

WATER DIVISION NO. 1, STATE OF COLORADO DISTRICT COURT, WELD COUNTY 901 9 th Avenue Greeley, CO 80631-1113	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> Case No.: 2011 CW 1
ADMINISTRATIVE ORDER NO. 11-05	
ADMINISTRATIVE ORDER CONCERNING DIVISION 1 WATER COURT POLICIES	

The purpose of these policies is to expedite the disposition of water matters. Exceptions to these policies will be liberally granted where compliance with them would not serve the intended purpose or where compliance would be overly burdensome. This Administrative Order replaces Administrative Order 10-04.

1. Electronic Filing. This court requires all pleadings to be filed electronically using LexisNexis File and Serve. *See Administrative Order 06-02*, Case No. 06CW1; and Water Division One webpage (http://www.courts.state.co.us/Courts/Water/Division.cfm/Water_Division_ID/1).

2. Copy Requests. All requests for copies shall be pre-paid by check, money-order, or credit card. The court accepts Visa and Mastercard. The preferred, quickest, and most cost-effective method of copy request is by pre-payment with a credit card for a scanned and emailed copy. However, the court will accept requests via U.S. mail, which shall include a self-addressed, stamped envelope with adequate postage for return of the requested copies.

3. Legal Descriptions. All applications and amendments must include a legal description of the structure or structures involved. The legal description for each individual structure shall include section, township, range, and county, as well as quarter-quarter of the section. In areas having generally recognized street addresses, the street address as well as the lot and block number, if applicable, shall be set forth in the application in addition to the legal description of the point of diversion or place of storage. The name of the subdivision shall also be included if the lot is part of a subdivision.

4. Resume Notices. Applicants shall file proposed resume notices in word processing format via LexisNexis File and Serve at the time of filing any application or

amended application. Proof of publication of the resume notice shall be filed with the court within one hundred eighty (180) days of the date of publication. The resume notice should be submitted in “newspaper-ready” format, using Times New Roman, size 11 font, and maximizing the use of space. Applicants shall not have extraneous formatting or tabs set and shall use the heading format below:

2XXXXWXX APPLICANT NAME, Applicant Address. Attorney Name, Firm, Address. Type of Application, (e.g., Conditional, Change, Nontributary Groundwater, etc.) in XXXXXXXX COUNTY. Structure Name, Decree, and Well Permit Number (if applicable). Legal Description: Quarter- Quarter, Section, Township, Range, 6th P.M., at a point X,XXX’ [N/S] and Quantity of water. Uses of water. Additional Structure Name(s) and information as described above (if applicable). Additional Information. Number of pages of Application.

5. Amendments to Applications. Applications may be amended pursuant to the Colorado Rules of Civil Procedure and the Uniform Local Rules. All motions to amend applications shall have filed with them a complete and superseding application including the requested amendments that is signed and verified as required by statute. All motions to amend amendment shall also include resume notice of the amended portion of the application.

6. Response to Summary of Consultation. At the initial status conference with the Water Referee, or at a later time if the summary of consultation has not yet been completed, the Water Referee shall inform the parties whether a response to the summary of consultation will be required. If the Referee determines that a response is necessary, the Referee will inform the Applicant when the response is to be filed.

7. C.R.C.P. Rule 26 Disclosures. All parties shall both file and serve their C.R.C.P. Rule 26 disclosures via Lexis-Nexis File and Serve.

8. Pretrial Motions. Rule 56 Motions shall be filed no later than ninety (90) days prior to trial in accordance with Uniform Local Rule 11. This rule may not be changed in any modified case management order. This deadline will not be extended.

9. Proposed Orders. Proposed Orders shall be filed with all motions except those motions filed under C.R.C.P. 56. Proposed Orders shall be in word processing format, preferably Microsoft Word format. Proposed Orders shall be free of unnecessary formatting.

10. Bifurcation of Cases. Absent good cause, the court will not bifurcate cases for the sole purpose of allowing the Applicant to obtain separate decrees. Bifurcation is encouraged where judicial economy will be served. When a case is bifurcated, one case will retain the original case number and the other case will receive a new case number using the year in which the bifurcation occurs and the next consecutive case number in that year. The order allowing bifurcation shall be filed in the original case and also in the new case as the originating pleading.

11. Proposed Decrees. Proposed decrees shall be filed in word processing format, preferably Microsoft Word, and shall include the case number and page number on every page. Proposed decrees submitted as part of a stipulation entered into by the parties shall include the “red-line” version tracking all changes that have been made to any proposed decree previously submitted by the applicant. Deadlines for submission of applications for finding of reasonable diligence for conditional decrees are to be indicated only by an underlined blank space. The court will fill in the proper month, day, and year upon entry of the decree.

12. Initial Status Conference After Re-Referral and Trial Setting. Upon re-referral of the case to the Water Judge, the following procedures shall be followed:

a. The majority of cases re-referred to the Water Judge will be assigned to Judge Hartmann in Courtroom 1, but from time to time cases will be assigned to Judge Tuttle as the alternate Water Judge in Courtroom 5. For those cases that are assigned to Courtroom 5, the parties are to list “Water Division No. 1” in the heading box containing the court location and address, and “Courtroom 5” beneath the case number. The parties are to designate “Courtroom 1” in their pleadings beneath the case number for those cases assigned to Judge Hartmann. The court will notify the parties in writing, either in the re-referral order or through a separate order, which courtroom the case will be assigned to upon re-referral from the Water Referee.

b. The responsible attorney shall file a notice to set within 15 days of the re-referral date to obtain a status conference date and potential dates for trial. Prior to contacting the clerk, the responsible attorney shall confer with all parties to determine an estimated length of trial.

c. To reach the division clerk, please call during division setting times between the hours of 8:30 a.m. and 10:00 a.m. on Tuesdays and Thursdays at (970) 351-7300 ext. 5410 (for Judge Hartmann’s courtroom) or ext. 5451 (for Judge Tuttle’s courtroom). If you are unsure which of the two courtrooms to contact, please contact Judge Hartmann’s courtroom.

d. The clerk will provide the responsible attorney with potential trial dates based on the anticipated length of trial, and with a date for the initial status conference. The initial status conference will be held within 60 days of the date of re-referral. The responsible attorney shall provide all parties and the court with written notice of the potential trial dates, the date of the status conference, and the telephone number for the conference call. The responsible attorney shall provide this information to the other parties at least 15 days prior to date of the initial status conference. This will allow the parties to consult with their expert

witnesses, prior to the status conference, to determine whether the witnesses are available on any or all of the suggested trial dates.

e. All parties are required to attend all status conferences. The court will schedule the case for trial at the initial status conference, provided the case is at issue. All trial settings will now occur on the record before the Water Judge. The trial date selected will not be changed at the request of a party who did not appear at the status conference absent extenuating circumstances and good cause shown.

13. Pre-trial Readiness Conferences. A pre-trial readiness conference will be scheduled for all trials lasting two days or longer. At the pre-trial readiness conference, parties shall inform the court of the anticipated length of trial and of any remaining evidentiary disputes, as well as any other issues that the court should be aware prior to trial. For trials scheduled for three days or longer, the pre-trial readiness conference shall occur at least thirty days prior to trial.

14. Appearance by Telephone.

a. The court allows parties to appear by telephone for pre-trial readiness conferences and status conferences unless the court directs otherwise. For any pre-trial readiness conference or status conference in which parties prefer to appear by telephone, the responsible attorney shall arrange for a dial-in telephone conference and shall file and serve notice with the court of the telephone conference number. If the responsible attorney wishes to appear in person, the other parties wishing to appear by telephone shall designate one among them to arrange for and file and serve notice of a dial-in telephone conference.

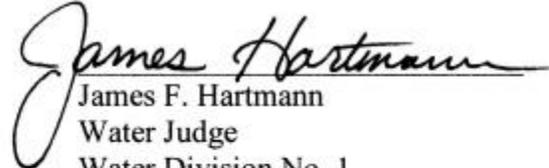
b. The Water Referee prefers parties to appear at status conferences by dial-in conference calls. The applicant shall provide the dial-in conference number and shall file and serve notice of the time of the conference and the dial-in information.

15. Trial Exhibits. All exhibits offered at trial shall be tendered to the court in electronic format. Each party shall provide the court with **one (1)** original exhibit notebook. Each party shall supply the court with **three (3)** copies of its exhibits in electronic format in addition to its original exhibit notebook, on or before the date of trial. At the end of trial, the court will accept into the court's file only the electronic copies and will release the original notebook to the parties.

16. Trial Briefs. All parties planning to participate at trial shall file a trial brief or memorandum outlining their claims and identifying disputed issues. The parties may also include applicable legal standards in their brief, but this is not required. Parties not filing a trial brief will not be permitted to participate at trial, other than to require that the applicant meets its burden of proof.

Dated: April 20, 2011

By the court:


James F. Hartmann
Water Judge
Water Division No. 1

This document was filed pursuant to C.R.C.P. § 1-26. A printable version of the electronically signed order is available in the Court's electronic file.

DISTRICT COURT, WATER DIVISION 1, COLORADO
APRIL 2011 WATER RESUME PUBLICATION

TO: ALL PERSONS INTERESTED IN WATER APPLICATIONS IN WATER DIV. 1
Pursuant to C.R.S. 37-92-302, you are notified that the following is a resume of all water right applications and certain amendments filed in the Office of the Water Clerk during the month of **APRIL 2011** for each County affected.

11CW59 (04CW151, 97CW292 and 89CW238) Left Hand Water District, Attn: Kathryn A. Peterson, General Manager, P.O. Box 210, Niwot, CO 80544, 303-530-4200. Jeffrey J. Kahn, Madoline Wallace-Gross, Lyons Gaddis Kahn & Hall, PC, P.O. Box 978, Longmont, CO 80502-0978, 303-776-9900. Application for Finding of Reasonable Diligence in **BOULDER COUNTY**. 2. Names of conditional water rights and descriptions of structures: 2.1 **Behrmann Reservoir Exchange**. 2.1.1. **Proposed Operation of the Exchange.** Applicant owns Colorado-Big Thompson Project ("C-BT") allotment contracts entered into with the Northern Colorado Water Conservancy District. Applicant shall operate the exchange on Left Hand Creek by delivering transmountain water associated with the C-BT allotment contracts to the downstream termini identified in ¶ 2.1.2. below and by diverting an equivalent amount of water at the upstream terminus identified in ¶ 2.1.3. below. Water diverted at the upstream terminus may be stored in Behrmann Reservoir, which is proposed to be located in SW1/4 of Section 22, Township 2 North, Range 70 West of the 6th P.M., Boulder County, Colorado. 2.1.2. **Downstream Termini.** 2.1.2.1. The Left Hand Valley Inlet headgate located on the South bank of the Left Hand Valley Reservoir outlet ditch in the NE1/4 of the NE1/4 of Section 19, Township 2 North, Range 70 West of the 6th P.M., Boulder County, Colorado. 2.1.2.2. The Star Ditch headgate located on the South bank of Left Hand Creek in the SE1/4 of the NE1/4 of Section 29, Township 2 North, Range 70 West of the 6th P.M., Boulder County, Colorado. 2.1.2.3. The Hinman Ditch headgate located on the South bank of Left Hand Creek in the NE1/4 of the SW1/4 of Section 28, Township 2 North, Range 70 West of the 6th P.M., Boulder County, Colorado. 2.1.2.4. The Holland Ditch headgate located on the North bank of Left Hand Creek in the NW1/4 of the SE1/4 of Section 28, Township 2 North, Range 70 West of the 6th P.M., Boulder County, Colorado. 2.1.2.5. Left Hand Creek at its intersection with the Left Hand Valley Outlet in the SE 1/4 of the SE1/4 of Section 28, Township 2 North, Range 70 West of the 6th P.M., Boulder County, Colorado. 2.1.3. **Upstream Terminus.** The Table Mountain Ditch headgate located on the North bank of Left Hand Creek in the NE1/4 of the NW1/4 of Section 19, Township 2 North, Range 70 West of the 6th P.M., Boulder County, Colorado. 2.1.4. Source: Transmountain water described in ¶ 2.1.1. 2.1.5 Amount: 40 cfs, CONDITIONAL. 2.2 **Lower Storage To Behrmann Exchange**. 2.2.1. **Proposed Operation of the Exchange.** Applicant shall operate the exchange on Left Hand Creek by releasing water from Joder, Spurgeon and/or Left Hand Valley Reservoirs and delivering such water to the downstream termini identified in ¶ 2.2.2. below and by diverting an equivalent amount of water at the upstream terminus identified in ¶ 2.2.3. below. Water diverted at the upstream terminus may be stored in Behrmann Reservoir. 2.2.2. **Downstream Termini.** Same as those identified in ¶ 2.1.2. above. 2.2.3. **Upstream Terminus.** Same as identified in ¶ 2.1.3. above. 2.2.4. Source: Water stored in Joder, Spurgeon and/or Left Hand Valley Reservoirs. 2.2.5. Amount: 40 cfs, CONDITIONAL. 2.3. **Behrmann Reservoir Upstream Exchange**. 2.3.1. **Proposed Operation of the Exchange.** Applicant shall operate the exchange on Left Hand Creek by releasing water from Behrmann Reservoir and delivering such water to the downstream termini identified in ¶ 2.3.2. below and by diverting an equivalent amount of water at the upstream termini identified in ¶ 2.3.3. below. 2.3.2. **Downstream Termini.** 2.3.2.1. The Holland Ditch headgate located on the North bank of the Left Hand Creek in the NW1/4 of the SE1/4 of Section 28, Township 2 North, Range 70 West of the 6th P.M., Boulder County, Colorado. 2.3.2.2. Left Hand Creek at its intersection with the Boulder Feeder Canal in the SE1/4 of the SE1/4 of Section 28, Township 2 North, Range 70 West

