

TO ALL PERSONS INTERESTED IN WATER APPLICATIONS IN WATER DIVISION 1:

Pursuant to CRS, 37-92-302, you are hereby notified that the following pages to comprise a resume of applications and amended applications filed in the office of the Water Clerk for Water Division No. 1 during the month of **April, 2000**.

2000CW053 E. ADAMS MILLER, (Home) 1435 Cherryvale Road, Boulder, CO 80303. (Work) E. Adams Miller, PATTON BOGGS, L.L.P., 1660 Lincoln St., Suite 1900, Denver, CO 80264. Application for Change of Water Right, **IN BOULDER COUNTY**.

2. Decreed name of structure for which change is sought: EAST BOULDER DITCH COMPANY.

3. Previous Decree: East Boulder Ditch Company, 102.3 cfs.

- A. Date and Court where original decree entered: June 2, 1882, in the District Court in and for Boulder County, Colorado, In Civil Action No. 1282.
- B. Present point of diversion: On the east bank of South Boulder Creek in the NW1/4, S3, T1S, R70W, 6th P.M., Boulder County, Colorado
- C. Source of Water: South Boulder Creek
- D. Date and amount of appropriation: April 1, 1862, for 102.3 cfs-78.3 cfs of the appropriation were declared abandoned in District Court in and for Boulder County, Colorado Civil Action No. 1280 on May 21, 1937
- E. Historic Use: The water rights herein are decreed for and have historically been used for direct flow flood irrigation of alfalfa & grass hay and pasture. Applicant requests no change in this use.

4. Proposed Change:

Applicant requests a change in point of diversion for his share of East Boulder Ditch water, from the current headgate as identified above, to a point on the east bank of South Boulder Creek, downstream of said headgate, located on property owned by applicant. The requested new point of diversion will be on applicant's property at 1435 Cherryvale Road, Boulder, Colorado, in S34, T1N, R70W.

Applicant will continue to use the water to irrigate grass, and requests no change in use.

Applicant owns 1/80th of one share of East Boulder Ditch Water. A copy of the certificate evidencing this ownership is attached. The annual average yield for this fractional share is .922 acre feet per year. This figure is based on the proportional consumptive use derived from case No. 85CW276. (2 pages)

2000CW054 MARTIN REDEKER, 9676 South Perry Park Road, Larkspur, CO 80118. Bennet W. Raley, Peggy E. Montano, TROUT & RALEY, P.C., 1775 Sherman St., Suite 1300, Denver, CO 80203. Application for Water Rights and Water Storage Right for Redeker Pond, **IN DOUGLAS COUNTY**.

I. Name, Mailing Address, Telephone Number of Applicant.

Martin Redecker (hereafter "Applicant")
9676 South Perry Park Road
Larkspur, CO 80118
(303) 681-2399

II. Application For Water Rights

- A. Name of Structure: Redecker Spring No. 1
- B. Legal Description of each Point of Diversion: As depicted on the attached Exhibit 1, Redecker Spring No. 1 is located 2450 feet from the west line and 1400 feet from the south line in the NE1/4SW1/4, S31, T9S, R67W, 6th P.M.
- C. Source: A spring tributary to West Plum Creek, tributary to the South Platte River.
- D. 1. Date of Initiation of Appropriation: On or before September 3, 1999.
2. How Appropriation Was Initiated: Formation of intent to appropriate, together with overt acts evincing a first step toward completion of the appropriation, including but not limited to excavating Redecker pond, filling the pond with the flow from Redecker Spring No. 1, and storing the water from said spring in the pond for the uses described herein.
3. Date Water Applied to Beneficial Use: On or before September 3, 1999 for the uses described in paragraph II.F.1; n/a for the uses described in paragraph II.F.2 (conditional).
- E. Amount Claimed: 40 g.p.m. (0.09 cfs).
- F. Use or Proposed Use:
 1. Absolute Uses: Recreational, aesthetic, fish and wildlife propagation, stock watering.

2. **Conditional uses:** Domestic, irrigation, watering of lawns and gardens, dust suppression, and other beneficial uses on approximately 5 acres located generally in the NE1/4SW1/4, S31, T9S, R67W, 6th P.M.

G. **Name and address of owner of land on which points of diversion and place of use(s) is (are) located:**

Applicant.

III. Application for Water Storage Rights.

A. **Name of Reservoir:** Redeker Pond.

B. **Legal Description:** NE1/4SW1/4, S31, T9S, R67W, 6th P.M.

C. **Source:** Redeker Spring No. 1, tributary to West Plum Creek, tributary to the South Platte River.

D. 1. **Date of Appropriation:** On or before September 3, 1999.

2. **How Appropriation was Initiated:** Formation of intent to appropriate, together with overt acts evincing a first step toward completion of the appropriation, including but not limited to excavating Redeker pond, filling the pond with the flow from Redeker Spring No. 1, and storing the water from said spring in the pond for the uses described herein.

3. **Date Water Applied to Beneficial Use:** On or before September 3, 1999.

E. **Amount claimed:** 2.5 acre-feet, absolute; with the right to fill and refill the reservoir repeatedly.

F. **Use or Proposed use:** Recreational, aesthetic, fish and wildlife propagation, stock watering, domestic, irrigation, watering of lawns and gardens, dust suppression, and other beneficial uses on approximately 5 acres located generally in the NE1/SW1/4, S31, T9S, R67W, 6th P.M.

