservoir water right be continued. (6 pages.)

**07CW90 Application for Finding of Reasonable Diligence and to Make Absolute a Portion of a Conditional Water Right in DOUGLAS COUNTY. Pivotal Parker Investments, LLC, c/o The Pivotal Group, c/o Christopher L. Thorne, Holland & Hart, 555 17th Street, Ste. 3200, Denver, CO 80202, 303-295-8000.** Names of Structures: Stroh Ranch Tributary Wells TW1, TW2, TW3, TW4, TW5, TW6, and TW7 (referred to collectively herein as the “Tributary Wells”). 1. Information from previous decrees for Tributary Wells: Original decree: Case No. 81CW4145. Date entered: December 19, 1985. District Court, Water Division No. 1. Decreed point of diversion: Each well is located in Section 34, Township 6 South, Ranch 66 West of the 6th P.M. in Douglas County, Colorado and is more particularly described as follows: TW1: In the SW1/4SW1/4 at a point 632 feet North of the South Section line and 1186 feet East of the West Section line. TW2: In the SE1/4SW1/4 at a point 1160 feet North of the South Section line and 1650 feet East of the West Section line. TW3: In the NE1/4SW1/4 at a point 2327 feet North of the South Section line and 1326 feet East of the West Section line. TW4: In the NE1/4SW1/4 at a point 2399 feet North of the South Section line and 2282 feet East of the West Section line. TW5: In the SE1/4NW1/4 at a point 2799 feet North of the South Section line and 1664 feet East of the West Section line. TW6: In the SE1/4NW1/4 at a point 3368 feet North of the South Section line and 1898 feet East of the West Section line. TW7: In the SW1/4NW1/4 at a point 3878 feet North of the South Section line and 813 feet East of the West Section line. Source: Ground water tributary to Cherry Creek, tributary to the South Platte River. Appropriation information: The appropriation dates for the wells are as follows: TW1 – May 18, 1981. TW2 – May 18, 1981. TW3 – September 10, 1984. TW4 – September 10, 1984. TW5 – September 10, 1984. TW6 – September 10, 1984. TW7 – September 10, 1984. Amount: 1,500 gpm, conditional, for each well, except as made absolute. TW1 and TW4 have been drilled and fully equipped. In Case No. 96CW271, the Water Court issued a decree making the water right associated with TW1 absolute for 1.67 c.f.s (750 gpm) and finding reasonable diligence with regard to the remaining conditional portion of TW1 and all of the conditional water rights for TW2 through TW7. Decreed Use: The Tributary Wells are decreed as part of an integrated water supply system for development of approximately 1913 acres of land in Douglas County, Colorado previously known as the Stroh Ranch (the “Stroh Ranch Property”). The undeveloped portions of the Stroh Ranch Property are now owned by Pivotal, and are planned for development as part of Applicant’s Anthology development. The Tributary Wells are decreed for domestic, irrigation, municipal, commercial, industrial, fire protection, recreational, fish and wildlife, livestock

watering, and any other beneficial use in connection with the development of the Stroh Ranch Property. Water may be diverted under the water rights for the Tributary Wells for immediate application to beneficial use, for storage and subsequent application to beneficial use, for exchange purposes, for replacement of depletions resulting from use of water from other sources, and for any augmentation purpose approved pursuant to a decreed plan for augmentation. In Case No. 05CW333, Water Division No. 1, Applicant has requested approval of a change in place of use of the Tributary Wells to include irrigation on additional adjacent property owned by Applicant, previously known as the Hess Ranch. Evidence of Reasonable Diligence: During the applicable diligence period, Applicant has taken steps to diligently develop the Tributary Wells, including, without limitation, the activities described in the list below. This list is not intended to be inclusive and may be supplemented by additional evidence. The decree in this Court's Case No. 81CW415 found that the Tributary Wells are part of the Stroh Ranch development water supply system which is a single, unified water supply system for the purpose of reasonable diligence. The Court further found that diligence in the development of any part of the Stroh Ranch development water supply system shall constitute diligence for each of the subject Tributary Wells. Applicant filed the application for change of water rights relating to the Tributary Wells, in Case No. 05CW333, Water Division No. 1. Applicant submitted annual reports to the Office of the Division Engineer regarding diversions under the water rights associated with Tributary Wells TW1 and TW4, and operation of those wells under the augmentation plan decreed in Case No. 81CW416, Water Division No. 1. Applicant expended in excess of \$90,000 on the planning and design of water supply facilities and related infrastructure relating to the Tributary Wells. Applicant and its predecessor engaged the services of engineering consultants for the purpose of advice with respect to water distribution and waste water collection systems, and the potential impact on the Tributary Wells from the water rights applications and activities of other appropriators on Cherry Creek. The amount paid to such engineering consultants during the diligence period exceeded \$62,000. Applicant and its predecessor engaged the services of attorneys for counsel regarding water rights matters and to represent them in Water Court cases in which they filed statements of opposition to the applications of others. The amount paid to such attorneys by Applicant during the diligence period exceeded \$103,000. Development of Anthology is continuing. During the diligence period, additional phases of the development were approved by Douglas County and platted. The total cost of all development-related activities during the subject diligence period was approximately \$5,875,000, all of which are a part of and necessary to the completion of the project and the application of Applicant's integrated water rights, including the water rights associated with the Tributary Wells, to beneficial use. Claim to Make Absolute (Tributary Well TW4): Date water applied to beneficial use: Tributary Well TW4 was put into operation on June 30, 1998. Amount: 1.34 c.f.s (600 gpm). Use: Municipal use pursuant to decree.