of the 6th P.M., Boulder County, Colorado. 2.3.3. **Upstream Termini.** 2.3.3.1. The Haldi Ditch headgate located on the South bank of the Left Hand Creek in the SE1/4 of the SE1/4 of Section 13, Township 2 North, Range 71 West of the 6th P.M., Boulder County, Colorado. 2.3.3.2. The Lake Ditch headgate (inlet for Allens Lake Reservoir) located in the NE1/4 of the NE1/4 of Section 23, Township 2 North, Range 71 West of the 6th P.M., Boulder County, Colorado. 2.3.3.3. Lake Isabelle Reservoir located in the NW1/4 of the NW1/4 of Section 7, Township 1 North, Range 73 West and in the NE1/4, the SE1/4, the SW1/4, and the NE1/4 of Section 12, Township 1 North, Range 74 West of the 6th P.M., Boulder County, Colorado. 2.3.3.4. Left Hand Park Reservoir located in the NE1/4, the SE1/4 and the SW1/4 of the NE1/4 of Section 9, and in the NW1/4, the SW 1/4 and the NE1/4 of the NW1/4 of Section 10, Township 1 North, Range 73 West of the 6th P.M., Boulder County, Colorado. 2.3.3.5. Gold Lake Reservoir located in the Keystone Placer Mining Claim in the SE1/4 of the SE1/4 of Section 33, Township 2 North; the NW1/4 of the NW1/4 of Section 3, Township 1 North; and the NE1/4 of the NE1/4 of Section 4, Township 1 North, all in Range 72 West, Boulder County, Colorado. 2.3.4. Source: Water stored in Behrmann Reservoir, which has been diverted from Left Hand Creek as described in the decree entered in Case No. 89CW239, District Court, Water Division No. 1. 2.3.5. Amount: 25 cfs, CONDITIONAL. 3. ***Applicable to All Exchanges.*** 3.1. Previous Decrees: These exchanges were originally decreed in Case No. 89CW238, District Court, Water Division No. 1 on December 30, 1991. Subsequent diligence decrees were entered in Case Nos. 97CW292 and 04CW151. 3.2. Appropriation Date: December 12, 1989 for all exchanges. 3.3. Amount Claimed Absolute: Not applicable. 3.4. Uses of Water: Municipal, domestic, irrigation and industrial purposes by Applicant or its members, customers or lessees. Applicant may store water for later use in Joder Reservoir, Spurgeon Reservoir or Left Hand Valley Reservoir. The first two reservoirs may be filled through the Haldi Ditch. The third reservoir may be filled via the Left Hand Valley Inlet or via the Haldi Ditch through Joder and Spurgeon Reservoirs. 3.5. Integrated Water Supply System. The exchanges identified herein are component parts of Applicant's integrated water supply system, pursuant to § 37-92-301(4)(b), C.R.S. 4. ***Work done toward completion of the appropriations during the subject diligence period.*** During the subject diligence period, Applicant has spent more than \$775,600 on various aspects of its integrated water system, which consists of surface water rights, storage water rights, appropriative rights of exchange and C-BT allotment contracts for transmountain water. 4.1. From 2006 to 2008, Applicant's staff completed its *Comprehensive Water System Strategic Plan*, which considered, among other things, the feasibility of the using Behrmann Reservoir for Applicant's storage of transmountain water associated with C-BT allotment contracts. 4.2. In 2006 and 2007, Applicant incurred approximately \$156,600 to have Integra Engineering complete Applicant's *Treated Water Master Plan*, which will serve as a guide for Applicant's short-term and long-term capital improvements. The *Treated Water Master Plan* recommended that Applicant upgrade the existing Dodd Water Treatment Plant ("Dodd WTP"), which is the proposed delivery point for water stored in Behrmann Reservoir. 4.3. In 2006 and 2007, Applicant incurred approximately \$57,000 to have Burns & McDonnell compete the *Alternatives Study for Dodd WTP Upgrade and Expansion* to implement the recommendation in Applicant's *Treated Water Master Plan*. 4.4. From 2008 to 2009, Applicant incurred approximately \$165,900 to obtain a Boulder County 1041 Permit to upgrade the Dodd WTP. 4.5. From 2005 to 2011, Applicant incurred approximately \$123,700 toward the Southern Supply Pipeline II, which will convey transmountain water associated with Applicant's C-BT allotment contracts from Carter Lake to the Dodd WTP. Work included pursuing 1041 Permits in Boulder and Larimer Counties. 4.6. From 2008 to 2010, Applicant participated in the completion of the *Source Water Protection Plan*, which identified measures to protect Applicant's municipal water supply from contamination. In 2011, Applicant began to implement the protective measures identified in the *Source Water Protection Plan*. 4.7. In 2009 and 2010, Applicant opposed the application in Case No. 09CW152 to prevent injury to the exchanges identified in this application at the cost of approximately \$1,200. 4.8. From 2005 to

2010, Applicant pursued an application in Case No. 02CW321, which adjudicated an exchange on South St. Vrain Creek, at the cost of approximately \$39,800. 4.9 From 2005 to 2011, Applicant paid annual assessments to the Left Hand Ditch Company (“LHDC”) at the cost of approximately \$222,600. Among other things, LHDC utilized the assessments to operate and maintain Left Hand Valley Reservoir, Left Hand Park Reservoir, Gold Lake Reservoir, Lake Isabelle Reservoir, Allens Lake Reservoir and Left Hand Valley Inlet. 4.10. From 2005 to 2011, Applicant paid annual assessments to the Haldi Ditch Company (“HDC”) at the cost of approximately \$8,800. Among other things, HDC utilized the assessments to operate and maintain the Haldi Ditch. 5. ***Owners of lands upon which the structures are located:*** 5.1. Haldi Ditch - Haldi Ditch Company, c/o Waldo Dagle, 7669 N. Foothills Highway, Boulder, Colorado 80302. 5.2 Lake Ditch – Lake Ditch Company, John Loukenen, P.O. Box 333, Lyons, Colorado 80546. 5.3. Left Hand Valley Reservoir, Left Hand Park Reservoir, Gold Lake Reservoir, Lake Isabelle Reservoir, Allens Lake Reservoir and Left Hand Valley Inlet - Left Hand Ditch Company, P.O. Box 229, Niwot, Colorado 80544. 5.4. Holland Ditch - Holland Ditch Company, Judi Springsteel, P.O. Box 304, Niwot, Colorado 80544. 5.5. Star Ditch - Star Ditch Company, Dwane Cushman, 8104 N. 63rd Street, Longmont, Colorado 80503. 5.6. Hinman Ditch - New Hinman Ditch Company, 6766 N. 63rd Street, Longmont, Colorado 80503. 5.7. Table Mountain Ditch – New Table Mountain Ditch Company, Richard Behrmann, 8110 Ouray Drive, Longmont, Colorado 80501. 5.8 Behrmann Reservoir, Joder Reservoir and Spurgeon Reservoir – Applicant. WHEREFORE, Applicant respectfully requests the Court enter a decree finding that Applicant has maintained the conditional water rights described herein.

11CW60 THE CITY OF GREELEY, ACTING BY AND THROUGH ITS WATER AND SEWER BOARD. APPLICATION FOR UNDERGROUND WATER RIGHTS AND WATER STORAGE RIGHTS AND FOR APPROVAL OF PLAN FOR AUGMENTATION, INCLUDING EXCHANGE **IN WELD COUNTY.** Send pleadings and correspondence to James S. Witwer, Douglas M. Sinor, Trout, Raley, Montañño, Witwer & Freeman, P.C., 1120 Lincoln Street, Suite 1600, Denver, CO 80203 (303) 861-1963; and Jessica L. Pault, Katie L. Wiktor, Greeley City Attorney’s Office, 1100 Tenth Street, Suite 401, Greeley, CO 80631 (970) 350-9762. 1. Name, mailing address, email address, and telephone number of applicant: City of Greeley, acting by and through its Water and Sewer Board, c/o Jim R. Hall, Water Resource Manager, 1100 Tenth Street, 3rd floor, Greeley, CO 80631, (970) 350-9811. 2. Purpose of application: This application seeks confirmation of underground water rights and surface water storage rights for irrigation and related uses at the Linn Grove Cemetery in Greeley, Colorado. The source of supply for the appropriations that are the subject of this application will be water withdrawn from wells that is tributary to the Cache la Poudre River, a tributary of the South Platte River, and surface water inflows from irrigation run-off and precipitation in ponds at the Linn Grove Cemetery. Greeley seeks adjudication of water rights in connection with these structures and also approval of a plan for augmentation whereby out-of-priority depletions and diversions from the use of these and additional structures will be replaced by return flows legally and physically available for such purposes following Greeley’s municipal use of water, and by other sources. APPLICATION FOR UNDERGROUND WATER RIGHTS 2. Names of wells and permit, registration, or denial numbers: A. Linn Grove Well A: A well permit application will be submitted concurrent with the filing of this application. B. Linn Grove Well B: A well permit application will be submitted concurrent with the filing of this application. C. Linn Grove Well C: A well permit application has not yet been filed for this proposed well. D. Linn Grove Well D: A well permit application has not yet been filed for this proposed well. 3. Legal descriptions of wells (all descriptions are from the 6th P.M., Weld County, Colorado): A. Linn Grove Well A: The actual location of Linn Grove Well A is in the Northeast Quarter of the Southwest Quarter, Section 10, Township 5 North, Range 65 West, at a location 1,880 feet from the south section line and 1,253 feet from the west section line of Section 10. B. Linn Grove Well B: The actual