G. 1. **Surface area of high water line:** 0.37 acres.

2. **Maximum height and length of dam in feet:** 8 feet

H. **Name and address of owner of land on which structure for the water right is located:** Applicant

WHEREFORE, Applicant requests a decree from this Court:

1. Confirming the water rights claimed in Part II hereof:
2. Confirming the water storage right claimed in Part III hereof: and
3. For such other and further relief as the Court deems just. (3 pages: Exhibit 1 page)

2000CW055 W.L. Kraft & Company, c/o Sandy Kraft, 14800 Lanewood, Brighton, CO 80601, (303) 659-6858, and **Box Elder Estates Homesite Subdivision, LLC**, c/o Robert N. Fleming, ADCO Consulting, 2090 E. 104th Avenue, #305, Thornton, CO 80233, (303) 450-2204 (Attn: Steven P. Jeffers, Esq., Bernard, Lyons, Gaddis & Kahn, P.C., P.O. Box 978, Longmont, CO 80502-0978, (303) 776-9900). **APPLICATION FOR DETERMINATION OF NONTRIBUTARY AND NOT NONTRIBUTARY UNDERGROUND WATER RIGHTS IN THE UPPER ARAPAHOE, LOWER ARAPAHOE, AND LARAMIE-FOX HILLS AQUIFERS, IN ADAMS COUNTY**

2. **Well Permits:** There are two permitted wells on the property, Well Permit Nos. 048330-F and 050382-F, both permitted in the name of W. L. Kraft & Co. Each well is permitted for withdrawal and use of 5 acre feet per year at 15 gpm from the Upper Arapahoe aquifer in portions of Section 25, Township 1 South, Range 65 West, in Adams County. Well permit applications for the additional wells to be constructed shall be applied for at such time as the Applicants or their successor, or assign are prepared to construct the wells pursuant to the terms of this decree and applicable Colorado law. 3. **Legal Description of the Subject Property:** The property is comprised of six contiguous parcels located generally in portions of the NE ¼ and E ½ SE ¼ of Section 14, the SW ¼ SW ¼ of Section 13, the W ½ of Section 24, Township 1 South, Range 65 West, 6th P.M., Adams County Colorado, totaling approximately 449 acres (the "Subject Property"). The wells will withdraw not nontributary groundwater from the Upper Arapahoe aquifer under approximately 28.3 acres of land in the SW ¼ SW ¼ of Section 13, nontributary ground water from the Upper Arapahoe aquifer under the remaining 420.7 acres of the Subject Property, and nontributary ground water from the Lower Arapahoe and Laramie-Fox Hills aquifers underlying the entire 449 acres of the Subject Property. The Subject Property is more particularly described in the attached Exhibit A and shown on the map attached hereto as Exhibit B. 4. **Proposed Wells:** Applicants have two well permits in the Upper Arapahoe aquifer described in paragraph 2 above. Well Permit No. 048330-F is located in the SW ¼ SW ¼ of Section 24, Township 1 South, Range 65 West, 1200 feet from the South Section line and 600 feet from the West Section line. Well Permit No. 050382-F is located in the NW ¼ NW ¼ of Section 24, Township 1 South, Range 65 West, 30 feet from the North Section line and 300 feet from the West Section line. Applicants claim the right to drill and complete such additional wells as needed anywhere on the Subject Property to recover and use all physically and legally available water from the Upper Arapahoe, Lower Arapahoe and Laramie-Fox Hills aquifers as claimed herein. Without limiting the foregoing, Applicants propose to drill up to 52 wells in the NE ¼ of Section 14, Township 1 South, Range 65 West, 6th P.M., in Adams County, on individual lots to be platted within the proposed Box Elder North Subdivision. The general plan is that wells will initially be completed into the Upper Arapahoe aquifer to supply sufficient water for the first 100 years. Thereafter, wells will be completed into the Lower Arapahoe aquifer

to supply a second 100 year supply, and into the Laramie-Fox Hills aquifer to provide a third 100 year supply for the proposed subdivision. However, Applicants reserve the right to drill wells on any of the lots in any of the aquifers they deem appropriate for their intended use. The water supply for the wells in the proposed subdivision will come from all available groundwater underlying approximately 249.1 acres of the Subject Property located in portions of Sections 13 and 14, subject to agreement between the Applicants. Water from the not nontributary Upper Arapahoe aquifer will not be used without first obtaining a decreed plan for augmentation. Applicants intend to reserve 5 acre feet of water per year from each aquifer under those lands for use in the golf course clubhouse or otherwise at the golf course located in the SE ¼ of Section 14 and SW ¼ of Section 13. All nontributary ground water under the remainder of the Subject Property will be allocated as deemed appropriate by the Applicants and will be diverted through wells to be constructed at other locations on the Subject Property. 5. **Source of Water:** a)The ground water to be withdrawn by Applicants from the Upper Arapahoe aquifer in the SW ¼ of Section 13 is not nontributary ground water as defined in Section 37-90-103(10.7), C.R.S. Such water is located more than one mile from any point of contact between any natural stream, including its alluvium, and the Upper Arapahoe aquifer. The ground water to be withdrawn from the Upper Arapahoe aquifer under the remainder of the Subject Property, and all ground water to be withdrawn by Applicants from the Lower Arapahoe and Laramie-Fox Hills aquifers under the Subject Property is nontributary ground water as that term is defined in Section 37-90-103(10.5), C.R.S. Applicants will comply with requirements to relinquish to the surface stream system two percent of all such nontributary ground water withdrawn on an annual basis. Otherwise, said water may be fully consumed to extinction for all beneficial uses. b) Estimated Depth: Wells will be completed to the bottom of each of the aquifers, which Applicants estimate to be approximately 400 feet below land surface in the Upper Arapahoe aquifer, 720 feet below land surface in the Lower Arapahoe aquifer, and 1,400 feet below surface in the Laramie Fox-Hills aquifer. The depths are approximate and are based on geologic and topographical information available from the Colorado State Engineer’s office. Actual well completion depths may vary from this estimate based on the actual conditions below the overlying land. 6. **Estimated Amount and Rate of Withdrawal:** The wells will withdraw ground water at a rate of flow necessary to efficiently withdraw the entire decreed amount. The estimated average annual amounts of ground water available for withdrawal by the Applicants are based upon information contained in the Denver Basin Rules, 2 C.C.R. 402-6. Applicants estimate the following values and average annual amounts are representative of the subject aquifers at this location:

<u>Aquifer</u>	<u>Acres</u>	<u>Saturated Sand Thickness (ft.)</u>	<u>Specific Yield (%)</u>	<u>Annual Average Withdrawal (acre feet)</u>
<i>Upper Arapahoe</i>				
Parcel 1	156.94	105.9	.17	28.2
Parcel 2	63.9	98.6	.17	10.7
Parcel 3	28.3	82.4		3.9 (NNT)
Parcel 4	95.5	86.0	.17	14.0
Parcel 5	88.3	97.0	.17	14.6
Parcel 6	16.0	102.9	.17	2.8
Total	448.94			74.2
<i>Lower Arapahoe</i>				
Parcel 1	156.94	116.9	.17	31.1
Parcel 2	63.9	114.4	.17	12.4
Parcel 3	28.3	114.1	.17	5.5
Parcel 4	95.5	106.4	.17	7.3
Parcel 5	88.3	100.7	.17	15.1
Parcel 6	16.0	101.9	.17	2.8
Total	448.94			74.2
<i>Laramie-Fox Hills</i>				
Parcel 1	156.94	133.4	.17	31.4
Parcel 2	63.9	138.7	.17	13.3
Parcel 3	28.3	143.7	.17	6.1
Parcel 4	95.5	141.7	.17	20.3
Parcel 5	88.3	137.5	.17	18.2

Parcel 6	16.0	134.6	.17	3.2
Total	448.94			92.5

7. **Well Fields:** Applicants request that this Court determine that Applicants have the right to withdraw all of the legally available ground water lying below the Subject Property through the wells requested herein, which may be located anywhere on the Subject Property, and any additional wells which may be completed in the future, as Applicant’s well fields. Applicants will file applications with the State Engineer pursuant to § 37-90-137(10), C.R.S. prior to construction of any additional wells.

8. **Proposed Uses:** In addition to the specific uses stated in Paragraph 4 regarding use in the proposed subdivision, Applicants intend to use, reuse, and successfully use; and after use, lease, sell or otherwise dispose of for municipal, domestic, agricultural, commercial irrigation, stock watering, recreational, fish and wildlife, fire protection and any other beneficial use on or off the Subject Property. The water may be immediately used or stored for subsequent use, used for exchange purposes, for direct replacement of depletions, and for other augmentation purposes, including taking credit for all return flows resulting from the use of such water for augmentation for or as an offset against any out-of-priority depletions.

9. **Name and Address of Owner of the Land:** Applicants own all of the Subject Property. Box Elder Estates Homesite Subdivision, LLC, is the owner of all lands in the NE ¼ of Section 14, and W.L. Kraft & Company is the owner of the remainder of the Subject Property.

10. **Determination Sought Herein:**

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

2000CW056 LITTLE THOMPSON WATER DISTRICT, c/o Michael T. Cook, 835 East Highway 56, Drawer G, Berthoud, CO 80513. All correspondence and pleadings to: William H. Brown, Fischer, Brown & Gunn, P.C., P.O. Box Q, Fort Collins, CO 80522. Application for Finding of Reasonable Diligence, in **LARIMER COUNTY**. Name of structure: Arkins Buckhorn Pumping Station. Date of Original Decree: December 20, 1984. Case No. 84CW417. Court: District Court, Water Division No. 1. Location: SW¼NE¼, Section 15, Township 6

North, Range 70 West of the 6th P.M., Larimer County. Considering the East line of the NE $\frac{1}{4}$ as bearing due North, the pumping plant is at a point N 85° W 2107.53” from the E $\frac{1}{4}$ corner of Section 15. Source: Buckhorn Creek. Appropriation Date: October 25, 1984. Amount: 0.22 c.f.s (100 gpm), CONDITIONAL. Use: Municipal. Applicant is a municipal water provider and is the successor in interest of the Arkins Water Association, the original applicant, as to the Arkins Buckhorn Pumping Station, having acquired it by purchase in October, 1999. During this diligence period, applicant’s predecessor in title, the Arkins Water Association, put in place each year a pump and pipeline to its plant in order to be in position to take water from the Buckhorn that might be available pursuant to the conditional decree. However, the availability of other water at such times as this right was in priority eliminated the need to divert water from the Buckhorn under this right during these years. The water right was sold to applicant during this diligence period, and applicant has had discussions with the Northern Colorado Water Conservancy District’s staff in regard to exchanging this water for other waters available to the District, but such arrangements have not yet been finalized. Wherefore, Applicant requests that this Court issue its finding and determination that due and reasonable diligence has been exercised during the six years following entry of the decree in Case No. 93CW129 on April 26, 1994, toward completion or for completion of the appropriation decreed therein, that the conditional right is continued for an additional diligence period, and for such other relief as the Court may determine proper.

2000CW057 MELVIN W. BARTLETT FARMS, LTD., Attn: Charles Bartlett, President, Route 1, Box 106, Merino, CO 80741. Application for Change of Water Right, **IN LOGAN COUNTY**. Well #1-6575 decreed 10/8/1976 in Case No. W-1753, Water Division 1. Decreed point of diversion: The SW $\frac{1}{4}$ NW $\frac{1}{4}$, S30, T6N, R53W, 6th P.M., at a point 75’ E of the W section line and 1518’ S of the N section line of said S30. Source: Groundwater from the alluvium of the S Platte River. Appropriation date: 12/31/1933 Amount: 5.7 cfs Historic use: This well is jointly owned and operated by Albert Albrandt and Helen M. Albrandt and Melvin W. Bartlett Farms, Ltd. The historic use of this well includes stock watering and irrigation of 320 acres in the N $\frac{1}{2}$ of S30, T6N, R53W, 6th P.M. Logan County, Colorado, water is delivered to the NE $\frac{1}{4}$ of S30 for irrigation by an unlined ditch. Applicant proposes an alternate point of diversion for this well to be located on the applicant’s property in the NE $\frac{1}{4}$ of S30, T6N, R53W, 6th P.M. Applicant is the co-owner of one-half of the present well which is located on the Albrandt property. The proposed location of the new well for the alternate point of diversion is located in the approximate center of the NE $\frac{1}{4}$ of said S30 and is approximately $\frac{3}{4}$ ths of a mile east of the decreed well’s present location. This alternate point of diversion will avoid the need for delivery of water to the NE $\frac{1}{4}$ of said S30 by unlined ditch. The amount, manner, location and type of use of the water will remain the same. Name and address of owner of land on which structure is located: Albert Albrandt and Helen M. Albrandt, 1732 County Road 25, Merino, CO 80741. (2 pages)

2000CW58 WELD AND MORGAN COUNTIES, APPLICATION FOR APPROVAL OF AMENDMENT TO AUGMENTATION PLAN, INCLUDING CLAIM FOR NEW WATER STORAGE RIGHT.