**07CW91 CHURCH RANCH LAND COMPANY, Applicant, APPLICATION FOR FINDING OF REASONABLE DILIGENCE, IN JEFFERSON COUNTY.** 1.Name, address, and telephone number of Applicant: **Church Ranch Land Company, 10050 Wadsworth Blvd., Westminster, CO 80021, (303) 469-2534 Attorneys: Petrock & Fendel, P.C., Scott M. Huyler, Atty. Reg. #27342, 700 Seventeenth Street, Suite 1800, Denver, Colorado 80202, Telephone: (303) 534-0702,** 2.Decree Information: Decreed on April 26, 2001, in Case No. 99CW215, District Court, Water Division 1., 3.Name and location of structure: Walnut Creek Diversion First Enlargement, located in the NE1/4NE1/4 of Section 14, T2S, R69W of the 6th P.M., at a point approximately 40 feet south and 20 feet west of the NE corner of said Section 14., 4.Source of water: Walnut Creek., 5. Date of appropriation: December 13, 1999., 6. Amount of water claimed: 3 cfs (conditional)., 7.Uses: Livestock watering, domestic, irrigation, commercial, recreation, piscatorial, augmentation and replacement, including storage., 8. This Application for Finding of Reasonable Diligence is filed pursuant to the Water Right

Determination and Administration Act of 1969, §37-92-302, C.R.S. During this diligence period, in continuing the development of the conditional water rights, Applicant has been engaged in the legal defense and protection of said water rights and has been diligent in the continued development of the water rights involved. During the diligence period, Applicant has irrigated land from the subject point of diversion and structure under the original decree for the point of diversion, and has continued to maintain and repair the structure, and keep it in good working order. Such work includes reinforcement of the diversion and inlet structure, repair of the spillway overflow pipe, and the addition of rip rap and concrete to reinforce the outlet structure. Additionally, this right may be used in the future for storage in a pond which is not completed. However, planning has been on going for construction of the new pond which may also store water under this conditional right.

**07CW92. PINE ESTATES, LLC, 8050 Eagle Feather Way, Lone Tree, Colorado 80124 (send all pleadings and correspondence c/o Evan D. Ela, Collins Cockrel & Cole, P.C., 390 Union Boulevard, Suite 400, Denver, Colorado 80228, (303) 986-1551), Application for Change of Water Rights, Amendment of Plan for Augmentation and Appropriative Rights of Water Exchange in JEFFERSON AND PARK COUNTIES.** First Claim – CHANGE OF WATER RIGHTS. 2. Name of Structure: Mack Ditch No. 2. 3. From Previous Decrees: The Mack Ditch No. 2 was originally decreed on May 22, 1913 in Case No. 1678, District Court of the Eleventh Judicial District, County of Park, *In the Matter of Priorities of Water Rights and the Adjudication Thereof to the Use of Water for Purposes of Irrigation, in Water District Number Twenty-three (23), Irrigation Division Number One (1), In the State of Colorado*, with Ditch Priority No. 6 on the North Fork of the South Platte River with an appropriation date of May 1, 1863. Subsequently, a portion of the Mack Ditch No. 2 water right was quantified, changed in use and the point of diversion moved to allow direct use and storage of the historical consumptive use associated with such portion of the water right, as follows: (a) Date Entered: March 14, 1983, Case No. 80CW455, District Court, Water Division No. 1, Colorado; *Concerning the Application for Water Rights of Brauch Enterprises II, in the South Platte River or its Tributaries, in Jefferson and Park Counties*. (b) Decreed point of diversion: Maddox Reservoir Feeder Ditch, located in the SW1/4, Section 22, Township 7 South, Range 73 West of the 6<sup>th</sup> P.M., Park County, Colorado, on the north bank of the North Fork of the South Platte River. (c) Source: North Fork of the South Platte River. (d) Appropriation date: May 1, 1863. (e) Amount: 0.055 cfs for an annual total of 5.81 ac-ft of historical consumptive use water. (f) Historical use: The subject portion of the Mack Ditch No. 2 water right, together with contractual entitlements to 4.08 ac-ft of storage capacity in Maddox Reservoir, was dedicated into an augmentation plan decreed in Case No. 80CW455 to provide replacement water for 130 in-house use domestic wells located in a subdivision proposed by Brauch Enterprises II. The Brauch subdivision has been partially developed (will not be developed beyond 47 household units), and the augmentation plan has been operated as required by the Water Commissioner to provide replacement water for the consumptive uses incurred by the subdivision as developed to date. 4. Applicant's Ownership Interest: Applicant entered into a Water Rights Purchase Agreement with Brauch Enterprises II dated March 21, 2007 securing the right to purchase those portions of the Brauch Enterprises II's interests in the Mack Ditch No. 2 water rights, in a permanent storage easement in Maddox Reservoir and in related property interests, which are collectively not necessary to continue augmentation of 47 of the 130 residential wells authorized by the decree in Case No. 80CW455. The portions of the Mack Ditch No. 2 water right, related property interests, and augmentation plan rights decreed in Case No. 80CW455 that are needed to continue augmentation of 47 residential wells were retained by Brauch Enterprises II or its successors in interest, and those entities will continue to rely upon the 80CW455 augmentation plan without alteration or amendment. The balance of water right interests authorized by the decree in Case No. 80CW455 but not needed for the retained 47 wells are being acquired by the Applicant, and Applicant will