location of Linn Grove Well B is in the Northeast Quarter of the Southeast Quarter, Section 9, Township 5 North, Range 65 West, at a location 1400 feet from the south section line and 570 feet from the east section line. C. Linn Grove Well C: The proposed location of Linn Grove Well C is in the Northeast Quarter of the Southwest Quarter of Section 10, Township 5 North, Range 65 West. D. Linn Grove Well D: The proposed location of Linn Grove Well D is in the Northeast Quarter of the Southwest Quarter of Section 10, Township 5 North, Range 65 West. Maps depicting the general location of the above-described wells are attached hereto as Exhibits 1 and 2. 5. Source: The source of water for the wells is tributary groundwater from the alluvium of the Cache la Poudre River. 6. Depths: A. Linn Grove Well A is approximately 82 feet in depth. B. Linn Grove Well B is approximately 43 feet in depth. C. Linn Grove Well C is a proposed well with an unknown depth. D. Linn Grove Well D is a proposed well with an unknown depth. 7. Dates of appropriation and how appropriations were initiated: A. Linn Grove Well A: March 2, 1983; by drilling of the well, together with formation of intent to appropriate. B. Linn Grove Well B: May 4, 1984; by drilling of the well, together with formation of intent to appropriate. C. Linn Grove Well C: March 22, 2010; by filing monitoring well permit application, together with overt acts evincing a first step toward completion of the appropriation, including but not limited to conducting field investigations of well sites. D. Linn Grove Well D: March 22, 2010; by filing monitoring well permit application, together with overt acts evincing a first step toward completion of the appropriation, including but not limited to conducting field investigations of well sites. 8. Amounts claimed: A. Linn Grove Well A: 450 gallons per minute (“gpm”), conditional. B. Linn Grove Well B: 450 gpm, conditional. C. Linn Grove Well C: 500 gpm, conditional. D. Linn Grove Well D: 500 gpm, conditional. 9. Uses: The water will be used directly and by storage in Linn Grove Ponds Nos. 1 and 2 for irrigation at the Linn Grove Cemetery. The total number of acres proposed to be irrigated by the wells is up to 54.2 acres at the cemetery located in Sections 9 and 10, Township 5 North, Range 65 West, 6th P.M., Weld County, Colorado. A map depicting the location of the proposed area to be irrigated is attached hereto as Exhibit 2. APPLICATION FOR WATER STORAGE RIGHTS 10. Names and locations of reservoirs: A. Linn Grove Pond No. 1: Linn Grove Pond No. 1 is in the Northwest Quarter of the Southwest Quarter of Section 10, Township 5 North, Range 65 West, at a location starting at the NW corner of the SW1/4 of said Section 10, go east 573 feet to a point on the north line of the SW corner, thence south 132 feet to the western most point of the hydrologic feature. Its eastern most point is 768 feet from the west section line of Section 10 and 62 feet from the north line of the SW1/4 of Section 10. B. Linn Grove Pond No. 2: Linn Grove Pond No. 2 is in the Northeast Quarter of the Southeast Quarter of Section 9, and the Northwest Quarter of the Southwest Quarter of Section 10, Township 5 North, Range 65 West, at a location starting at the NW corner of the SW1/4 of said Section 10, go south 56 feet to a point on the west line of the Section 10, the northern most point of the hydrologic feature; continue south along the west line of Section 10 153 feet to the southern most point of the hydrologic feature. Its eastern most point is 122 feet from the north line and 130 feet from the west line of the SW corner of Section 10. Its western most point is 128 feet from the north line and 126 feet from the east line of the SE1/4 of Section 9. 11. Source: The source of water is surface water inflows from irrigation at the Linn Grove Cemetery, and precipitation and stormwater runoff collected in the ponds. 12. Dates of appropriation and how appropriations were initiated: A. Linn Grove Pond No. 1: July 31, 2002; by formation of intent to appropriate, together with construction of the pond. B. Linn Grove Pond No. 2: December 31, 1982; by formation of intent to appropriate, together with construction of the pond. 13. Amounts claimed: A. Linn Grove Pond No. 1: 0.50 acre-feet with the right to refill, conditional. B. Linn Grove Pond No. 2: 4.00 acre-feet with the right to refill, conditional. 14. Uses: The water collected in Linn Grove Ponds Nos. 1 and 2 will be used for irrigation, maintenance of pond levels, and aesthetic purposes at the Linn Grove Cemetery. A map depicting the location of the proposed area to be irrigated is attached hereto as Exhibit 2. 15. Surface area of high water line: A. Linn Grove Pond No. 1: 0.08 acres. B. Linn Grove Pond No.

2: 0.67 acres. 16. Total capacity of reservoirs in acre-feet: A. Linn Grove Pond No. 1: 0.50 acre-feet. B. Linn Grove Pond No. 2: 4.00 acre-feet. APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION, INCLUDING EXCHANGE 17. Names and locations of structures to be augmented (hereinafter referred to as the "Augmented Structures"): A. Linn Grove Well A, the legal description of which is contained in paragraph 4.A hereof. B. Linn Grove Well B, the legal description of which is contained in paragraph 4.B hereof. C. Linn Grove Well C, the legal description of which is contained in paragraph 4.C hereof. D. Linn Grove Well D, the legal description of which is contained in paragraph 4.D hereof. E. Linn Grove Well E, which is located in the NE1/4 of the SW1/4 of Section 10, Township 5 North, Range 65 West, 6th P.M., Weld County, Colorado; starting at the SW corner of Section 10, to a location 1369 feet from the south section line and 1352 feet from the west section line of Section 10. i. Linn Grove Well E was decreed as "Irrigation Well No. 3, Linn Grove Cemetery" for the City of Greeley in Case No. CA11217 on September 10, 1953, Larimer County District Court, Water Division No. 1, for 1.33 cubic feet per second with a priority date of May 31, 1937. The source of the water decreed to Linn Grove Well E is groundwater tributary to the Cache la Poudre River. Linn Grove Well E is decreed for irrigation purposes on lands within the Linn Grove Cemetery. F. Linn Grove Pond No. 1, the legal description of which is contained in paragraph 10.A hereof. G. Linn Grove Pond No. 2, the legal description of which is contained in paragraph 10.B hereof. 18. Complete statement of plan for augmentation: Out-of-priority depletions and storage associated with the Augmented Structures shall be replaced in amount, time, and location as described below to prevent injury to other vested and conditional decreed water rights. In connection with the augmentation plan, Greeley also seeks appropriative rights of exchange, from the points at which water from the Replacement Sources may be discharged, to the points of depletion and diversion for the Augmented Structures. A. Water rights to be used for augmentation: The water rights that may be used for augmentation (hereinafter collectively referred to as the "Replacement Sources") include: i. Water available pursuant to (1) water rights represented by Greeley's shares in the Greeley Irrigation Company, which water rights are more particularly described in the decree entered by the District Court for Water Division No. 1 in Case No. 99CW232; (2) water rights decreed to the Milton Seaman Reservoir Enlargements, which water rights are more particularly described in the decree entered by the District Court for Water Division No. 1 on December 27, 1993 in Case No. 90CW226 and on June 25, 1992 in Case No. 87CW042; (3) water rights represented by Greeley's shares in the Water Supply and Storage Company, which are the subject of the application pending in Case No. 2007CW190, Water Division No. 1; and (4) water storage rights for the Poudre Ponds at Greeley, Flatiron Reservoir Nos. 3-5, East 8th Street Reservoir, and F Street Reservoir, as described in the decree in Case No. 99CW234, Water Division No. 1. Greeley's use under this plan for augmentation of water represented by shares of stock in the Greeley Irrigation Company shall be subject to the terms and conditions set forth in Case No. 99CW232 or any subsequent decrees changing Greeley's shares in the Greeley Irrigation Company. ii. Water available pursuant to direct flow and storage water rights decreed for diversion at the Loveland and Greeley Canal and Barnes Ditch and owned, controlled or operated by the Greeley and Loveland Irrigation Company, Seven Lakes Reservoir Company, or their shareholders (including but not limited to water rights decreed to Loveland and Greeley Reservoir a/k/a Lake Loveland), which water rights are more particularly described in the decrees entered by the District Court for Water Division No. 1 in Case Nos. 87CW329, 95CW42, and 99CW235. Greeley's use under this plan for augmentation of the water and water rights that are the subject of the change of use applications in Case Nos. 87CW329, 95CW42, and 99CW235 shall be subject to the terms and conditions set forth in those decrees, and in any subsequent decrees changing said water rights. iii. Water available pursuant to Greeley's 75 shares of stock in the Windsor Reservoir and Canal Company that entitle Greeley to water from the Laramie River System, which are the subject of the application in Case No. 2006CW258, Water Division No. 1. iv. Water available pursuant to allotment contracts with the Municipal Subdistrict of the Northern

Colorado Water Conservancy District for 44 units of Windy Gap Project water. The Windy Gap Project is a transmountain water diversion project that delivers water from the Colorado River Basin to the South Platte River Basin. The Windy Gap Project water rights are more particularly described in the decrees entered by the District Court for Water Division No. 5 on October 27, 1980 in Civil Action No. 1768 and Case Nos. W-4001 and 80CW108, and/or on July 19, 1990 in Case No. 89CW298. v. Water rights claimed by Greeley in Case No. 2005CW326, Water Division 1. vi. Any water rights acquired by Greeley in the future to the extent they are or become decreed or administratively approved for such use and are delivered for replacement from the structures and locations described in paragraph 18.C below. All such additional or alternative water rights must be added pursuant to paragraph 18.B, which sets forth the procedure under which additional or alternative replacement sources may be used in this plan for augmentation. vii. The water rights listed in parts i through v of this paragraph 18.A are more particularly described on the attached Exhibit 3. viii. Wastewater effluent and non-sewered (lawn irrigation) return flows generated by the use of the Replacement Sources. Greeley may use the Replacement Sources directly or, for those sources that are decreed for reuse, by claiming the reusable component of sewered and non-sewered (lawn irrigation) return flows from prior use of the Replacement Sources. a. Sewered effluent credits will be calculated using the methodology decreed for Greeley in Case Nos. 87CW329, 95CW42, 99CW235, and 99CW231. The decree in Case No. 99CW231 was entered on March 9, 2010 by the District Court for Water Division No. 1. b. Non-sewered (lawn irrigation) return flow credits will be calculated using the methodology decreed for Greeley in Case Nos. 87CW329, 95CW42, 99CW235, and 99CW231. ix. Prior to using for augmentation any Replacement Sources that are not presently decreed or otherwise legally available for augmentation use, Greeley shall obtain separate decrees or State Engineer-approved substitute water supply plans authorizing use of the water rights for augmentation. B. Additional or alternative water rights to be used for augmentation: In addition to the Replacement Sources described above, Greeley seeks the right to use supplies of augmentation water of limited duration, and additional and alternative sources for replacement in this augmentation plan if such sources are decreed or lawfully available for such use, are part of an SWSP approved pursuant to C.R.S. § 37-92-308, or an interruptible supply agreement approved under C.R.S. § 37-92-309. This paragraph sets forth the procedure under which these sources may be used in this plan. These procedures are adequate to prevent injury to other water rights that might otherwise result from the addition of these sources to this plan. i. Additional water rights separately decreed or lawfully available for augmentation use: If a water right is decreed or lawfully available for augmentation use and not already approved for such use, Greeley shall give at least thirty days advance written Notice of Use of Water Right for Augmentation to the Court, the Division Engineer, and all the Objectors, which shall describe: (1) the water right by name and decree, if any; (2) the annual and monthly amount of water available to Greeley from the water right; (3) the location or locations at which the water will be delivered to the stream; (4) evidence that Greeley has the right to use the water; and (5) the manner in which Greeley will account for use of the augmentation credits. ii. Additional water rights—temporary administrative approval: If a water right is not decreed or otherwise lawfully available for augmentation use, and Colorado statutes or other governing authority provide a mechanism for using such water right without the need of a decree or well permit, Greeley shall provide written notice to the Objectors of its request for approval of the State Engineer pursuant to C.R.S. § 37-92-308, or C.R.S. § 37-92-309, or other applicable statute. Such notice shall be in addition to any notice required by the applicable statute. Greeley may use such water rights in this plan of augmentation upon the State Engineer's approval of the underlying administrative application for the term of such approval, unless such approval is reversed or modified on appeal. C. Location of augmentation deliveries: The Replacement Sources described above shall be delivered at the locations and structures described in Exhibit 4. D. Well metering: All wells covered by this plan for augmentation shall be metered, and the meters shall be maintained and repaired as may be required by the Division

Engineer and Water Commissioner to ensure that they remain in good working order. E. Quantity, timing, and location of depletions: The quantity, timing, and location of depletions from the Augmented Structures covered by this plan for augmentation shall be determined as follows:

- i. Well pumping depletions: Depletions from the wells covered by this plan for augmentation shall be determined for each well based on the metered pumping of each well and the lagged depletion methodology described below. Return flows from irrigation use of the wells in this plan shall be determined in accordance with the return flow methodology described below.
- ii. Timing of depletions: The timing of depletions from the wells shall be determined by applying the lag factors set forth in Exhibit 5 to the monthly pumping amounts as described above. The lag factors were developed using the Integrated Decision Support Alluvial Water Accounting System ("AWAS"), with the "alluvial aquifer" setting. AWAS uses the analytical equations described by Robert Glover (1977) representing a parallel no-flow boundary that requires the following parameters: (1) a boundary condition for the alluvial aquifer indicating that the boundary constitutes a "no-flow" condition; (2) the width of the aquifer on the side of the river where the well is located, commonly referred to as "W"; (3) the distance from the river to the location of the well, commonly referred to as "X"; (4) the transmissivity of the aquifer in the vicinity of the well, commonly referred to as "T"; and (5) the specific yield of the aquifer, commonly referred to as "S". The alluvial extent of the Cache la Poudre River was obtained from the USGS (2000) publication titled "Geohydrology of the Shallow Aquifers in the Greeley-Nunn Area, Colorado." A specific yield of 0.2 was used for all the wells. The harmonic transmissivity was determined for each well using the 200 meter transmissivity grid shapefile downloaded from the Colorado Decision Support System ("CDSS") website. The distance from the well to the river (X-distance) and the distance from the river to the edge of the alluvium (W-distance) were measured in GIS. The aquifer parameters for the wells used in AWAS are shown on the attached Exhibit 6. AWAS is based upon the Analytical Stream Depletion Model of the Office of the State Engineer, Colorado Division of Water Resources, which was developed by Dewayne R. Schroeder in 1987 to compute stream depletion caused by a well pumping from an aquifer hydraulically connected to the stream.
- iii. Timing and quantity of irrigation well return flows: Greeley will offset the lagged well depletions with return flow credits resulting from the irrigation use of water from the wells and ponds.
- iv. Timing and quantity of out-of-priority storage in the ponds: Greeley will use the ponds to store surface flows and precipitation, as well as groundwater that is pumped from the Linn Grove Wells. Greeley will account for out-of-priority storage in the ponds on a daily basis. Depletions attributable to out-of-priority storage in Linn Grove Ponds Nos. 1 and 2 will be offset by seepage credits from water stored in the ponds. Seepage credits from the ponds will be lagged back to the Cache la Poudre River pursuant to the methodology described in paragraph 18.E.ii above.
- v. Location of depletions: Depletions from the Augmented Structures will affect the Cache la Poudre River in the reach below the headgate of the Ogilvy Canal and the confluence of the Cache la Poudre and South Platte Rivers.

F. Replacement of out-of-priority depletions: Depletions shall be considered out of priority and replaced during times when there is a valid call for water downstream of the depleting well or pond from a water right or adjudicated exchange that is senior in priority to the depleting well or pond's water right. For each well and pond, replacement of out-of-priority depletions shall be made at or above the point of depletion or the location of any call for water from a senior water right that is downstream of the point of depletion.

G. Replacement of post-pumping depletions: Greeley shall replace all out-of-priority depletions that occur after diversions of groundwater from the wells covered by this plan for augmentation cease. The water rights to be used for augmentation of out-of-priority depletions under the augmentation plan requested herein shall be those water rights described as Replacement Sources above. Greeley shall operate and use such water rights in order to assure that all out-of-priority post-pumping depletions from the wells covered by this plan for augmentation are replaced as necessary in order to prevent injury.

H. Transit loss: Greeley may make any required replacements at locations above the points of depletion. In such case, the

Division Engineer shall assess reasonable stream transit loss from the point of replacement to the point of depletion. 19. Reporting: Greeley shall report diversions under the water rights and the operation of the plan for augmentation on a monthly basis. Accounting for the augmentation plan and water diversions shall be done on a daily basis. 20. Name and address of owner or reputed owner 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 pool: The wells and the ponds are located or will be located on lands owned by the City of Greeley in what is known as the Linn Grove Cemetery. The mailing address for the City of Greeley is 1000 10th Street, Greeley, CO 80631.

11CW61 JAMES R. AND PATRICIA A. SHOEMAKER, 10006 Alcott St., Federal Heights, CO 80260. Telephone: (303) 875-6851. APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN PARK COUNTY. Date of original decree: 02-15-05 in case 96CW1090 in Water Division 1. Shoemaker Well #1 located NW1/4, NW1/4, S24, T9S, R74W of the 6th PM at a distance 801 feet from North and 712 feet from West. Lost Park Subdivision; Lot 101; Filing 1. Depth: 727. Well on Lot #1 street address: 461 Bordenville Rd. Shoemaker Well #2 located NW1/4, S24, T9S, R74W of the 6th PM. Lots 101-103-filing #1. Source: Groundwater. Amount: Well #1, 5gpm, Absolute; Well #2, 15 gpm, Conditional. Appropriation date: 12-31-96. Date water applied to beneficial use: 4-29-10. Amount: 5 gpm. Use: Household use with irrigation up to 2500 sf of lawn and garden.

11CW62 DIANA D. DAVIS, 10798 N. Lakeside Pl., Littleton, CO 80125. Telephone: (303) 791-6844. APPLICATION FOR UNDERGROUND WATER RIGHT IN DOUGLAS COUNTY. Well, permit 28734-F located NW1/4, NW1/4, S21, T6S, R68W of the 6th PM at a distance 185 ft from North and 620 ft from West. Chatfield East Subdivision; Lot 46. Source: Groundwater. Depth: 440 ft. Date of appropriation: April 1, 1985. How appropriation was initiated: Colorado Division of Water Resources Permit Application. Date water applied to beneficial use: August 28, 1985. Amount: 11 gpm @ 295 ft. Case no. of plan for augmentation: W-8568. Augmentation Plan is operational.

11CW63 THE KENOSHA TROUT CLUB, c/o David Echter, 3885 Pierson Street, Wheat Ridge, CO 80033, Application for Finding of Reasonable Diligence and to Make Conditional Water Rights Absolute, IN PARK COUNTY. 2. Conditional Water Right and Structures Involved: Kenosha Trout Club Exchanges, involving: Lininger Ditch; Lininger Lake; Mack Ditch No. 2; Slaght Ditch; Maddox Reservoir feeder ditch; Maddox Reservoir; Maddox Reservoir outlet. 3. Describe conditional water right (as to each structure) including the following information from the Referee's Ruling and Judgment and Decree: **A.** Date of Original Decree: April 12, 2005, Case No. 03CW246 Court: Water Division No. 1. **B.** Subsequent decrees awarding findings of diligence: N/A. **C.** Decreed legal description and PLSS Description (structures involved in exchange): (1) Lininger Ditch: **a.** Upstream Headgate: the upstream Lininger Ditch headgate is located on Beaver Brook at a point whence the SE corner of Section 8, Township 7 South, Range 75 West of the 6th P.M. bears S 74' 4" E, 8,765 feet (decreed location); in the NW1/4 of the SE1/4 of Section 7, Township 7 South, Range 75 West of the 6th P.M. at a point 2,230 feet from the east section line and 2,413 feet from the south section line (PLSS), Park County, Colorado. **b.** Downstream Headgate: the downstream Lininger Ditch headgate is located on Beaver Brook at a point whence the SE corner of Section 8, Township 7 South, Range 75 West bears S 74' 26" E, 7,550 feet (decreed location); in the NW1/4 of the SE1/4 of Section 7, Township 7 South, Range 75 West of the 6th P.M. at a point 1,462 feet from the east section line and 2,062 feet from the south section line (PLSS), Park County, Colorado. (2) Lininger Lake: Lininger Lake is located in Sections 9 and 16, Township 7 South, Range 75 West of the 6th P.M., Park County, Colorado. (3) Mack Ditch No. 2: The Mack Ditch No. 2 headgate is located on the

South bank of the North Fork of the South Platte River at a point in the NE1/4 of the SE1/4 of Section 21, Township 7 South, Range 73 West of the 6th P.M., whence the East quarter corner of said Section 21 bears N 79' 30" E, 1,292 feet (decreed location); in the NE1/4 of the SE1/4 of Section 21, Township 7 South, Range 73 West of the 6th P.M. at a point 953 feet from the east section line and 2,404 feet from the south section line (PLSS), Park County, Colorado. **(4)** Slaght Ditch: The Slaght Ditch headgate is located on the North bank of the North Fork of the South Platte River, at a point in the NE1/4 of the SE1/4, Section 21, Township 7 South, Range 73 West of the 6th P.M., approximately 2,060 feet North and 490 feet West from the SE corner of said Section 21 (PLSS and decreed location). **(5)** Maddox Reservoir feeder ditch: The Maddox Reservoir feeder ditch headgate is located on the North bank of the North Fork of the South Platte River at a point in the NW1/4 of the SW1/4, Section 22, Township 7 South, Range 73 West of the 6th P.M., approximately 1,240 feet East and 1,740 feet North of the SW corner of said Section 22 (decreed location); in the NW1/4 of the SW1/4 of Section 22, Township 7 South, Range 73 West of the 6th P.M. at a point 1,240 feet from the west section line and 1,740 feet from the south section line (PLSS), Park County, Colorado. **(6)** Maddox Reservoir: Maddox Reservoir is located in the SW1/4 and the SE1/4 of Section 22, Township 7 South, Range 73 West of the 6th P.M. **(7)** Maddox Reservoir outlet. The Maddox Reservoir Outlet is located at a point whence the SE corner of Section 22, Township 7 South, Range 73 West, bears S 67' 14" E, 2,530 feet(decreed location); in the SE1/4 of the SW1/4 of Section 22, Township 7 South, Range 73 West of the 6th P.M. at a 2,295 feet from the west section line and 1,138 feet from the south section line (PLSS), Park County, Colorado. **D.** Source of water: The source of water for the conditional exchanges that are the subject of this application is the Applicant's historical consumptive use credits in the North Fork of the South Platte River attributable to its interests in the Mack Ditch No. 2 and the Slaght Ditch, which were changed in use in Case No. 03CW246; the source of water for the Mack Ditch No. 2, the Slaght Ditch, and the Maddox Reservoir and feeder ditch (exchange from points) is the North Fork of the South Platte River; the source of water for the Lininger Ditch and Lininger Lake (exchange to points) is Beaver Brook. **E.** Appropriation date: March 2, 2003. Amounts: see Paragraph 3.H. below. **F.** Decreed Use: Irrigation, piscatorial, domestic, augmentation, recreation, fish and wildlife, with the right to reuse and successively use to extinction the water historically consumed by the historical uses of the water rights exchanged. **G.** Description of Exchanges: **(1)** Mack Ditch No. 2 to Lininger Ditch and Lininger Lake. Water attributable to the Applicant's interest in the Mack Ditch No. 2 is released at the original Mack Ditch No. 2 headgate in exchange for diversions at the Lininger Ditch, into Lininger Lake. **(2)** Slaght Ditch to Lininger Ditch and Lininger Lake. Water attributable to the Applicant's interest in the Slaght Ditch is released at the original Slaght Ditch headgate in exchange for diversions at the Lininger Ditch, into Lininger Lake. **(3)** Maddox Reservoir Outlet to Lininger Ditch and Lininger Lake. Water attributable to the Applicant's interests in the Mack Ditch No. 2 and the Slaght Ditch that has been previously stored in Maddox Reservoir will be released from Maddox Reservoir in exchange for diversions at the Lininger Ditch into Lininger Lake. **H.** Amounts: **(1)** Mack Ditch No. 2 to Lininger Ditch and Lininger Lake: rate of flow: 0.2652 c.f.s.; volumetric limitations: maximum annual: 10.7 a-f; 10 year: 76 a-f; monthly: May: 3.7 a-f; June: 4.9 a-f; July: 2.7 a-f; August: 1.7 a-f; September: 2.4 a-f; October: 2.5 a-f. **(2)** Slaght Ditch to Lininger Ditch and Lininger Lake: rate of flow: 0.481 c.f.s.; volumetric limitations: maximum annual 29.1 a-f; 10 year: 211 a-f; monthly: May: 10.7 a-f; June: 13.8 a-f; July: 10.2 a-f; August: 4.5 a-f; September: 5.7 a-f; October: 1.8 a-f. **(3)** Maddox Reservoir to Lininger Ditch and Lininger Lake: rate of flow: lesser of 11.4 c.f.s. or Maddox Reservoir outlet capacity; volume limited to quantity of Applicants historical consumptive use credits stored in Maddox Reservoir. **I.** Depth (if well): N/A. **4.** Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures. (Mark the location of proposed area to be irrigated on a USGS topographic map and attach to this application): **A.** The