1. Name, address and telephone number of applicants: Equus Farms, Inc. (“Equus Farms”), 2400 Anaconda Tower, 555 17th Street, Denver, CO 80202, Bijou Irrigation Company (“Bijou”), 410 East Railroad Avenue, Fort Morgan, CO 80701; c/o Michael F. Browning Michael D. Shimmin
 Porzak Browning & Bushong LLP Vranesh & Raisch, LP
 929 Pearl Street, Suite 300 1720 14th Street, Suite 200
 Boulder, Colorado 80302 P.O. Box 871
 Boulder, CO 80306-0871

2. Introduction. By decree entered in Case No. 86CW386 dated October 29, 1991, the Water Court in and for Water Division No. 1 approved an augmentation plan involving various recharge ponds located on the land of Equus Farms (the “Existing Equus Recharge Plan”). The Existing Equus Recharge Plan provides, among other things, for diversion of water at the headgate of the Bijou Canal for placement into those recharge ponds. Recharge credits so obtained can be used to augment otherwise out of priority diversions from wells and other structures as set forth in the Existing Equus Recharge Plan. Equus Farms has constructed an additional recharge pond and desires by this amendment to include the new recharge pond in the Existing Equus Recharge Plan. Bijou receives a portion of the recharge credits under the Existing Equus Recharge Plan and, as described below, Bijou will also receive a portion of the recharge credits resulting from this Amendment.

3. New Recharge Pond. The new recharge pond (the “New Pond”) is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, T. 4 N., R. 61 W., of the 6th P.M. The center of the pond is approximately 200 feet east and 480 feet north of the SW corner of said Section 19. The New Recharge Pond has a maximum surface area of approximately 10 acres and a maximum capacity of 60 acre feet. No dam is involved as the New Pond is constructed at or below surface level. The name of the New Pond is the Dearfield Pond. A water storage right is claimed for the New Pond in the amount of 60 acre feet with an appropriation date of February 2, 2000, based on commencement of

construction of the Pond coupled with formation of the requisite intent to appropriate. The right is claimed to fill and refill the New Pond whenever its storage right is in priority. Water stored in the New Pond will be used for wildlife habitat, recreation, piscatorial and aesthetic purposes; released for irrigation use; or used for recharge of the aquifer and augmentation.

4. Filling Ditch. The Pond will be filled with water diverted from the South Platte River and carried to the New Pond by the Bijou Canal. The Bijou Canal diverts from the south bank of the South Platte River at a point in the NE1/4 of Section 13, T. 4 N., R. 63 W., 6th P.M. which bears South 5[°] West 600 feet from the NE corner of said Section 13. The maximum filling rate will be 30 cfs. Equus Farms has a written agreement with Bijou to carry this water in the Bijou Canal.

5. Augmented Structures. Applicant's structures to be augmented using recharge credits from the New Pond are set forth in detail in the Existing Recharge Plan and are described below:

<u>Structure</u>	<u>Location</u>
Equus Farms Well A	SW1/4NE1/4 of Section 24, T. 4 N., R. 62 W., 6th P.M.
Equus Farms Well B	NW1/4SW1/4 of Section 19, T. 4 N., R. 61 W. 6th P.M.
Equus Farms Well C	SE1/4NE1/4 of Section 22, T. 4 N., R. 62 W., 6th P.M.
Equus Farms Well D	NE1/4SE1/4 of Section 23, T. 4 N., R. 62 W., 6th P.M.
Equus Farms Well E	SE1/4SE1/4 of Section 24, T. 4 N., R. 62 W., 6th P.M.
Equus Farms Wells F	SE1/4NW1/4 of Section 24, T. 4 N., R. 62 W., 6th P.M.
Stagecoach Reservoir	SE1/4SE1/4 of Section 17, T. 4 N., R. 62 W., 6th P.M.
Equus Farms Lodge Pond/Well	NW1/4NE1/4 of Section 21, T. 4 N., R. 62 W., 6th P.M.

Bijou has an existing augmentation plan that replaces depletions attributable to pumping by approximately 200 wells located under the Bijou system. That plan and a description of the wells augmented by Bijou is contained in the decrees entered by the Water Court for Water Division 1 in Case Nos. W-2704 and W-9172-78.

6. Augmentation Plan. Recharge credits derived from the New Pond will be calculated in the manner and under the same terms and conditions as set forth in the Existing Equus Recharge Plan. The Stream Depletion Factor of the New Pond is claimed to be 60, or such other factor as is determined by the State Engineer. Under agreement with Bijou, 75% of the recharge credits so obtained will be assigned to Bijou for its use and 25% of the recharge credits so obtained will be utilized by Equus Farms to augment otherwise out-of-priority depletions from the augmented structures as set forth in the Existing Equus Recharge Plan. Bijou's share of the recharge credits developed under this Amendment will be used in the manner and for the uses as described in its decrees in Case Nos. W-2704 and W-9172-78. This will be an additional source of augmentation credits for Bijou's existing augmentation plan, and Bijou will incorporate these credits into its existing augmentation plan using the same accounting procedures that are currently being used. Any recharge credits not needed by such parties may be leased, sold or assigned to others, subject to approval of the use of such surplus credits by the State or Division Engineer or decree of this Court as more fully set forth in the Existing Recharge Plan.