use such water rights for development of a portion of the lands identified in Case No. 80CW455 along with additional adjacent lands. These water right interests (the “Subject Water Rights”) have been determined by the Applicant to total 0.0359 cfs of the 0.055 cfs portion of the Mack Ditch No. 2 water right quantified in 80CW455 (equating to 3.9372 ac-ft of the 5.81 ac-ft of annual consumptive use credit quantified in Case No. 80CW455), including augmentation credits for 83 residential wells of the 130 authorized in 80CW455 and other related interests associated with the augmentation plan decreed in 80CW455. 5. Proposed change: Applicant owns, or has consent to include herein, 603.9 acres of land located in Jefferson County that is comprised of approximately 120 acres acquired from Brauch Enterprises II (such acres were the subject of the augmentation plan decreed in Case No. 80CW455), and a 35-acre equestrian facility and approximately 449 acres adjacent to the Brauch Enterprises II lands described above, all as described in **Exhibit A** hereto and the general location shown on **Exhibit B** hereto. Applicant intends to develop at least 49 residential units on approximately 529 acres, as well as supply up to 394 sq-ft of outside irrigation at each such residence and up to 42 horses within the residential development using the Subject Water Rights. Alternatively, the Applicant intends to develop up to 54 residential units on 569 acres, as well as supply up to 358 sq-ft of outside irrigation at each such residence and up to 28 horses within the residential development. Within the range of water demands described by these two scenarios, the Applicant will rely on some combination of residential units, horses and outside irrigation that balances the same seasonal consumption of water as the Subject Water Rights can provide within the same hydrologic balance that was decreed in Case No. 80CW455. Under any scenario, the Applicant intends to also use the balance of the Subject Water Rights to provide an augmentation supply for the well that serves an equestrian center to be located in within the Preserve at Pine Meadows, which will house a maximum of 53 horses. To provide an adequate augmentation water supply for the uses described herein, the Applicant seeks to change the following: (a) The decree in 80CW455 approved an augmentation plan for 130 residential wells located on 586.17 acres, of which a portion, approximately 120 acres, is now owned by Applicant. Applicant’s interest in the Subject Water Rights equates to 83 of the 130 residential well augmentation credits decreed in 80CW455 as described in paragraph 4 above. The Applicant seeks a change in the place of use of its 83 residential well augmentation credits to the extent that Applicant is adding up to 484 adjacent acres into, and amending, the augmentation plan decreed in 80CW455. The lands upon which the Applicant’s 83 residential augmentation credits shall be applied are generally located in portions of Sections 7, 8, 16, 17 and 18 of Township 7 South, Range 71 West of the 6th P.M., Jefferson County, Colorado, as more particularly described in **Exhibit A**. (b) By virtue of the Water Rights Purchase Agreement described in paragraph 4, Applicant’s interest in Maddox Reservoir storage capacity is equal to all such storage entitlement owned by Brauch Enterprises II less any amount necessary to allow continuation of the 80CW455 augmentation plan for uninterrupted operation of Brauch Enterprises II’s retained entitlement to 47 in-house use only wells. As was determined in 80CW455, Brauch Enterprises II and Applicant’s use of the Maddox Reservoir storage capacity does not involve the use of the Maddox Reservoir water storage right. No change of the Maddox Reservoir storage right is requested herein. (c) Of the 5.81 ac-ft of historical consumptive use credit quantified and decreed for the Mack Ditch No. 2 in 80CW455, 0.63 ac-ft was authorized for diversion into, and seepage from, Maddox Reservoir because of the excessive reservoir seepage acknowledged at that time. Since the decree was entered, Maddox Reservoir has been acquired and lined by North Fork Associates, LLC, thus eliminating seepage. By this application, the Applicant seeks to change 0.63 ac-ft (0.0021 cfs) of the Mack Ditch No. 2 historical consumptive use credit from seepage replacement in Maddox Reservoir, to augmentation for outside irrigation by dedication of that amount to the stream at the Maddox Reservoir Feeder Ditch headgate on the North Fork of the South Platte River in the same manner that 1.7 ac-ft (0.006 cfs) was dedicated to the stream by the decree in 80CW455. The dedication made in 80CW455 was to directly offset irrigation season depletions under the augmentation