Applicant has executed the decreed exchange of water attributable to its historical consumptive use credits in the Mack Ditch No. 2 to the Lininger Ditch headgate for use in Lininger Lake every year since the exchange was decreed in Case No. 03CW246, in the amounts shown below, and has submitted accounting to the Division Engineer for Water Division No. 1 substantiating such exchanges:

Year	Annual Volume Exchanged (acre-feet)
2005	4.73
2006	10.70
2007	10.70
2008	6.80
2009	3.16
2010	9.30

B. The Applicant has executed the decreed exchange of water attributable to its historical consumptive use credits in the Slaght Ditch to the Lininger Ditch headgate for use in Lininger Lake every year since the exchange was decreed in Case No. 03CW246, in the amounts shown below, and has submitted accounting to the Division Engineer for Water Division No. 1 substantiating such exchanges:

Year	Annual Volume Exchanged (acre-feet)
2005	7.09
2006	27.42
2007	29.10
2008	17.25
2009	4.85
2010	20.86

C. During the period from April 12, 2005 through January 25, 2011, the Applicant has expended in excess of \$28,934.25 for engineering services in connection with the activities described above. **5.** If Claim to make absolute: **A.** Mack Ditch No. 2 to Lininger Lake Exchange: Date water applied to beneficial use: May 26, 2005 (first exercise of exchange). Amount: 0.2652 c.f.s.; 10.70 acre-feet (2006 and 2007); 4.90 acre-feet (maximum month). Use: Piscatorial, augmentation, recreation, and fish and wildlife (for and in Lininger Lake). Description of place of use where water is applied to beneficial use: Kenosha Trout Club, comprising approximately 145 acres in Sections 9 and 16, T.7S., R.75W., 6th P.M. jointly-owned by the members of the Kenosha Trout Club, and approximately 95 acres of land in Sections 9 and 16, T.7S., R.75W., 6th P.M. individually-owned by members of Kenosha Trout Club. **B.** Slaght Ditch to Lininger Lake Exchange: Date water applied to beneficial use: May 26, 2005 (first exercise of exchange). Amount: 0.4810 c.f.s.; 29.10 acre-feet (2007); 13.80 (maximum month). Use: Piscatorial, augmentation, recreation, and fish and wildlife (for and in Lininger Lake). Description of place of use where water is applied to beneficial use: Kenosha Trout Club, comprising approximately 145 acres in Sections 9 and 16, T.7S., R.75W., 6th P.M. jointly-owned by the members of the Kenosha Trout Club, and approximately 95 acres of land in Sections 9 and 16, T.7S., R.75W., 6th P.M. individually-owned by members of Kenosha Trout Club. **6.** Names

and addresses of owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool (you must notify these persons that you are applying for this water right, and certify to the Court that you have done so by no later than ten days after filing the Application): **A.** Lininger Lake: Kenosha Trout Club, c/o Dave Echter, 3885 Pierson Street, Wheat Ridge, Colorado 80033. **B.** Lininger Ditch: Kenosha Trout Club, c/o Dave Echter, 3885 Pierson Street, Wheat Ridge, Colorado 80033. **C.** Mack Ditch No. 2: X Brand Ranch, LLC, c/o Susan Hickel-Carpenter, Registered Agent, P.O. Box 135, 56403 U. S. Highway 285, Shawnee, Colorado 80475. **D.** Slaght Ditch: Susan Hickel, P.O. Box 135, 56403 U. S. Highway 285, Shawnee, Colorado 80475. **E.** Maddox Reservoir feeder ditch: Mountain Mutual Water Company, c/o Bill Blatchley, PO Box 27567, Denver, Colorado 80227. **F.** Maddox Reservoir and outlet: Mountain Mutual Water Company, c/o Bill Blatchley, PO Box 27567, Denver, Colorado 80227. **7.** Remarks or other pertinent information: **A.** Request for Relief. The Applicant accordingly requests that the Court make absolute the decree for the Kenosha Trout Club Exchanges described in Paragraph 3.G(1) and (2) above (Mack Ditch No. 2 to Lininger Ditch and Lininger Lake; and Slaght Ditch to Lininger Ditch and Lininger Lake) for the decreed amounts for piscatorial, augmentation, recreation, and fish and wildlife uses, and enter a finding of reasonable diligence in the development of the Kenosha Trout Club Exchanges described in Paragraph 3.G(1) and (2) above (Mack Ditch No. 2 to Lininger Ditch and Lininger Lake; and Slaght Ditch to Lininger Ditch and Lininger Lake) for all other decreed uses, and for the Kenosha Trout Club Exchange described in Paragraph 3.G(3) above (Maddox Reservoir Outlet to Lininger Ditch and Lininger Lake). **B.** PLSS Descriptions. PLSS descriptions are included herein in compliance with Water Court forms. Such PLSS locations were determined using the BLM_PLSS_trss_NAD83 coverage with the IDS_PLSS_Locator tool and visual assessment. In the event of a discrepancy between the decreed location and the PLSS descriptions herein, the decreed location is controlling. Any person reading this application should rely on the terms of the decree in Case No. 03CW246 adjudicating the conditional water rights herein.

11CW64, John N. Skaradowski, 8852 Burning Tree Court , Franktown, CO 80116 (Kara N. Godbehere, Petrock & Fendel, 700 17th Street, #1800, Denver, CO 80202), APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY SOURCES, IN THE NONTRIBUTARY DENVER, ARAPAHOE, AND LARAMIE-FOX HILLS AQUIFERS IN DOUGLAS COUNTY, Lot 34, Burning Tree Ranch, NE1/4SE1/4 of Section 36, T7S, R66W of the 6th P.M., 5 acres, Denver: 1.8 acre-feet; Arapahoe: 2.3 acre-feet; and Laramie-Fox Hills: 1.4 acre-feet, Domestic, commercial, irrigation, stockwatering, and augmentation purposes, on and off the Subject Property. Applicants may withdraw this water in combination with the same type of water and through wells located on other lots in Burning Tree Ranch which have previously been decreed. (3 pages).

11CW65 Mary L. Cockriel and Robert M. Kellert (Robert H. Weinstein, Esq , #20025, 8200 S. Quebec St., Suite A3, #125, Centennial, CO 80112) APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY SOURCES, IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS AND THE NOT NON TRIBUTARY UPPER DAWSON, ELBERT COUNTY. Two lots comprising of 81.76 total acres. Property A is located in the SE/4 NW/4, Section 18, T 7 S, R 64 West of the 6th P.M., Elbert County, Colorado, approximately 41.185 acres. Property B is located NW/4 NW/4, Section 18, T 7 S, R 64 West of the 6th P.M., Elbert County, Colorado and is approximately 40.575 acres. One well is located on property A, permit #199930. Source of Water Rights: Upper Dawson (11.2) Lower Dawson (3.4) Denver (14.8), Arapahoe (21.01) and Laramie-Fox Hills (10.26) aquifers. Date of Appropriation: 10-30-1996.

Proposed uses: unified municipal water systems, municipal, domestic, industrial, commercial, irrigation, augmentation, stock watering, recreational, fire protection, water feature ponds and piscatorial habitat less than 1000 square feet, and wildlife. 4 pages.

11CW66 RICHARD B. GREEN, 11245 E. Parker Road, Parker, CO 80138. (303) 841-3110. Application for Underground Water Rights in the Denver Basin Aquifers Underlying Applicant's Property in **DOUGLAS COUNTY**. Applicant seeks to adjudicate the non tributary and not nontributary Denver Basin groundwater underlying a 3.79 acre tract of land lying in the S1/2 S1/2 NW1/4 of Section 16, Township 6 South Range 65 West of the 6th P.M., Douglas County, Colorado, including the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers.

11CW67, John W. Scott and Sabrina Maiden-Scott, 11856 Conestoga Place, Franktown, CO 80116 (Kara N. Godbehere, Petrock & Fendel, 700 17th Street, #1800, Denver, CO 80202), IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE, AND LARAMIE-FOX HILLS AND THE NOT NONTRIBUTARY UPPER DAWSON AQUIFERS, in DOUGLAS COUNTY. 19.55 acres being the E1/2NW1/4SE1/4 of S16, T8S, R65W of the 6th P.M. (Attachment A). Not nontributary Upper Dawson: 7 acre-feet; Nontributary Lower Dawson: 4 acre-feet; Denver: 6 acre-feet; Arapahoe: 8 acre-feet; and Laramie-Fox Hills: 6 acre-feet, for domestic, commercial, industrial, irrigation, stockwatering, fire protection, and augmentation purposes, including storage, both on and off the Subject Property. Request for underground water rights pursuant to Section 37-92-602(4), C.R.S.: Well Permit No. 98006 (Attachment B); Priority and Appropriation Date: May 1, 1978; Source and Well Depth: Upper Dawson aquifer/408 feet deep; Amount: 12 gpm/1 acre-foot (absolute); Use: Domestic use, including irrigation of 1/3rd acres and stockwatering; Legal Description: In the NW1/4SE1/4 of Section 16, T8S, R65W of the 6th P.M., 1950 feet from the south section line and 1650 feet from the east section line. (9 pages).

11CW68 FRANK L. EARLEY, 1650 Santa Fe Trail, Elizabeth, CO 80107. Telephone: (303) 646-9627. Application for Rights to Water in the Denver Basin Aquifers Underlying Applicant's Property in **ELBERT COUNTY**. Applicant seeks to adjudicate all the ground water in the Denver Basin underlying applicant's 10 acre lot, including the Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers, and to adjudicate applicant's well, permit 171832, located SW1/4, SE1/4, S26, T8S, R65W of the 6th PM at a distance 150 ft. from S and 1700 ft. from East.

11CW69, Scott Brauer, 10475 S. State Highway 83, Franktown, CO 80116 (Kara N. Godbehere, Petrock & Fendel, 700 17th Street, #1800, Denver, CO 80202), IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE, AND LARAMIE-FOX HILLS AND THE NOT NONTRIBUTARY UPPER DAWSON AQUIFERS, in DOUGLAS COUNTY, 104 acres in parts of the SW1/4SW1/4 of Section 31, T9S, R65W, and the N1/2SW1/4 and the NW1/4 of Section 6, T10S, R65W of the 6th P.M. (described and shown on Attachment A). Not nontributary Upper Dawson: 52 acre-feet; Nontributary Lower Dawson: 36 acre-feet; Denver: 45 acre-feet; Arapahoe: 54 acre-feet; and Laramie-Fox Hills: 29 acre-feet, for domestic, commercial, industrial, irrigation, stockwatering, fire protection, and augmentation purposes, including storage, both on and off the Subject Property. (5 pages).

11CW70, Doug Brauer, 8405 E. Via De Sereno, Scottsdale, AZ 85258 (Kara N. Godbehere, Petrock & Fendel, 700 17th Street, #1800, Denver, CO 80202), IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE, AND LARAMIE-FOX HILLS AND THE NOT NONTRIBUTARY UPPER DAWSON AQUIFERS, in DOUGLAS COUNTY, 97 acres in parts of the S1/2SW1/4 of Section 31, T9S, R65W, and the NW1/4 of Section 6, T10S, R65W of the 6th P.M. (described and shown on Attachment A). Not nontributary Upper Dawson: 52

acre-feet; Nontributary Lower Dawson: 36 acre-feet; Denver: 45 acre-feet; Arapahoe: 54 acre-feet; and Laramie-Fox Hills: 29 acre-feet, for domestic, commercial, industrial, irrigation, stockwatering, fire protection, and augmentation purposes, including storage, both on and off the Subject Property. (5 pages).