7. Ownership. The New Pond is located on Equus Farm's land. The Bijou Canal is owned by Bijou Irrigation. A Map showing the location of the New Pond and the augmented structures under the Existing Equus Recharge Plan is attached hereto as Exhibit A.

2000CW059 (91CW112, 90CW194) GENESEE WATER AND SANITATION DISTRICT, c/o Scott Jones, District Manager, 17301 West Colfax Avenue, Suite 220, Golden, CO 80401. (James R. Montgomery, MOSES, WITTEMYER, HARRISON & WOODRUFF, POB 1440, Boulder, CO 80306). Application for a Finding of Reasonable Diligence, **IN JEFFERSON COUNTY**. Name of structures: Genesee Augmentation Reservoir No. 1. Date of original decree: April 18, 1994, Case No. 91CW112, District Court in and for Water Division No. 1, State of Colorado. In that case, the Court decreed 5 acre-feet conditional. These conditional water rights were continued in full force and effect until the end of April, 2000. This ruling added these conditional water rights to 10 acre-feet decreed in Case No. 90CW184. An application to make absolute the 10 acre-feet is currently pending as Case No. 99CW162. Location: Dam: The north abutment of the dam spillway is located in the NW1/4SW1/4, S30, T4S, R70W, 6th P.M., at a point whence the west quarter corner S30, T4S, R70W of the 6th P.M. at a point whence the west quarter corner of said 30 bears North 86 degrees West a distance of approximately 450 feet. Point of Diversion: In the SW1/4NW1/4, S30, T4S, R70W, of the 6th P.M. at a point whence the west quarter corner of said section 30 bears S 81 51'45" W 1225.59 feet. Source: Unnamed gulch, tributary to Bear Creek, tributary to the South Platte River. Applicant's wastewater treatment plant discharges water to this stream near the decreed point of diversion. The reservoir is also filled by diversions directly from the wastewater treatment plant. Appropriation date: July 9, 1986. Amount: 5 acre-feet conditional; applicant also claims the right to fill and refill the reservoir to its full capacity of 15 acre-feet whenever this water is in priority. Rate of diversion (for off-channel reservoir): 3.0 c.f.s. Use: All municipal, domestic, commercial, irrigation, recreation and other beneficial uses, including use for augmentation purposes and/or by exchange. Surface area of high water line: 1.157 acres. Maximum height of dam in feet: 25 ft. Length of dam in feet: 160 ft. Total capacity of reservoir in acre feet: 15 acre-feet as originally decreed in Case Nos. 90CW194 and 91CW112; up to 18 acre-feet as constructed. Active capacity: 15 acre-feet as originally decreed in Case Nos. 90CW194 and 91CW112; up to 18 acre-feet as constructed. Dead storage: 0 acre-feet. A detailed outline of work done during the diligence period toward completion of the appropriation and application of water to a beneficial use is contained in the application. (4 pages)

2000CW60 MOUNTAIN MUTUAL RESERVOIR COMPANY, 2525 South Wadsworth Blvd., Suite 306, Denver, Colorado 80227. (David C. Lindholm, Esq., P.O. Box 18903, Boulder, Colorado 80308-1903). APPLICATION FOR EXCHANGE WATER RIGHT. **IN JEFFERSON COUNTY**. 1. Name of Structure: MMRC Exchange No. 2. 2. Description of Exchange and Legal Description of Upstream and Downstream Points: The exchange will allow water owned by the Mountain Mutual Reservoir Company ("MMRC") that is available in Bear Creek and the Soda Lakes Reservoir Nos. 1 and 2 to be moved into the North Turkey Creek drainage basin for storage in Meadowview Reservoir. This is an upstream movement of water. The length of the exchange reach is approximately 14 miles. Stream segments impacted by the exchange are portions of Turkey Creek and North Turkey Creek. The downstream point of the exchange is the confluence of Bear Creek and Turkey Creek at Bear Creek Lake located in the N 1/2 NW 1/4, Section 5, Township 5 South, Range 69 West, 6th P.M., Jefferson County, Colorado. The upstream point of the exchange consists of three locations. The first is the intake for Meadowview Reservoir on the North bank of North Turkey Creek located in the SW 1/4 SE 1/4 of Section 26, Township 5 South, Range 71 West, 6th P.M., Jefferson County, Colorado, at a point approximately 190 feet from the South section line and 2,400 feet from the East section line of Section 26. A second point for the upstream portion of the exchange is the Evergreen Memorial Park Ditch which is located on an unnamed tributary of North Turkey Creek in the NE 1/4 SE 1/4 of Section 26, Township 5 South, Range 71 West, of the 6th P.M., at a point approximately 1,800 feet from the South section line and 750 feet from the East section line of Section 26. The third point for the upstream portion of the exchange is the unnamed drainage within which Meadowview Reservoir will be located in the S 1/2 of Section 26, Township 5 South, Range 71 West, 6th P.M., Jefferson County, Colorado, at a point approximately 1,700 feet from the South section line and 2,400 feet from the East section line of Section 26. The exchange can more particularly be described as operating from the confluence of Turkey Creek and Bear Creek, as well as the confluence of the Soda Lakes outlet ditch and Turkey Creek; thence up Turkey Creek to the confluence of North Turkey Creek and South Turkey Creek in the NW 1/4 NW 1/4, Section 27, Township 5 South, Range 70 West, 6th P.M., (at or immediately South of the North section line of said Section 27); and thence up North Turkey Creek and its unnamed tributaries in the S 1/2 of Section 26, Township 5 South, Range 71 West, 6th P.M. to the above described locations. 3. Source: The source of water for the exchange will be consumptive use water decreed to the Harriman Ditch and the Warrior Ditch, as well as water stored in Soda Lakes Reservoir Nos. 1 and 2. Applications to change the use of the subject Harriman Ditch, Warrior Ditch and Soda Lakes Reservoir Nos. 1 and 2 interests to include augmentation, exchange and substitution purposes,