plan. The Applicant shall apply all of the 0.0021 cfs of dedicated credit to offset outside irrigation occurring within its development under this amended augmentation plan. Second Claim – AMENDMENT OF PLAN FOR AUGMENTATION. 6. Name of Structures to be Augmented: Applicant seeks to amend its portion of the plan for augmentation decreed in Case No. 80CW455 to reduce the number of residential wells to be augmented from 83 to at least 49, or potentially a maximum of 54. One additional well (Permit No. 246158, located in the NW/4 SW/4 of Section 17, T. 7 S., R. 71 W. of the 6<sup>th</sup> PM, 2253 ft. from the S. section line and 491 ft. from the W. section line), serving the livestock needs of the Preserve at Pine Meadows equestrian center, will also be augmented. The augmentation credits created by such reduction in the number of residential wells will be applied to offset the consumptive water use of 53 horses at the equestrian center and between 28 and 42 other horses at selected residences within the proposed development. In addition to the in-house and livestock uses of the reduced number of residential wells, the Applicant intends to amend its portion of the 80CW455 augmentation plan to allow outside irrigation upon a limited area on each lot as can be appropriately balanced against augmentation credits available to the Applicant as further described herein. 7. Previous Decree for Water Rights to be Used for Augmentation: The Subject Water Rights used to supply augmentation water under this amended plan were quantified and decreed in Case No. 80CW455 as described in paragraph 3 above. 8. Statement of Plan for Augmentation: This statement of plan for augmentation covers all matters applicable under C.R.S. §37-92-103(9), §§302(1) and (2) and §305(8): (a) The Applicant intends to develop 569.24 acres of land it owns, or has under contract for purchase, into 49, or up to 54, residential lots. Water supply for each lot will be provided by individual wells. In addition, Applicant intends that this amended augmentation plan will provide augmentation water for the Preserve at Pine Meadows equestrian center, which is located adjacent to the land proposed for development. (b) On a portion of Applicant's development land, 83 household wells were authorized by the augmentation plan in Case No. 80CW455. The wells contemplated in 80CW455 were limited to domestic in-house use only. The Applicant desires to reduce the number of wells and apply the water rights and augmentation credits made available by such reduction to cover consumption of water by horses. In addition, the Applicant has acquired 0.63 ac-ft of additional consumptive use credit under the Mack Ditch No. 2 water right, which will be used to replace depletions created by limited outside irrigation at each residence. (c) As was decreed in Case No. 80CW455, the Applicant's calculation of in-house water demand at each residence was based on an average year round occupancy of 3.5 persons per residence and a gross water supply requirement of 80 gallons per person per day. This equates to a gross water supply requirement of 0.31 ac-ft per year per residence for in-house use. Wastewater from all in-house uses of water will be treated utilizing non-evaporative septic systems with soil absorption leach fields. Depletion created by in-house use was calculated to be no more than 10% under the same assumptions as relied upon in 80CW455 decree. Return flows will accrue to Pine Gulch or Elk Creek, both tributaries to the North Fork of the South Platte River. (d) Water requirement for horses or horse equivalents was calculated on the basis of 10 gallons per animal per day for an annual requirement of 0.011 ac-ft per animal per year. Depletion from the use of water by horses was assumed at 100%. (e) Water requirement for outside irrigation was calculated on the basis of between 358 to 394 sq-ft of irrigated lawn or garden depending on the number of lots ultimately developed. Depletion caused by irrigation was calculated to be 1.42 ac-ft per acre using accepted engineering methods. The augmentation water available for replacing depletions from lawn and garden irrigation will allow for irrigation of up to 0.443 acres in total throughout the Applicant's development. Return flows will accrue to Pine Gulch or Elk Creek, both tributaries to the North Fork of the South Platte River. (f) Total depletions from the proposed development and equestrian center have been calculated at 3.232 ac-ft per year. (g) As decreed in Case No. 80CW455, depletions to the stream system that occur between May 1 and September 30 will be replaced by leaving in the stream Applicant's 0.0038 cfs interest plus its 0.0021 cfs interest (together totaling 0.0059 cfs) of the historical consumptive

use of the Mack Ditch No. 2 water right. In order to provide replacement water releases during the period from October 1 through April 30, the remainder of Applicant's historic use will be stored and released from Maddox Reservoir in exactly the same manner as was decreed in Case No. 80CW455. Third Claim – APPROPRIATIVE RIGHTS OF EXCHANGE. 9. Water Exchange Right: Because the point of depletion for the individual wells that will serve Applicant's development are located on Pine Gulch for some lots and on Elk Creek for other lots, and upstream from the confluence of such creeks with the North Fork of the South Platte River, the Applicant asserts appropriative rights of substitution and exchange pursuant to C.R.S. §37-80-120 and §37-92-302(1)(a). (a) Legal description: The reaches of the exchanges shall extend from: (1) The confluence of the Pine Gulch and the North Fork of the South Platte River in Section 27, Township 7 South, Range 71 West of the 6<sup>th</sup> P.M., Jefferson County, thence up Pine Gulch to the points where depletions from the subject wells impact Pine Gulch in Sections 7, 17 and 18, Township 7 South, Range 71 West of the 6<sup>th</sup> P.M., Jefferson County, Colorado. (2) The confluence of the Elk Creek and the North Fork of the South Platte River in Section 27, Township 7 South, Range 71 West of the 6<sup>th</sup> P.M., Jefferson County, thence up Elk Creek points where depletions from the subject wells impact Elk Creek in Section 16, thence up Elk Creek to the confluence of Elk Creek and Shattuck Gulch in Section 9, thence up Shattuck Gulch to the points where depletions from the subject wells impact Shattuck Gulch in Sections 7, 8 and 9, all aforementioned Sections located in Township 7 South, Range 71 West of the 6<sup>th</sup> P.M., Jefferson County, Colorado. (b) Source: The exchanges shall operate to replace depletions to the flow of Pine Gulch, Elk Creek and Shattuck Gulch as depletions occur. (c) Appropriation date: The Applicants claim an appropriation date of April 30, 2007 based on the filing of the subject Application. (d) Amount: 0.0056 cfs, Conditional; the exchanges have not yet been operated. (e) Use: The water exchanged shall be used for replacement and augmentation of the use of wells for domestic, irrigation and stock watering purposes. 10. Names and addresses of owners of land on which structures will be located: (a) The residential wells authorized by this amended plan for augmentation will be located on property owned by the Applicant or by Michael and Patricia Trout, 1986 Stadium Hill Dr., Sheridan, Wyoming 82801. (b) The equestrian center well authorized by this amended plan for augmentation is located on property owned by the Preserve at Pine Meadows Owners Association, a Colorado not-for-profit corporation, whose address is c/o American Craftsman, 12424 Big Timber Dr., Unit 1, Conifer, Colorado 80433. (c) Maddox Reservoir, and the Maddox Reservoir Feeder Ditch headgate, are located on property owned or controlled by North Fork Associates, LLC, 2525 S. Wadsworth Blvd., #306, Lakewood, Colorado 80227. 11. Prayer for Relief: Applicant respectfully requests that the court grant a decree authorizing the changes of water rights, amendment of augmentation plan and appropriative rights of water exchange as specified herein, and such other relief as the court deems necessary. (8 pages)