11CW71 ROGER L. RAINES, 5161 Zuni Street, Denver, CO 80221, (303) 640-5007 (Attorneys Cynthia F. Covell, Andrea L. Benson and Anna Christopher, Alperstein & Covell P.C., 1600 Broadway, Suite 2350, Denver, CO 80202.) Application to Make a Conditional Water Right Absolute or in the alternative a Finding of Reasonable Diligence, in PARK COUNTY, COLORADO. Name of structure and description of conditional water right. Raines Lot 2-40 Well, original adjudication proceeding in Case No. 96CW869, Water District 1, District Court, Park County, decreed on April 11, 2005 with an appropriation date of December 30, 1996, Well Permit No. 205569. Legal Description: NW 1/4 of the SE 1/4, Section 15, Township 9 South, Range 76 West, of the 6th P.M., at a point 1760 feet from the East line and 2025 feet from the North line of said Section. Amount. .033 cubic feet per second. Source: Groundwater. Uses of Water: Domestic use in up to three single family dwellings including irrigation of up to one acre and watering of domestic livestock and poultry on Lot 40 Filing 2 in the NW 1/4 of the SE 1/4, Section 15, Township 9 South, Range 76 West, of the 6th P.M. Additional Information: The Raines Lot 2-40 Well is an exempt well on a 35 acre or more parcel. Outline of what has been done toward completion of the appropriation and description of when and where water was applied to beneficial use. Well Permit No. 205569 was issued for this well on September 25, 1997. The well was drilled and a hand pump installed on October 8, 1997. A pump installation and test report was completed on October 8, 1997, and received by the State Engineer's office on October 29, 1997. Since the permit was issued and the well was installed, Raines Lot 2-40 Well has continuously been put to beneficial use, including domestic, irrigation and stock watering on the property. Applicant requests this Court to find that the water right conditionally decreed in Case No. 96CW869, is now made absolute, or in the alternative, Applicant has exercised reasonable diligence in putting to beneficial use the water right conditionally decreed in that case and to continue the conditional decree for another six years, or such period as may otherwise be permitted by law. The application is 4 pages in length, plus four exhibits.

11CW72 CHRISTA KAPP, PO Box 881, Indian Hills, CO 80454. Telephone: (720) 299-7258. APPLICATION FOR UNDERGROUND WATER RIGHT IN PARK COUNTY. Lot 198 Badger Creek Ranch No. 3 located SW1/4, S15, T15S, R76W of the 6th PM. Street address: 912 Frees Loop, Hartsel, CO. Lot 145 Badger Creek Ranch No. 2 located NW1/4, S15, T15S, R76W of the 6th PM. Street address: 273 Hunters Glen Road, Hartsel, CO. Lot 146 Badger Creek Ranch No. 2, permit 217296, located NW1/4, S22, T15S, R76W of the 6th PM. Depth: 105'. Date water applied to beneficial use: 11-16-1999. Street address: 311 Hunters Glen Road, Hartsel, CO. Amount claimed for Lot 198 & Lot 145, 15 gpm each-Conditional. Lot 146, 7 gpm-Absolute. Household use only.

11CW73 JEFFERSON COUNTY SCHOOL DISTRICT R-1, c/o TIMOTHY J. REED, DIRECTOR OF CAPITAL PROGRAMS FACILITIES PLANNING, 809 QUAIL STREET, BUILDING 4, LAKEWOOD, CO 80215. Telephone: (303) 982-2376 c/o James R. Montgomery, Moses, Wittemyer, Harrison and Woodruff, P.C., P.O. Box 1440, Boulder, CO 80306. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN JEFFERSON COUNTY. Date of original decree: March 13, 1980 in Case No. W-8757-77, District Court for Water Division No. 1, State of Colorado. Marshdale Well No. 2 located in the SE1/4 of the NW1/4 of Section 26, Township 5 South, Range 71 West of the 6th P.M., Jefferson County, Colorado, at a point approximately 3,900 feet west and 2,455 feet south of the NE Corner of said Section 26. The location of Marshdale Well No. 2 is depicted on the map attached to the

application as Exhibit A. Subsequent decrees awarding findings of diligence: Case No. 80CW361 entered on June 11, 1982; Case Nos. 86CW099 and 86CW100 entered on October 5, 1988; Case No. 90CW074 entered on October 9, 1990; Case No. 94CW118 entered on December 16, 1994; Case No. 96CW233 entered on November 10, 1997; and Case No. 03CW379 entered on April 21, 2005. Source: Groundwater tributary to North Turkey Creek. Appropriation date: November 30, 1973. Amount: 13 gpm (0.029 cfs), ABSOLUTE; 7 gpm (0.015 cfs), CONDITIONAL. Use: Municipal purposes and irrigation of not more than 1.0 acre at the Marshdale Elementary School site in Section 26, Township 5 South, Range 71 West of the 6th P.M., Jefferson County, Colorado, which is more fully described as Tracts A, B and C in that certain deed recorded in Book 2610, at Pages 795-796 of the real estate records of the Clerk and Recorder of Jefferson County, Colorado. All pumpage shall be in accordance with the decree in Case No. W-8757-77, entered on March 13, 1980. Depth: 300 feet. Well permit: No. 25403-F, issued July 27, 1981. A copy of the well permit is attached to the application as Exhibit B. A copy of the well completion and pump installation report is attached to the application as Exhibit C. A detailed outline of the work and expenditures toward completion of the application and application of the water to beneficial use is contained in the application. Applicant is the owner 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.

11CW74 City of Thornton, Colorado (“Thornton”, c/o Emily P. Hunt, 12450 Washington Street, Thornton, Colorado 80241, telephone: 303-977-6500) and joined by **City of Aurora, Colorado, acting through its Utility Enterprise** (“Aurora” or “Aurora Water”, c/o Lisa Darling, 15151 East Alameda Parkway, Suite 3600, Aurora, Colorado 80012-1555, telephone: 303-739-7370) and **Metro Wastewater Reclamation District** (“Metro”, c/o District Manager, 6450 York Street, Denver, Colorado 80229-7499, telephone: 303-286-3000). **APPLICATION FOR CHANGE OF WATER RIGHTS AND ADDITIONAL RELIEF IN ADAMS, ARAPAHOE, DENVER, DOUGLAS AND WELD COUNTIES;** 1. Thornton is a home rule municipal corporation located in Adams County, Colorado. Aurora Water is a Colorado home rule municipal corporation of the Counties of Adams, Arapahoe and Douglas, acting by and through its Utility Enterprise. Metro is a metropolitan sewage disposal district organized under the Metropolitan Sewage Disposal Districts Act, C.R.S. §§ 32-4-501, et seq. 2. Thornton applies for a change of water rights, but only to the extent required: (1) to obtain approval of the relocation of the treatment and discharge of a portion of effluent generated in Thornton from Metro’s Robert W. Hite Treatment Facility (“RWHTF”) to Metro’s proposed new Northern Treatment Plant (“NTP”) pursuant to the terms of a Settlement Agreement dated October 10, 1990, between Thornton, the City of Englewood (“Englewood”) and the City of Westminster (“Englewood Settlement Agreement”, copy attached as Exhibit A); and (2) to obtain approval of an effluent trade between Thornton and Aurora Water (“Effluent Trade”). 3. Aurora joins Thornton in seeking approval of the Effluent Trade. 4. Metro joins this application in order to support the relief sought herein. Metro’s Facilities 5. At the current time, Metro has one wastewater treatment facility—the RWHTF, located at 6450 York Street, Denver, Colorado—which Metro uses for the treatment and discharge of sewage effluent generated by the water rights of Thornton, Aurora and others. The RWHTF discharges treated effluent to the South Platte River. The legal description of the RWHTF outfall is: in the SE1/4 of the SW1/4 of Section 1, T3S, R68W, 6th P.M., Adams County, Colorado. 6. To accommodate municipal growth and increasing water treatment requirements, Metro is planning to construct a second wastewater treatment facility—the NTP—which will be located in Weld County near the City of Brighton, Colorado, adjacent to the South Platte River, at a location approximately 20 miles downstream from the RWHTF. The legal description of the planned NTP outfall is: in the SE1/4 of the SW1/4 of Section 31, T1N, R66W, 6th P.M., Weld County, Colorado. The RWHTF and NTP are shown on the map attached

to this application as Exhibit B. 7. Most of the effluent treated at the NTP will come from areas of new development, and was not previously treated at and discharged from the RWHTF. A portion of the effluent treated at the NTP will come from areas in Thornton from which the effluent has been previously treated at and discharged from the RWHTF. 8. Thornton and Aurora own, lease or otherwise have the right to use water rights, which the cities use in providing water service to their respective citizens and customers. As part of Thornton's and Aurora's municipal water use, the resulting wastewater is collected through a series of pipelines and other structures and delivered to Metro for treatment and discharge pursuant to contracts between Thornton and Metro and between Aurora and Metro, respectively. The wastewater so treated and discharged is referred to generally in this application as "effluent." 9. Thornton has consented to treatment and discharge of a portion of the effluent from its water rights by Metro at the NTP, subject to implementation of the Aurora Water - Thornton IGA described below, and a decree approving this application. Thornton's Water Rights 10. Many of Thornton's water rights are reusable because the water is imported into Water Division 1 (i.e., the source of supply is not native to the South Platte River basin). Other Thornton water rights are reusable because the water rights were initially appropriated and decreed for fully consumptive use and reuse, or because water rights historically used for irrigation or other beneficial uses have been changed in previous court proceedings to allow municipal and other beneficial uses, to the extent of the water rights' historical consumptive use. The effluent generated by these water rights after initial use is "reusable effluent," which Thornton may reuse, successively use or use by exchange according to the terms and conditions of its decrees. 11. Thornton owns a variety of other water rights, which the City uses in providing water service to its citizens and customers, but which do not produce reusable effluent. Thornton may not reuse, successively use or use by exchange the effluent generated by these water rights after initial use. Effluent that may not be reused, successively used or used by exchange is referred to herein as "non-reusable effluent." 12. Thornton relies on the flows discharged at the RWHTF as replacement supplies for numerous appropriative rights of exchange and for maintenance of historical return flows in changes of water rights approved by the Division 1 Water Court. 13. Thornton has court decrees that authorize Thornton to conduct exchanges by discharging reusable effluent at the RWHTF as a substitute supply and diverting an equivalent amount of water at specified locations on the South Platte River or its tributaries, including but not limited to Clear Creek and Big Dry Creek. Under its existing decrees, Thornton uses its reusable effluent discharged from the RWHTF to operate these exchanges. 14. Metro plans to move some of Thornton's waste water, which is now treated and discharged at the RWHTF, to the NTP. Unless remedial measures are taken, the planned relocation of the treatment and discharge of a portion of Thornton's effluent from the RWHTF to the NTP will reduce the amount of reusable effluent that Thornton has available for exchange under its existing exchange decrees, and it will reduce the amount of effluent that Thornton has available for maintaining historical return flows and for other beneficial uses to which the water may be put. Thornton is willing to consent to Metro's change in operations, but only if Thornton is protected from the loss of yield to its water rights that rely on its effluent being discharged at the RWHTF, including exchanges exercised at the RWHTF, and only if the relocation is consistent with Thornton's obligations under the Englewood Settlement Agreement. The Effluent Trade described below will provide the needed remedial measures to offset the potential reductions described above and will protect Thornton and other water users. Aurora Water Rights 15. Aurora Water uses both non-reusable and reusable water rights in its system. The non-reusable water is treated and discharged as non-reusable effluent. The reusable water is treated and discharged as reusable effluent. The reusable effluent derives from: water rights that originate in the South Platte River basin that are decreed to be fully used to extinction; water imported into Water Division No. 1 from Water Division No. 2; water imported into Water Division No. 1 from Water Division No. 5; non-tributary or not non-tributary ground water rights; and South Platte Basin water rights that historically were used for irrigation or other beneficial uses, but which

have been changed in previous court proceedings to allow municipal and other beneficial uses.

16. Aurora Water maintains dominion and control over its reusable effluent that allows it to use, reuse and dispose of it at the RWHTF and the Sand Creek Water Reuse Facility. The amount of reusable effluent and non-reusable effluent that Aurora Water generates varies according to the mix of water rights that Aurora uses at any particular time. However, the amount of Aurora Water's reusable effluent and non-reusable effluent can be determined by accounting calculations and the formula approved by the Water Court in Case Nos. 91CW117 and 03CW415. Aurora Water - Thornton Effluent Trade

17. Thornton and Aurora Water have negotiated an effluent trade under which Aurora Water will trade effluent generated by it and physically discharged at the RWHTF for effluent generated by Thornton that will be physically discharged at the NTP. The practical and legal result of the Effluent Trade will be that Thornton's effluent that has been physically moved to the NTP and traded to Aurora will be legally accounted for and discharged as Aurora's effluent, and Aurora's effluent that is physically delivered to the RWHTF and traded to Thornton will be legally accounted for and discharged as Thornton's effluent. The Effluent Trade is described and authorized in an Inter-governmental Agreement ("IGA", copy attached as Exhibit C) dated March 25, 2010 between Aurora Water and Thornton. [An amendment to the March 25, 2010 IGA has been negotiated by Thornton and Aurora Water staff and is pending. Thornton and Aurora anticipate filing a fully executed version of the amendment after formal approval. The amendment provides for filing this application, including paragraph 37 herein.]