confirming the historic consumptive use of the rights and defining the terms and conditions under which the water is used for augmentation and replacement purposes have previously been approved in Case Nos. 94CW168, 95CW196, 95CW281, 95CW291, 96CW103, 96CW1046, 97CW091, 97CW280, 97CW281, 97CW282, 97CW336, 97CW337, 97CW338, 97CW372, 98CW240, 98CW241, 98CW310 and 98CW311. 4. A. Date of Appropriation: April 28, 2000. B. How Appropriation was Initiated: Filing this application with the Water Clerk. C. Date Water Applied to Beneficial Use: N/A. 5. Amount Claimed: The rate at which water will be exchanged will be 2.0 cubic feet per second, CONDITIONAL. 6. Uses: Once the subject water is exchanged into Meadowview Reservoir, it will be used for replacement, augmentation and exchange purposes by shareholders of MMRC. 7. Names and addresses of owners of land on which Points of Diversion and Place of Storage are located: Meadowview Reservoir, Intake on North Turkey Creek and Evergreen Memorial Park Ditch Headgate: Evergreen Memorial Park, Inc., 26624 North Turkey Creek Road, Evergreen, Colorado 80439. 8. Other Information: An application for a 1.0 cfs exchange to Meadowview Reservoir is currently pending in Case No. 94CW290. The exchange requested herein is separate from the pending application. (4 pages).

2000CW61 BFI Waste Systems of North America, Inc. c/o Allied Waste Industries, Inc. 15880 N. Greenway-Hayden Loop, Suite 100, Scottsdale, Arizona 85260, (Dean R. Massey, David A. Bailey, Massey, Semenoff, Stern & Schwarz, P.C., 730 17th Street, Suite 330, Denver, Colorado 80202) and **City of Boulder** P. O. Box 791, Boulder, Colorado 80306, (303) 441-3200 (Veronica A. Sperling, Moses, Wittemyer, Harrison & Woodruff, P.C., P. O. Box 1440, Boulder, Colorado 80306). **APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION, IN BOULDER COUNTY.** 1. Description of application: The application in this case is for approval of a plan for augmentation to replace depletions resulting from the operation by Applicants of a groundwater collection and treatment system as part of the Marshall/Boulder Landfill Remediation Project. The maximum annual volume of the depletions is estimated to be 0.11 acre-feet per year. These depletions occur to the Cowdrey Drainage which is tributary to South Boulder Creek. Water to replace these depletions is provided by the City of Louisville pursuant to an agreement between Louisville and Applicant, City of Boulder. 2. Names of structures to be augmented: Marshall/Boulder Landfill Remediation Project Groundwater Collection System and Shallow Subsurface Drain System, which is located in the W½ of Section 23, Township 1 South, Range 70 West, 6th P.M., Boulder County, Colorado and which includes the following existing and proposed structures: A. Sump 1, Permit No. 045907-F, located in the SW¼SW¼, Section 23, Township 1 South, Range 70 West, 6th P.M., 38 feet from the South Section line and 721 feet from the West Section line; B. Sump 2, Permit No. 045908-F, located in the SW¼SW¼, Section 23, Township 1 South, Range 70 West, 6th P.M., 42 feet from the South Section line and 1,015 feet from the West Section line; C. Sump 3, Permit No. 045909-F, located in the SW¼SW¼, Section 23, Township 1 South, Range 70 West, 6th P.M., 55 feet from the South Section line and 1,307 feet from the West Section line; D. Sump 4, Permit No. 045910-F, located in the SW¼SW¼, Section 23, Township 1 South, Range 70 West, 6th P.M., 353 feet from the South Section line and 1,303 feet from the West Section line; E. Sump 5, Permit No. 045911-F, located in the SW¼SW¼, Section 23, Township 1 South, Range 70 West, 6th P.M., 653 feet from the South Section line and 1,301 feet from the West Section line; F. PW-20+50, Permit No. 045912-F, located in the SW¼SW¼, Section 23, Township 1 South, Range 70 West, 6th P.M., 781 feet from the South Section line and 1,288 feet from the West Section line; G. PW-22+00, Permit No. 045913-F, located in the SW¼SW¼, Section 23, Township 1 South, Range 70 West, 6th P.M., 930 feet from the South Section line and 1,288 feet from the West Section line; H. PW-24+00, Permit No. 045914-F, located in the SW¼SW¼, Section 23, Township 1 South, Range 70 West, 6th P.M., 1,132 feet from the South Section line and 1,287 feet from the West Section line; I. PW-26+00, Permit No. 045915-F, located in the NW¼SW¼, Section 23, Township 1 South, Range 70 West, 6th P.M., 1,331 feet from the South Section line and 1,286 feet from the West Section line; J. PW-28A+00, Permit No. 045916-F, located in the NW¼SW¼, Section 23, Township 1 South, Range 70 West, 6th P.M., 1,526 feet from the South Section line and 1,285 feet from the West Section line; K. PW-30+00, Permit No. 045917-F, located in the NW¼SW¼, Section 23, Township 1 South, Range 70 West, 6th P.M., 1,730 feet from the South Section line and 1,283 feet from the West Section line; L. PW-31+00,