**03CW188 WAYNE AND ELIZABETH RODGERS, 588 OAKWOOD LANE, CASTLE ROCK, CO. 80108. Telephone: (303) 792-2735. APPLICATION FOR UNDERGROUND WATER RIGHT IN DOUGLAS COUNTY.** Name of Well: Rodgers Well, Permit No. 146461 located SE1/4, SW1/4, S34, T6S, R67W of the 6<sup>th</sup> PM at a distance 925 feet from South and 1980 feet from West. Street address: 588 Oakwood Lane. Subdivision: Oak Hills, Filing #1, Lot 30. Source: Non-Tributary. Depth: 680'. Date of appropriation: 02/11/1987. How appropriation was initiated: Filed for Well permit. Date water applied to beneficial use: 02/11/1987. Amount claimed: 12 gpm Absolute. Name of Aquifer: Lower Dawson Formation. Amount claimed in acre feet annually: 1. Area of lawns and gardens irrigated: 1/4. Use: 1 single family home.

AMENDMENTS

**03CW415 City of Aurora, Colorado, a municipal corporation of the Counties of Adams, Arapahoe and Douglas acting by and through its Utility Enterprise; 15151 East Alameda Avenue, Suite 3600, Aurora, Colorado, 80012-1555, Telephone: 303-739-7370; Steven O. Sims and John A. Helfrich, Brownstein Hyatt Farber Schreck, P.C., 410 17th Street, Suite 2200, Denver, Colorado 80202-4437, Phone Number: 303-223-1100. FIRST AMENDMENT TO APPLICATION FOR CONDITIONAL WATER RIGHTS IN ADAMS, ARAPAHOE, DOUGLAS AND WELD COUNTIES.** Applicant, the City of Aurora, Colorado, a municipal corporation of the Counties of Adams, Arapahoe and Douglas acting by and through its Utility Enterprise (“Aurora Water”), by and through undersigned counsel hereby submits the following Amendment to the Application for Conditional Water Rights filed December 26, 2003 ("Original Application"). This Amendment removes three points of diversion (Aurora South Platte Division, Fulton Ditch, Platte Valley Canal) and one surface water storage structure (Platte Valley Reservoir, 1,000 acre feet) that were requested in the Original Application, adds two additional alternative sites for the East Reservoir, revises the legal descriptions of four of the original proposed East Reservoir sites, reduces the total volume claimed and adjusts the amounts to be stored in the remaining reservoirs. The total amount of surface water storage requested is reduced to 46,400 acre feet from the 50,822 acre feet claimed in the Original Application, with the right to one annual fill and one complete refill as water is available in priority and as necessary for the continued operation of the facilities. The Amendment does not seek to add additional water rights to that claimed in the Original Application. Sections of the Original Application other than those identified below remain unchanged by this Amendment. I. Name, Address and Telephone Number of Applicant: City of Aurora, Colorado, a municipal corporation of the Counties of Adams, Arapahoe and Douglas acting by and through its Utility Enterprise (“Aurora Water”): 15151 East Alameda Avenue, Suite 3600, Aurora, Colorado 80012-1555, Telephone: 303-739-7370, II. Name of Structures: C. Platte Valley Reservoir (removed from application). III. Legal Description of Structures: C. Location of Platte Valley Reservoir: (removed from application). D. East Reservoir will be built at one or more of the following locations: i. Site 1: (a) Site 1A: In §§ 14 & 23 and N1/2 of § 26, T4S, R65W, 6<sup>th</sup> P.M. in Arapahoe County, Colorado, This will be an off-channel reservoir. (Note: revised legal description) (b) Site 1B: In §§ 9, 10, & 15 and S1/2 of §§ 3 & 4 and N1/2 of § 16, T4S, R65W, 6<sup>th</sup> P.M. in Arapahoe County, Colorado. This will be an off-channel reservoir. (Note: this is a new reservoir site) ii. Site 2: (b) Site 2B: In ~~S1/2 of §§ 26 & 27~~ and N1/2 of §§ 34, 35, 36, T4S, R65W, 6<sup>th</sup> P.M. in Arapahoe County, Colorado. This will be an off-channel reservoir. (Note: revised legal description) iii. Site 3: (a) Site 3A: In §§ 26 & 27 ~~28 & 33~~ and N1/2 of §§ 34 & 35, T5S, R65W, 6<sup>th</sup> P.M. in Arapahoe County, Colorado. This will be an off-channel reservoir. (Note: revised legal description) (b) Site 3B: In §§ 14 & 23 and N1/2 of § 26 and E1/2 of §§ 15 & 22, T5S, R65W, 6<sup>th</sup> P.M. in Arapahoe County, Colorado. This will be an off-channel reservoir. (Note: revised legal description) iv. Site 8: In §§ 29 & 30 and S1/2 of §§ 19 & 20 and N1/2 of § 32, T5S, R64W, 6<sup>th</sup> P.M. in Arapahoe County, Colorado. This will be an off-channel reservoir. (Note: this is a new reservoir site) E. Location of Points of Diversions from South Platte River: iii. Fulton Irrigation Ditch: (removed from application) iv. Aurora South Platte Diversion: (removed from application) v. Platte Valley Canal: (removed from application) VI. Amount of Water Claimed: Applicant will store 18,707 acre-feet (Conditional) in Aurora Reservoir, 2,693 acre-feet (Conditional) in Quincy Reservoir and approximately 25,000 acre-feet (Conditional) in the East Reservoir for a total of 46,400 acre-feet, with the right to one annual fill and one complete refill as water is available in priority and as necessary for the continued operation of the facilities at the following flow rates: Brantner Ditch: 110 c.f.s. Brighton Ditch 60 c.f.s. Aurora South Platte Diversion: removed from application Fulton Ditch; removed from application Platte Valley Canal; removed from application IX. Facility Description: A. Surface area at high water line: iii. Platte Valley Reservoir: (removed from application). B. Maximum dam height: iii. Platte Valley Reservoir: (removed from application). C. Length of dam: iii. Platte Valley Reservoir: (removed from