18. After the NTP goes into operation Aurora Water will have more tradable effluent that is physically discharged at the RWHTF, and which would be available for Aurora Water to trade to Thornton, than Thornton will have tradable effluent that is physically discharged at the NTP. Thornton will trade to Aurora Water all of the effluent generated by Thornton and physically discharged at the NTP, for an equivalent amount of effluent generated by Aurora Water and physically discharged at the RWHTF.

19. A major purpose of the IGA and of this application is to allow Thornton to use such effluent traded to Thornton by Aurora Water and legally accounted for and discharged at the RWHTF as if such effluent had been physically generated by Thornton and discharged at the RWHTF. Claim for Relief No. 2 of this application seeks approval of the Effluent Trade.

20. The Aurora Water effluent traded to Thornton and discharged at the RWHTF will be allocated as reusable effluent or non-reusable effluent in the same percentages that the entire stream of Thornton effluent is calculated to have, based on the mix of water rights used by Thornton in its water supply system. In this manner, the effluent traded to Thornton and discharged at the RWHTF will be equivalent in source and character to the effluent generated by Thornton and physically discharged at the NTP. The practical and legal effect of the Effluent Trade will be to eliminate any impact on the water rights of Englewood or other water users that might have otherwise occurred from the physical relocation of a portion of the Thornton effluent to the NTP. **CLAIM FOR RELIEF NO. 1 - CHANGE IN PLACE OF DISCHARGE OF THORNTON'S EFFLUENT**

21. Thornton and Metro incorporate paragraphs 1 - 20 of this application as if they were restated verbatim.

22. On October 10, 1990, Thornton and Englewood entered into the Englewood Settlement Agreement. See Exhibit A. This agreement, among other things, dealt with applications that Thornton had filed, and that Englewood had opposed, pertaining to the change of certain water rights diverting from Clear Creek in Case Nos. 87CW334 and 89CW132. In return for certain agreements by Thornton and Westminster, Englewood agreed to consent to the entry of decrees in these cases. Thornton agreed "that Thornton will not change its point of municipal sewage return flow from the [RWHTF] to a point below the headgate of the Fulton Ditch without filing a further application for a change of water rights." See Exhibit A, ¶ 10. This application is filed to satisfy the Englewood Settlement Agreement.

23. Thornton and Metro seek a determination that the change in the location at which a portion of Thornton's effluent is physically treated and discharged to the South Platte River, subject to the implementation of the Effluent Trade described in this application, is lawful and will not injure Englewood or other water users. Resolution of this claim will allow Metro to finalize its plans for the design,

construction, and operation of the NTP. 24. The water rights that generate the portion of the effluent that will be involved in the Change in Place of Discharge are all of Thornton's water rights, which are listed on Exhibit D. Thornton does not seek to change the point of diversion, decreed amount, type or place of use of its water rights, or any attribute of these rights other than the location of effluent discharge. 25. The structures involved in this change are the RWHTF outfall and the NTP outfall described in paragraphs 5 and 6 above. Both structures and the lands upon which they are located are owned by Metro. **CLAIM FOR RELIEF NO. 2 – APPROVAL OF EFFLUENT TRADE** 26. Co-Applicants incorporate paragraphs 1 – 20 of this application as if they were restated verbatim. Thornton and Metro incorporate paragraphs 21 – 25 of this application as if they were restated verbatim. 27. Co-Applicants seek a decree confirming the operation of the Effluent Trade. The result of the Effluent Trade will be that a portion of Thornton's effluent that is physically generated in Thornton and treated and discharged at the NTP will be legally converted to Aurora effluent, and that a portion of Aurora Water's effluent that is physically generated in Aurora and treated and discharged at the RWHTF will be legally converted to Thornton effluent. This trade of effluent will cause Thornton to have an equivalent supply of effluent at the RWHTF before and after the NTP is operational. Pursuant to the Effluent Trade, the effluent traded to Thornton by Aurora Water shall be deemed to have the same mix of reusable and non-reusable water as if the effluent had all been physically generated by Thornton, and the effluent traded to Aurora by Thornton shall be deemed to have the same mix of reusable and non-reusable water as if the effluent had all been physically generated by Aurora. 28. The Effluent Trade will not create an enlargement in lawful use of the effluent to be traded from Aurora Water to Thornton and discharged at the RWHTF. The Effluent Trade will not create an enlargement in lawful use of the effluent to be traded from Thornton to Aurora and discharged at the NTP. 29. The water rights that generate the portion of Thornton's effluent involved in the Effluent Trade are all of Thornton's water rights, which are listed on Exhibit D and incorporated herein by reference, and any other water rights decreed to Thornton for its municipal uses. Aurora Water has sufficient water rights to generate the portion of Aurora Water's effluent involved in the effluent trade. 30. The Effluent Trade will prevent injury to any other water users and will allow Thornton to continue to operate in compliance with the terms of its existing decrees and agreements as described below, after construction of the NTP. **GENERAL REMARKS** 31. Thornton will continue to use some or all of the effluent generated by Thornton and physically discharged at the RWHTF to meet some or all of its return flow obligations and to operate its decreed exchanges. From time to time, however, Thornton may use effluent physically generated in Aurora that has been traded to Thornton before it is physically discharged at the RWHTF. 32. Pursuant to the Effluent Trade, Thornton will continue to maintain return flows as it has historically. Because Thornton will continue to meet its return flow obligations above the Fulton Ditch, as required by the Englewood Settlement Agreement and by Thornton's decrees, with effluent that is physically discharged at the RWHTF, including both effluent physically generated in Thornton and effluent physically generated in Aurora and traded to Thornton before discharge, neither Englewood nor any other water user will be injured by the change in point of discharge of Thornton's effluent. 33. Thornton will not assert any rights of ownership or use of effluent traded to Aurora Water and discharged from the NTP. Thornton will use effluent traded from Aurora Water and discharged from the RWHTF in compliance with terms and conditions of Thornton's decrees as though the effluent had been physically generated in Thornton. 34. All of the Aurora Water effluent traded to Thornton before discharge from the RWHTF that Thornton designates for use to satisfy Thornton's return flow obligations shall be administered as available for diversion by the calling water right at or below the location where Thornton's decrees specify the return flow replacement shall be made. 35. Thornton and Aurora Water will account for the Effluent Trade in a manner satisfactory to the Division Engineer. 36. The use of effluent physically generated in Aurora and traded to Thornton before discharge at the RWHTF will not injuriously affect the owner of or persons entitled to use water under a vested water right or a

decreed conditional water right. 37. As a term and condition of the decree approving this application, Thornton and Aurora will agree that termination or certain modifications of the IGA may require Thornton to pursue further water court proceedings. 38. Aurora Water will not assert any rights of ownership or use of effluent traded to Thornton and discharged from the RWHTF. Aurora Water will use effluent traded from Thornton and discharged from the NTP in compliance with terms and conditions of Aurora's decrees. Aurora does not seek to amend any of its existing change, exchange or augmentation decrees in this application, but instead shall follow the process established in those decrees to add the Effluent Trade water as a new source of return flows, augmentation water or substituted supply. Whether the use of effluent physically generated in Thornton and traded to Aurora before discharge at the NTP will injuriously affect the owner of or persons entitled to use water under a vested water right or a decreed conditional water right will be determined according to the process set forth in those decrees. 39. Except for the relief specifically described herein, this application does not seek any changes to Thornton's or Aurora Water's decreed water rights concerning point of diversion, type, place, manner, season, or scope of use. Summary records of actual diversions for Thornton's and Aurora Water's decreed water rights have therefore not been attached to the application. WHEREFORE, Co-Applicants seek a decree approving the change in place of discharge of Thornton's effluent and approving the Effluent Trade between Thornton and Aurora Water. (12 pages of application and 4 exhibits totaling 68 pages).

11CW75 NORTH STERLING IRRIGATION DISTRICT, c/o James T. Yahn, Manager, P.O. Box 103, Sterling, CO 80751, E-mail address: jim@northsterling.org, (970) 522-2025. Attorney: Veronica A. Sperling and John P. Justus, Buchanan and Sperling, P.C., 7703 Ralston Road, Arvada, Colorado 80002, vsperling@tbvs.net, 303-431-9141. **APPLICATION TO ADD WELL TO PLAN FOR AUGMENTATION IN LOGAN AND MORGAN COUNTIES.** A. Structure to be Added: Well No. 4 - Unregistered ("Mitchek Well No. 4"). 1. Owner of Structure: Allen Mitchek. 2. Owner Address: P.O. Box 512, Sterling, Colorado 80751. 3. Prior Decree: Decree entered in Case No. W-762 on October 31, 1972 by Water Court in and for Water Division No. 1. 4. Well Permit: No Permit. 5. WDID: 64110. 6. Appropriation date: October 21, 1964. 7. Amount: 1.67 cubic feet per second of time. 8. Source of water: Groundwater. 9. Decreed uses: Irrigation of land located in Sections 2 and 11, Township 9 North, Range 52 West of the 6th P.M., Logan County, Colorado. 10. Legal description of structure: Located at a point 20 feet south and 2720 feet East of the Northwest corner of Section 11, Township 9 North, Range 52 West of the 6th P.M., Logan County, Colorado. B. Augmentation Plan: Applicant North Sterling Irrigation District ("North Sterling") operates a plan for augmentation ("North Sterling Augmentation Plan"), which was approved by the District Court in and for Water Division No. 1 in the Findings of Fact, Conclusions of Law, Judgment and Decree of the Water Court entered on July 21, 2006 in Case No. 96CW1034 ("96CW1034 Decree"). Paragraph 65 of the 96CW1034 Decree permits the addition of wells to the North Sterling Augmentation Plan upon application to the Water Court and subject to specific terms and conditions. The purpose of this Application is to obtain approval to add the Mitchek Well No. 4 as a structure to be augmented pursuant to the North Sterling Augmentation Plan. C. Water Rights to be Used for Augmentation Pursuant to the North Sterling Augmentation Plan: The water rights identified in paragraph 58 of the 96CW1034 Decree which include the following: 1. The North Sterling Recharge Water Right and the North Sterling Recharge Water Right, First Enlargement, described in paragraphs 17-34 of the 96CW1034 Decree. 2. The Changed Amount of the North Sterling Reservoir Water Right described at paragraphs 35-55 of the 96CW1034 Decree, being 15,000 acre-feet of the North Sterling Reservoir Water Right measured at the North Sterling Inlet Ditch Headgate Flume. 3. Additional sources of replacement water that may be authorized for use in the North Sterling Augmentation Plan subject to the terms and conditions of paragraph 61.d.v.B of the 96CW1034 Decree. D. Proposed Terms and Conditions: 1. Out-of-

priority depletions to the South Platte River attributable to the Mitchek Well No. 4 will be replaced pursuant to the existing North Sterling Augmentation Plan. The terms and conditions for the Mitchek Well No. 4 will be the same as those applied to the other irrigation wells in the North Sterling Augmentation Plan. 2. The effects on the South Platte River resulting from the consumptive use of water occurring from the pumping of the Mitchek Well No. 4 will be calculated in accordance with the methodology set forth in the 96CW1034 Decree. The proposed aquifer parameters for the Mitchek Well No. 4 are as follows: a. Distance from River (feet) "X": 3460. b. Width of Alluvium (feet) "W": 6310. c. Transmissivity (gpd/ft) "T": 31400. d. Specific Yield of Aquifer "S": 20%. 3. Depletions attributable to the Mitchek Well No. 4 will affect the South Platte River in that reach beginning at the Iliff and Platte Valley Ditch headgate downstream to the Harmony No. 1 Ditch headgate, described in paragraph 60 of the 96CW1034 Decree as "Impact Reach No. 4." 4. On-going out-of-priority depletions attributable to prior pumping of the Mitchek Well No. 4 beginning in 1974 will be replaced under the North Sterling Plan Augmentation Plan. WHEREFORE, North Sterling requests the Court to enter a decree adding the Mitchek Well No. 4 as an augmented structure under the North Sterling Augmentation Plan pursuant to paragraph 65 of the 96CW1034 Decree and the additional terms and conditions described herein. (5 pages).