Permit No. 045918-F, located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, Township 1 South, Range 70 West, 6th P.M., 1,828 feet from the South Section line and 1,283 feet from the West Section line; M. PW-32+00, Permit No. 045919-F, located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, Township 1 South, Range 70 West, 6th P.M., 1,931 feet from the South Section line and 1,282 feet from the West Section line; N. PW-33+00, Permit No. 045920-F, located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, Township 1 South, Range 70 West, 6th P.M., 2,031 feet from the South Section line and 1,281 feet from the West Section line; O. PW-34+00, Permit No. 045921-F, located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, Township 1 South, Range 70 West, 6th P.M., 2,130 feet from the South Section line and 1,281 feet from the West Section line; P. PW-35+00, Permit No. 045922-F, located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, Township 1 South, Range 70 West, 6th P.M., 2,231 feet from the South Section line and 1,279 feet from the West Section line; Q. PW-36+00, Permit No. 045923-F, located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, Township 1 South, Range 70 West, 6th P.M., 2,331 feet from the South Section line and 1,280 feet from the West Section line; R. PW-37A+00, Permit No. 045924-F, located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, Township 1 South, Range 70 West, 6th P.M., 2,420 feet from the South Section line and 1,275 feet from the West Section line; S. PW-38+00, Permit No. 045925-F, located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, Township 1 South, Range 70 West, 6th P.M., 2,531 feet from the South Section line and 1,275 feet from the West Section line; T. PW-39+00, Permit No. 045926-F, located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, Township 1 South, Range 70 West, 6th P.M., 2,630 feet from the South Section line and 1,276 feet from the West Section line; U. PW-40+00, Permit No. 045927-F, located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 1 South, Range 70 West, 6th P.M., 2,731 feet from the South Section line and 1,275 feet from the West Section line; V. PW-41+00, Permit No. 045928-F, located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 1 South, Range 70 West, 6th P.M., 2,841 feet from the South Section line and 1,275 feet from the West Section line; W. PW-42+00, Permit No. 045929-F, located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 1 South, Range 70 West, 6th P.M., 2,931 feet from the South Section line and 1,273 feet from the West Section line; X. PW-43+00, Permit No. 045930-F, located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 1 South, Range 70 West, 6th P.M., 3,025 feet from the South Section line and 1,273 feet from the West Section line; Y. PW-44+00, Permit No. 045931-F, located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 1 South, Range 70 West, 6th P.M., 3,131 feet from the South Section line and 1,273 feet from the West Section line; Z. PW-45+00, Permit No. 045932-F, located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 1 South, Range 70 West, 6th P.M., 3,236 feet from the South Section line and 1,272 feet from the West Section line; AA. PW-46A+00, Permit No. 045933-F, located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 1 South, Range 70 West, 6th P.M., 3,328 feet from the South Section line and 1,273 feet from the West Section line; AB. PW-47+00, Permit No. 045934-F, located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 1 South, Range 70 West, 6th P.M., 3,428 feet from the South Section line and 1,262 feet from the West Section line; AC. PW-48+00, Permit No. 045935-F, located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 1 South, Range 70 West, 6th P.M., 3,528 feet from the South Section line and 1,262 feet from the West Section line; AD. PW-50+00, Permit No. 045936-F, located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 1 South, Range 70 West, 6th P.M., 3,727 feet from the South Section line and 1,261 feet from the West Section line; AE. PW-52+00, Permit No. 045937-F, located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 1 South, Range 70 West, 6th P.M., 3,928 feet from the South Section line and 1,262 feet from the West Section line; AF. PW-54+00, Permit No. 045938-F, located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 1 South, Range 70 West, 6th P.M., 4,130 feet from the South Section line and 1,275 feet from the West Section line; AG. PW-56+00, Permit No. 045939-F, located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 1 South, Range 70 West, 6th P.M., 4,333 feet from the South Section line and 1,281 feet from the West Section line; AH. PW-57+50, Permit No. 045940-F, located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 1 South, Range 70 West, 6th P.M., 4,480 feet from the South Section line and 1,279 feet from the West Section line; AI. PW-59+00, Permit No. 045941-F, located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 1 South, Range 70 West, 6th P.M., 4,630 feet from the South Section line and 1,281 feet from the West Section line; AJ. Gravel Trench Subdrain, Permit No. 051541-F, located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 1 South, Range 70 West, 6th P.M., 3,289 feet from the South Section line and 368 feet from the West Section Line; AK. Replacement and supplemental wells, sumps and subsurface drains as necessary to withdraw the claimed quantity of

groundwater and to complete the Remediation Project. A map showing the approximate location of the Marshall/Boulder Landfill site and of the structures within the Marshall/Boulder Landfill Remediation Project Groundwater Collection System and Shallow Subsurface Drain System, as described above, is attached to the application as Exhibit A. The only other wells located within 600 feet of the above-described structures are owned by Applicants. Are there other water rights diverted from these structures? No. 3. Previous decrees for water rights to be used for augmentation: Water available to Applicants pursuant to a Non-Residential Outside Water Service Agreement between Applicant, City of Boulder, and the City of Louisville (“Louisville”), dated June 17, 1993. This water is provided by Louisville from its municipal treated water system and is available to the Remediation Project via a one-inch water tap. The water provided is from sources which are fully consumable and/or decreed for augmentation purposes, including water and water rights from the following sources owned by Louisville: Howard Ditch and Dry Creek No. 2 Ditch water rights which are the subject of the decree in Case No. W-8500-77, District Court, Water Division No. 1, dated April 21, 1987; Cottonwood No. 2 Ditch water rights which are the subject of the decree in Case No. W-9193-78, District Court, Water Division No. 1, dated November 15, 1979; Enterprise Ditch and East Boulder Ditch water rights which are the subject of the decree in Case No. 82CW305, District Court, Water Division No. 1, dated May 12, 1986; Cowdrey Reservoir water right which is the subject of the decree in Case No. 82CW375, District Court, Water Division No. 1, dated January 14, 1988; Harper Reservoir water right which is the subject of the decree in Case No. 82CW376, District Court, Water Division No. 1, dated January 14, 1988; Davidson Ditch and Goodhue Ditch water rights which are the subject of the decree in Case No. 83CW319, District Court, Water Division No. 1, dated May 22, 1987; Leyner-Cottonwood Ditch, McGinn Ditch and Marshallville Ditch water rights which are the subject of the decree in Case No. 87CW327, District Court, Water Division No. 1, dated April 12, 1991. The decreed points of diversion for these water rights include the following: the City of Louisville Pipeline with intake located on the south bank of South Boulder Creek at point derived by beginning at the southeast corner of Section 25, Township 1 South, Range 71 West, 6th P.M., Boulder County, Colorado, and running thence north along the east line of said Section 25 a distance of 1,264.5 feet and thence westerly at an angle of 90° a distance of 1,515 feet; the Community Ditch, which diverts from a point on the south bank of South Boulder Creek in the NE¼SE¼ of Section 25, Township 1 South, Range 71 West, 6th P.M., Boulder County, Colorado, approximately 1,150 feet west and 1,550 feet north of the southeast corner of said Section 25; and the City of Lafayette Pipeline with intake located on the north bank of South Boulder Creek near the northeast corner of the SW¼SE¼ of Section 25, Township 1 South, Range 71 West, 6th P.M., Boulder County, Colorado. The decreed places of storage for these water rights include Louisville Reservoir No. 1 through the City of Louisville Pipeline, Marshall Lake through the Community Ditch, and Harper Reservoir through either the Community Ditch or the Louisville Pipeline. Louisville Reservoir No. 1 is located in the E½SW¼ and W½SE¼ of Section 6, Township 1 South, Range 69 West, 6th P.M.; Marshall Lake is located in Sections 22 and 27, Township 1 South, Range 70 West, 6th P.M.; Harper Reservoir is located near the center of Section 7, Township 1 South, Range 69 West, 6th P.M., all in Boulder County, Colorado. The source of water for these water rights is South Boulder Creek, a tributary of Boulder Creek. Boulder Creek is tributary to the St. Vrain River, which is a tributary of the South Platte River. 4. Historic Use: The water rights described in paragraph 3 above have historically been used for the decreed purposes within Louisville’s municipal service area. 5. Statement of plan for augmentation, covering all applicable matters under C.R.S. 37-92-103(9), 302(1) and (2) and 305(8). Give full details of plan including a description of all water rights to be established or changed by the plan: The Marshall/Boulder Landfill Remediation Project is located in Boulder County, Colorado, in the W½ of Section 23, Township 1 South, Range 70 West, 6th P.M., approximately midway between the towns of Marshall and Superior. Landfill operations began during 1965. Although the original designated site spanned 320 acres, initially only 80 acres of its western portion was landfilled. This 80-acre portion, called the Marshall Landfill, was closed in 1974. During 1974, an additional 80 acres directly south of the Marshall Landfill, called the Boulder Landfill, began operations. The Boulder Landfill was operated until its closure in 1992. Both 80-acre landfills were designated