application). X. Capacity of the Reservoirs: iii Platte Valley Reservoir: (removed from application). iv. East Reservoir: 25,000 acre feet. 1. Active Capacity: approximately 25,000 acre feet. 2. Dead Storage: approximately 0 acre feet. XI. Name and Address of Owner of Land on which Structure for the Water Right is Located: iv. Fulton Ditch: (removed from application). v. Platte Valley Canal: (removed from application). vi. Platte Valley Reservoir: (removed from application).vii. East Reservoir sites: The parties listed on Exhibit B attached to the Original Application is amended by addition of the following: Site 1B Landowners: Sky Ranch LLC, 4355 Weaver Pkwy., Warrenville IL 60555-4028; Starfall Ranch LLC, 785 International Isle Dr., Castle Rock, CO 80108-3482; Bellweather Assoc., 3600 S Yosemite St. #800, Denver, CO 80237-1830; Gunn Family Limited, 5415 Laura Dawn Ave., Cheyenne, WY 82009-3742; Purview Associates, 007400 E. Crestline Cir. 150, Greenwood Village, CO 80111-3655; Sand Creek Ranch East LLC, 785 International Isle Dr., Castle Rock, CO 80108-3482; Property Reserve Inc., 50 E. North Temple St. 22FL, Salt Lake City, UT 84150-1007; First Creek Ranch LLC, 785 International Isle Dr., Castle Rock, CO 80108-3482. Site 8 Landowner: State of Colorado Board of Land Commissioners, 1313 Sherman Street, Denver, Colorado 80203-2236. 4 pages.

**05CW62 GOLDEN EAGLE RANCH, LLC, et al., Attn: Charles P. Woods, 600 Grant Street, Suite 620, Denver, CO 80203, (303) 864-0444. (Steven P. Jeffers, Esq., Matthew Machado, Esq., Bernard, Lyons, Gaddis & Kahn, P.C., P.O. Box 978, Longmont, CO 80502-0978, (303) 776-9900.) First Amendment to Application for Underground Water Right, Water Storage Right, Surface Water Right, Change of Water Rights, and Plan for Augmentation in LOGAN, MORGAN AND WASHINGTON COUNTIES.** 2. Name of Water Rights: GE Well No. 1, GE Pond No. 1 and GE Recharge Pond No.1. 3. Purpose of Amendment: The purpose of the amendment is to add augmentation water available under the decree for the Lower Logan Well Users Association in Case No. 03CW208 as an additional source of replacement water under the proposed plan for augmentation described in the Fifth Claim of the application. No other changes are requested. 4. Amendment: Applicants' Fifth Claim is amended in its entirety as follows: **FIFTH CLAIM: PLAN FOR AUGMENTATION** 26. Names of Structures to be Augmented: Applicants seek to augment out-of-priority depletions from the use of the GE Well No. 1, GE Pond No. 1, and GE Recharge Pit No. 1. 27. Previous Decrees for Water Rights to be Used for Augmentation: Applicants will use the water rights described in Claims One through Four above for augmentation purposes. Applicants may use augmentation water available under the plan for augmentation decreed to the Lower Logan Well User Association, Inc. ("Lower Logan") in Case No. 03CW208, decree entered January 19, 2005, pursuant to lease or agreement with Lower Logan. Applicant currently has a lease for delivery of up to 35 acre feet per year of augmentation credits from Lower Logan, a copy of which is attached hereto as **EXHIBIT A**. 28. Historic Use of Water Rights to be Used for Augmentation: See Section 24 above for historic use of the Powell Ditch, Iliff and Platte Valley Ditch, and Prewitt Reservoir water rights. 29. Statement of Plan for Augmentation including description of water rights to be established or changed by the plan: Applicants propose to construct the GE Pond No. 1 to store and recharge water as part of a waterfowl habitat improvement project. Water will be delivered for irrigation within the project area and for periodic flooding, storage and recharge in the pond from the GE Well No. 1. Applicants estimate that total diversions from the Well will be approximately 500 acre feet per year, and total depletions will be approximately 78 acre feet per year from the use of the GE Pond No. 1, and 3.3 acre feet per year from GE Recharge Pit No. 1. A portion of the depletions will be in priority. Applicants propose to replace net out of priority depletions in amount, time and location as needed to prevent injury to senior vested water rights. Such depletions will be replaced by drying up a portion of the historically irrigated area on Applicants' property and delivering the historic consumptive use portion of the subject water rights to the river at or above the senior calling