11CW76, Livengood Hills Homeowners Association (Bradford R. Benning, Petrock & Fendel, P.C., 700 17th Street, #1800, Denver, CO 80202), APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY SOURCES, IN THE NONTRIBUTARY ARAPAHOE, AND LARAMIE-FOX HILLS AQUIFERS, in DOUGLAS COUNTY. Applicant has been granted written consent for withdrawal by conveyance of the nontributary Arapahoe and Laramie-Fox Hills aquifer groundwater underlying seventeen lots in Livengood Hills Subdivision and one lot in Edwards Subdivision pursuant to Section 37-90-137(4)(b)(II)(A). Copies of the executed and recorded deeds conveying the subject groundwater to Applicant are attached as Attachment A. The lots are described on Attachment B hereto, and are located within the Livengood Hills and Edwards Subdivisions in the W1/2NW1/4 of Section 5, and the E1/2 and N1/2NE1/4, T6S, R65W of the 6th P.M., Douglas County, Colorado (Subject Property). The Subject Property is comprised of a total of 42.2 acres and is shown on Attachment C hereto. Nontributary Arapahoe: 21.2 acre-feet and Laramie-Fox Hills: 14.3 acre-feet, for domestic, commercial, irrigation, stockwatering, fire protection, and augmentation purposes, including storage, both on and off the Subject Property. Applicant requests that this Court determine that Applicant has the right to withdraw all of the legally available groundwater lying below the Subject Property, through wells or any additional wells which may be completed in the future, as Applicant's well fields, subject to Rule 11.B of the Statewide Nontributary Ground Water Rules (2 C.C.R. 402-7). Applicant requests that the water requested herein be withdrawn in combination with the same type of water previously decreed in Case No. 04CW264 and 08CW27, through wells located on the lots which are the subject of those decrees and which are also located in Livengood Hills Subdivision. (25 pages).

11CW77 Legault Summit, LLC, c/o Charles H. Callaway, Manager, 1616 17th Street, Suite 600, Denver, Colorado 80202. (c/o David C. Lindholm, Esq., P.O. Box 18903, Boulder, Colorado 80308-1903). APPLICATION FOR FINDING OF REASONABLE DILIGENCE. IN JEFFERSON COUNTY. 2. Name of Structure: Legault Summit Exchange. 3. Description of Conditional Water Right: A. Date of Original Decree: July 10, 1998. Case No. 97CW281. Court: District Court, Water Division 1. Note: A Finding of Reasonable Diligence was entered by this Court in Case No. 2004CW208. B. Legal Description of the Exchange: The Legault Summit Exchange involves the exchange of a portion of the "firm" yield of consumptive use water available from the Mountain Mutual Reservoir Company ("MMRC") portfolio of water rights, as more particularly described in the Decree entered in Case No. 2001CW293, dated July

16, 2003, to the point of depletion for the wells described in the plan for augmentation decreed in Case No. 97CW281. This is an upstream movement of water. Stream segments impacted by the exchange are portions of Turkey Creek and South Turkey Creek. The downstream point of the exchange is the confluence of Bear Creek and Turkey Creek at Bear Creek Lake in Section 5, Township 5 South, Range 69 West, 6th P.M., Jefferson County, Colorado. The reach of the exchange extends from Bear Creek Lake; thence up Turkey Creek to the confluence of South Turkey Creek and North Turkey Creek in the NW1/4 NW1/4 of Section 27, Township 5 South, Range 70 West, 6th P.M.; and thence up South Turkey Creek to the point where depletions from the wells described in the Decree entered in Case No. 97CW281 impact South Turkey Creek in Section 7, Township 6 South, Range 70 West, 6th P.M. C. Source of Water: Consumptive use water decreed to the Warrior Ditch, the Harriman Ditch, Soda Lakes Reservoir Nos. 1 and 2 and water stored in Meadowview Reservoir. Reference is made to the Decrees entered in Case Nos. 97CW281, 2001CW293 and 2001CW294 for a complete description of the MMRC water that is exchanged. D. Appropriation Date: May 13, 1997. E. Amount: 0.003 of a cubic foot per second, Conditional. The annual volume of water exchanged is limited to 0.953 of an acre foot. F. Use: Augmentation, replacement, substitution and exchange purposes. All such uses have been decreed in prior cases in which MMRC has been an applicant or a co-applicant. 4. Outline of What Has Been Done Toward Completion of the Appropriation and Application of Water to a Beneficial Use as Conditionally Decreed. a. The Legault Summit Exchange is an integral component of the augmentation plan decreed in Case No. 97CW281. At the time the Decree in 97CW281 was entered, Applicant anticipated the development of sixteen single family homes on 169 acres. Subsequent to entry of the Decree, a portion of the property was sold to Jefferson County as part of the County's open space acquisition program. b. The development of the remaining property has been delayed due to the fact that the Manager of the Applicant has been working on projects outside of the United States for the last six years. In addition, the regional and national economic downturn has impacted the ability of Applicant to sell the property so that another person or entity can proceed with development. c. Applicant is in the process of conducting an analysis of the amount of augmentation water that will be needed for the number of homes that are likely to be built on its remaining property. It is anticipated that an application to amend the original augmentation plan, for the purpose of reducing the number of wells to be augmented, will be filed with the Court once the analysis is completed. WHEREFORE, Applicant requests that the Court enter an Order continuing the conditional status of the Legault Summit Exchange for an additional diligence period. (4 pages).

AMENDMENTS

Consolidated Case Nos. 00CW108 and 03CW354 (82CW202A, 87CW178, 89CW90, 89CW128, and 92CW112), City of Loveland, Colorado ("Loveland") c/o Larry Howard, Water Resources Engineer, 200 North Wilson, Bldg. 1, Loveland, CO 80537, (970) 962-3703. Brian M. Nazarenus, Esq., Carolyn F. Burr, Esq., James M. Noble, Esq., Ryley Carlock & Applewhite, 1999 Broadway, Suite 1800, Denver, Colorado 80202, (Attorneys for Loveland). First Amended Application for Change of Water Rights in the Big Thompson River, in **LARIMER AND WELD COUNTIES.** Loveland filed its First Amended Application in this matter with the Water Court on April 29, 2011. With this First Amendment to the Application, Applicant seeks to amend the original application in Case No. 03CW354 in order to correct the number of outstanding shares in the Big Thompson Ditch and Manufacturing Company and to adjust the volumetric limits associated with those shares based on the correct number of outstanding shares. The original application filed in Case No. 00CW108 and the petition filed in Case No. 03CW354 are amended as follows: The following introductory paragraphs are added to the First Amended Application: ¶ On June 30, 2000, Loveland filed its application in Case No. 00CW108 to make additional contractual water entitlements referred to as

“inches” in the Barnes Ditch and the Chubbuck Ditch subject to the 82CW202A Decree. On October 22, 2003, Loveland submitted its “Petition By the City of Loveland to Modify 82CW202A Decree and ‘Inclusory Decrees’” (the “2003 Petition”). The 2003 petition requested certain amendments to the 82CW202A Decree pursuant to settlement agreements entered between Loveland, the City of Greeley, Greeley-Loveland Irrigation Company, and the Consolidated Home Supply Ditch Company. This petition was assigned a new case number, 03CW354. Case Nos. 00CW108 and 03CW354 were consolidated into one case by court order dated October 21, 2005. ¶ The 82CW202A Decree indicated that there are 21.521 shares outstanding in the Big Thompson Ditch and Manufacturing Company. The 2000 Modification also contained the same information regarding the number of outstanding shares. The per-share volumetric limits on Big Thompson Ditch and Manufacturing Company shares were based on the assumption that there are 21.521 shares outstanding. On January 11, 2011, this Court entered its “Corrected Findings of Fact, Conclusions of Law, Judgment and Decree” in Case No. 02CW392, *nunc pro tunc* May 14, 2010 (the “02CW392 Decree”). That Decree involved a change of water rights of additional shares in the Big Thompson Ditch and Manufacturing Company, among other water rights. During Loveland’s technical analysis in that case, it was discovered that the Big Thompson Ditch and Manufacturing Company actually has 20.792 outstanding shares. The 02CW392 Decree contains a finding of fact that 20.792 is the correct number of outstanding shares, not 21.521, as stated in the 82CW202A Decree and the 2000 Modification. Due to the error in the number of outstanding shares in the Big Thompson Ditch and Manufacturing Company, the corresponding volumetric limits on individual shares contained in the 2000 Modification are inaccurately calculated. Each share should be entitled to 1/20.792 of the water rights in the Big Thompson Ditch and Manufacturing Company, rather than 1/21.521. ¶ In this Amended Application, Loveland seeks to amend the original application in Case No. 03CW354 in order to correct the number of outstanding shares in the Big Thompson Ditch and Manufacturing Company and to adjust the volumetric limits associated with those shares based on the correct number of outstanding shares. Because Case Nos. 00CW108 and 03CW354 were consolidated into one case, Loveland includes the original claims in both cases as part of this Amended Application. (See Administrative Order Concerning Division 1 Water Court Policies, ¶ 5, dated July 8, 2010). For clarity and ease of reference, Loveland uses the same paragraph numbering as was used in the original applications for Case Nos. 00CW108 and 03CW354. However, the wording of some of these paragraphs has changed to reflect the amended claims in this Amended Application. The claim to adjust the volumetric limits of shares in the Big Thompson Ditch and Manufacturing Company is contained in Paragraph 4, below. Paragraph 2(C)(d) of the Application filed in Case No. 00CW108 is replaced with the following: Paragraph 6(C)(4) of the 82CW202A Decree was modified by the Water Court in the 2000 Modification on April 25, 2000 to include additional volumetric limitations that allow Loveland to divert under the water rights that are subject to the Decree independent of diversions by remaining agricultural water users. Except as provided in Section 4, below of this Amended Application, the water rights that are the subject of this Amended Application shall be subject to said volumetric limitations. The Fourth Introductory Paragraph of the Petition filed in Case No. 03CW354 is replaced with the following paragraph within Section 4 of the Amended Application: Pursuant to settlements entered in the 2000 Modification and 00CW108 between Loveland and objectors Consolidated Home Supply Ditch and Reservoir Company (“Home Supply”), Greeley and Loveland Irrigation Company (“GLIC”) and the City of Greeley (“Greeley”), said parties have agreed that the Court should be petitioned to modify the 82CW202A Decree in order to make it consistent with terms and conditions stipulated to by the parties in the 2000 Modification and 00CW108. There will be no change in the location or timing of water diverted by Loveland under the water rights it has changed pursuant to the 82CW202A Decree, and the total amount of water diverted under said water rights will not increase, except for shares in the Big Thompson Ditch and Manufacturing Company. The volumetric limits on these shares will increase due to a

correction in the total number of shares in that company. The 82CW202A Decree indicated that there are 21.521 shares in the Big Thompson Ditch and Manufacturing Company. However, it was determined in Case No. 02CW392 that there are actually 20.792 outstanding shares in the Big Thompson Ditch and Manufacturing Company. This Application seeks for the volumetric limits on Loveland's shares in the Big Thompson Ditch and Manufacturing Company that are the subject of the decree that is to be entered in this case to be increased accordingly. [end of changes] Other than the changes stated above, the First Amended Application contains no other material changes requiring republication. All previously filed statements of opposition in this case shall be considered fully applicable to this First Amendment. (11 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 2011** (forms available on www.courts.state.co.us or in the Clerk's office), and must be filed as an Original and include **\$158.00 filing fee**. A copy of each Statement of Opposition must also be served upon the Applicant or Applicant's Attorney and an affidavit or certificate of such service of mailing shall be filed with the Water Clerk.