water rights. Applicants estimate that the dry up of approximately 115 acres will be sufficient to provide adequate replacement water for the depletions in this case. In addition, a portion of the water rights from the Powell Ditch, Iliff Ditch or Prewitt Reservoir may be diverted and delivered back to the South Platte River, delivered to GE Recharge Pit No. 1 to create delayed return flows back to the River, or left in the River to replace such depletions. In addition, water may be delivered directly to the South Platte River from GE Well No.1 if needed to replace such depletions when the other augmentation supplies are not available. Water may also be diverted if available in priority through the Powell Ditch for recharge in GE Recharge Pit No. 1 under the water right claimed in this case. In addition, augmentation water available under the plan for augmentation decreed to Lower Logan in Case No. 03CW208 will be used to augment such depletions pursuant to the terms and conditions of existing and future agreements between Applicants and Lower Logan. To the extent that the use of GE Recharge Pit No. 1, or the use of the well for direct augmentation, cause any additional out of priority depletions, Applicants shall replace those depletions as needed to prevent injury to other vested water rights. 30. All lands upon which new diversion and storage structures will be constructed or upon which water will be stored are owned by Applicants. Applicants also own all lands upon which the water has been and will be used. The Powell Ditch is owned by the Proctor Water Co, P.O. Box 1723, Sterling, CO 80751. The Iliff Ditch is owned by the Iliff and Platte Valley Ditch Co. P.O. Box 1723, Sterling, CO 80751. The Prewitt Reservoir Inlet Canal and Prewitt Reservoir are owned and managed by the Prewitt Operating Committee, c/o James Yahn by the Logan Irrigation District, Iliff Irrigation District, and the Morgan-Prewitt Reservoir Co., whose address is P.O. Box 103, Sterling, CO 80751. Lower Logan owns or uses by permission the structures identified in the decree 03CW208. Lower Logan's address is Lower Logan Well Users Association, Inc., P.O. Box 1065, Sterling, CO 80751. **[End of Amended Fifth Claim]**. 5. Legal Descriptions of structures to be augmented herein: A. GE Well No. 1 will be located in the NE1/4 of the SE1/4 Section 6, T9N, R50W of the 6<sup>th</sup> P.M. in Logan County, 1,500 feet from the South section line and 450 from the East section line. B. GE Pond No. 1 will be located on approximately 38.5 acres in the SW1/4 of Section 5, T9N, R50W of the 6<sup>th</sup> P.M. in Logan County. C. GE Recharge Pit No. 1 will divert at the headgate of the Powell Ditch on the north side of the South Platte River near the south line of the SE1/4 of the NE1/4, Section 1, T9N, R51W, 6<sup>th</sup> P.M. in Logan County, Colorado. The Recharge Pit will be located in the SE1/4 of the NE1/4 of Section 32, T10N, R50W, 6<sup>th</sup> P.M., in Logan County. 4 pages.

**05CW179 Park County, Gunnison River, Water District No. 1, Applicant: Wagner-Meyers Enterprises, LLC and South Hartsel Grazing Association, 34841 Highway 9, Fairplay, CO 80440 c/o Wilderson, O'Hayre, Dawson & Frazier, P.C., 120 North Taylor Street, Post Office Box 179, Gunnison, Colorado 81230, 970-641-3326, fax 970-641-3094; Type of Application: SECOND AMENDED APPLICATION FOR WATER RIGHTS IN PARK COUNTY; Name of Structure #1: Wagner Well No. 1; Location: Located in Park County, in the NE1/4NW1/4 of Section 8, Township 13 South, Range 75 West, 6<sup>th</sup> P.M. 75 feet from the North section line and 1375 feet from the West section Line (429736 mE and 4310295 mN UTM NAD27); Drainage Basin: Alluvium of Agate Creek, tributary to the South Platte River; Quantity: The applicant claims 50 g.p.m. All such water is claimed absolute; Appropriation Date: February 25, 2003; Use: Livestock watering; Name of Structure #2: Wagner Well No. 2; Location: Located in Park County, in the NE1/4NE1/4 of Section 7, Township 13 South, Range 75 West, 6<sup>th</sup> P.M. 150 feet from the North section line and 150 feet from the East section Line (429307 mE and 4310271mN UTM NAD27); Drainage Basin: Alluvium of Agate Creek, tributary to the South Platte River; Quantity: The applicant claims 50 g.p.m. All such water is claimed absolute; Appropriation Date: February 25, 2003; Use: Livestock watering; Name of Structure #3: South Antelope Windmill; Location: Located in Park County, in the SW1/4SE1/4 of Section 33, Township 13 South, Range 75 West, 6<sup>th</sup> P.M. 275 feet from the South**

section line and 1350 feet from the East section Line (432109 mE and 4302339 mN UTM NAD27); **Drainage Basin:** Alluvium of Agate Creek, tributary to the South Platte River; **Quantity:** The applicant claims 50 g.p.m. All such water is claimed absolute; **Appropriation Date:** February 25, 2003; **Use:** Livestock watering; **Name of Structure #4:** Lower Marshall Well; **Location:** Located in Park County, in the SE1/4NW1/4 of Section 4, Township 14 South, Range 75 West, 6<sup>th</sup> P.M. 2400 feet from the North section line and 625 feet from the West section Line (431036 mE and 4291830 mN UTM NAD27); **Drainage Basin:** Alluvium of Agate Creek, tributary to the South Platte River; **Quantity:** The applicant claims 50 g.p.m. All such water is claimed absolute; **Appropriation Date:** February 25, 2003; **Use:** Livestock watering; **Name of Structure #5:** Old Marshall Place Well No. 1; **Location:** Located in Park County, in the SE1/4SW1/4 of Section 35, Township 14 South, Range 75 West, 6<sup>th</sup> P.M. 475 feet from the South section line and 2000 feet from the West section Line (434688 mE and 4292703 mN UTM NAD27); **Drainage Basin:** Alluvium of Agate Creek, tributary to the South Platte River; **Quantity:** The applicant claims 50 g.p.m. All such water is claimed absolute; **Appropriation Date:** February 25, 2003; **Use:** Livestock watering; **Name of Structure #6:** Old Marshall Place Well No. 2; **Location:** Located in Park County, in the NE1/4SW1/4 of Section 35, Township 14 South, Range 75 West, 6<sup>th</sup> P.M. 1375 feet from the South section line and 1850 feet from the West section Line (434642 mE and 4292980 mN UTM NAD27); **Drainage Basin:** Alluvium of Agate Creek, tributary to the South Platte River; **Quantity:** The applicant claims 50 g.p.m. All such water is claimed absolute; **Appropriation Date:** February 25, 2003; **Use:** Livestock watering. **Plan of Augmentation:** The subject wells are exempt wells under C.R.S. §37-92-602(1)(e) and thus no plan of augmentation is required.

**07CW42, CONCERNING THE APPLICATION OF RIVERDALE PEAKS II METROPOLITAN DISTRICT, a quasi-municipal corporation and political subdivision of the State of Colorado, acting in an enterprise capacity pursuant to RIVERDALE PEAKS II METROPOLITAN DISTRICT WATER ACTIVITY ENTERPRISE, IN ADAMS COUNTY. First Amendment to Application for Approval of Plan for Augmentation, Including Claims for Conditional Ground Water Rights, Storage Rights, Change of Water Right, and Appropriative Rights of Substitution and Exchange.** 1. The name, address, and telephone number of the Applicant are as follows: Riverdale Peaks II Metropolitan District, 141 Union Boulevard, Suite 150, Lakewood, CO 80228, 303-987-0835, **c/o Timothy R. Buchanan, Esq., Kara Godbehere Goodwin, Esq., TIMOTHY R. BUCHANAN, P.C., 7703 Ralston Road, Arvada, CO 80002, (303) 431-9141.** 2. As of the date of filing this First Amendment, no Statement of Opposition to the Original Application has been filed in the above-referenced case. Pursuant to C.R.C.P. 15(a), neither leave of court nor written consent of adverse parties is required for this first amended pleading. 3. The Original Application in the above-referenced case is hereby amended to add two additional alluvial wells described as follows: a. Paragraph 2 (Riverdale Peaks Alluvial Well) of the Original Application is amended to include the following: i. Name of Structure: Riverdale Peaks AL - 8. (1) Location: the NW1/4 of the NW1/4 of Section 26, Township 1 South, Range 67 West of the 6th P.M., approximately 100 feet from the North Section Line and approximately 790 feet from the West Section Line. (2) Source: alluvial ground water which is tributary to the South Platte River. (3) Amount Claimed: 1,000 gallons per minute (gpm), conditional. (4) Date of Initiation of Appropriation: February 23, 2002. (5) How Appropriation was Initiated: by investigation of proposed well site. (6) Date Water Applied to Beneficial Use: N/A. (7) Depth of Well: N/A. (8) Proposed Use: The water withdrawn from the well will be used for domestic, irrigation, commercial, municipal, industrial, commercial, stock watering, recreation, fish and wildlife purposes, augmentation, residential, and fire protection. The water will be used for immediate application to beneficial use, for storage and subsequent application to beneficial use, for substitution and exchange, for replacement of depletions, for recharge of the aquifer, and for augmentation or replacement purposes. The water will be fully

consumed during the first use of the water, or if not fully consumed during the first use will be recaptured and reused, successively used, or disposed of until the water is fully consumed. The effluent discharged or released and other return flows resulting from the initial use of the water shall carry with it the same rights of use, reuse, successive use, and disposition. ii. Name of Structure: Riverdale Peaks AL - 9. (1) Location: the SE1/4 of the NE1/4 of Section 34, Township 1 South, Range 67 West of the 6th P.M., approximately 2000 feet from the North Section Line and approximately 615 feet from the East Section Line. (2) Source: alluvial ground water which is tributary to the South Platte River. (3) Amount Claimed: 1,000 gallons per minute (gpm), conditional. (4) Date of Initiation of Appropriation: February 23, 2002. (5) How Appropriation was Initiated: by investigation of proposed well site. (6) Date Water Applied to Beneficial Use: N/A. (7) Depth of Well: N/A. (8) Proposed Use: The water withdrawn from the well will be used for domestic, irrigation, commercial, municipal, industrial, commercial, stock watering, recreation, fish and wildlife purposes, augmentation, residential, and fire protection. The water will be used for immediate application to beneficial use, for storage and subsequent application to beneficial use, for substitution and exchange, for replacement of depletions, for recharge of the aquifer, and for augmentation or replacement purposes. The water will be fully consumed during the first use of the water, or if not fully consumed during the first use will be recaptured and reused, successively used, or disposed of until the water is fully consumed. The effluent discharged or released and other return flows resulting from the initial use of the water shall carry with it the same rights of use, reuse, successive use, and disposition. b. Paragraph 13(c)(i) (Timing, Quantity and Location of Depletions) of the Original Application shall be amended to read as follows: i. Riverdale Peaks AL-6, AL-7, AL-8 and AL-9 will be located adjacent to the South Platte River, and depletions from these wells will be considered to occur instantaneously. c. Paragraph 15 (Name and Address of Owner of Land on Which Point of Diversion and Place of Use are Located) of the Original Application shall be amended to include the following: i. City of Brighton, 22 South 4th Ave., Brighton, CO 80601. d. Except as expressly amended hereby, all the claims, provisions, terms and conditions of the Original Application remain as stated therein. e. All previous Statements of Opposition filed in this matter shall remain valid and apply to this Amended Application without the need to amend or renew such Statements, and any issues concerning relation back are reserved for trial. (5 Pages)

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 **June 2007** (forms available on [www.courts.state.co.us](http://www.courts.state.co.us) or in the Clerk's office), and must be filed as an Original with triplicate copies and include \$70.00 filing fee. A copy of each Statement of Opposition must also be served upon the Applicant or Applicant's Attorney and an affidavit or certificate of such service of mailing shall be filed with the Water Clerk.