county landfills under private operation and accepted municipal waste and possibly industrial solvent wastes. Together, the two 80-acre landfills comprise the 160-acre Marshall/Boulder Landfill site. The remedial measures implemented as part of the Remediation Project consist of landfill improvements, groundwater collection and treatment, and monitoring. Landfill improvements include closure of two onsite lagoons, regrading and revegetation of the site, and installation of site fencing. Collection of groundwater is accomplished via sumps and wells located along the eastern and southern perimeters of the site, and by a shallow subsurface drain system which collects surface seepage. The groundwater collection system was installed as part of the final site remedy pursuant to a Consent Decree entered under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) in the U.S. District Court, District of Colorado, 1989. The groundwater collection system was constructed to eliminate the eastward or southward migration of contaminants from the landfill through the shallow groundwater system. The groundwater collection system conveys the collected water to a facility designed to treat the water to meet applicable discharge limitations established by the United States Environmental Protection Agency. A monitoring program has been implemented to monitor potential offsite migration of contaminants via groundwater as well as to evaluate the performance of the groundwater collection and treatment systems. The proposed plan for augmentation provides for the replacement of depletions resulting from operation of the groundwater collection system and the groundwater treatment facility. Groundwater collected from the shallow aquifer underlying the site through the structures described in paragraph 2 above is routed to the groundwater treatment facility for treatment and is then discharged to Cowdrey Drainage. Cowdrey Drainage is tributary to South Boulder Creek, a tributary of Boulder Creek. Depletions occur from losses associated with the treatment process. The total annual volume of groundwater withdrawals from all structures is 50 acre-feet per year and the maximum instantaneous pumping rate for all structures operating simultaneously is 65 gallons per minute. The maximum annual volume of depletions is estimated to be 0.11 acre-feet per year. Water to replace these depletions is discharged from the sources described in paragraph 3 above to a ditch which discharges to Cowdrey Drainage within the Marshall/Boulder Landfill site. The discharge point is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 1 South, Range 70 West, 6th P.M., approximately 4,011 feet from the South Section line and 1,326 feet from the West Section line. The depletions associated with the Remediation Project are currently being replaced pursuant to a temporary substitute supply plan originally approved by the office of the State Engineer on December 11, 1995. The most recent approval is dated March 15, 2000 and is valid through December 31, 2000. 6. Names and addresses of owners of land on which structures are located: The Cowdery Company, 3700 E. Alameda Street, Suite 500, Denver, Colorado 80209, Attention: James C. Cohig WHEREFORE, Applicants request the Court to enter a decree approving the plan for augmentation described herein for the Marshall/Boulder Landfill Remediation Project Groundwater Collection System and Shallow Subsurface Drain System.

97CW296. AMENDED APPLICATION FOR WATER RIGHT. CONCERNING THE APPLICATION FOR WATER RIGHTS OF LUPTON BOTTOM DITCH COMPANY AND LUPTON MEADOWS DITCH COMPANY, IN WELD COUNTY. (Holly I. Holder, PC, 518 – 17th Street, #1500, Denver, CO 80202 (303) 534-3636) COME NOW, Applicants, by and through their undersigned attorneys, and hereby amend the application filed with the Court on November 17, 1997, to amend the application as follows: The location for Point of Diversion No. 1 for Lupton Bottom Seep Ditch No. 1 and No. 2 is being amended from the original application as follows: In the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, 217 feet from the west section line and 100 feet from the north section line of Section 31, Township 1 North, Range 66 West, of the 6th P.M. (as shown on Attachment A). All other matters remain the same as shown in the November, 1997 resume for Water Division 1. WHEREFORE, Applicants pray that this Court enter a decree for the relief requested in this amended application and for such further relief as the Court deems proper in the premises.

99CW164 EAST CHERRY CREEK VALLEY WATER & SANITATION DISTRICT (Co-Applicant), 4343 Buckley Road, Suite 300, Aurora, CO 80015. (William B. Tourtillott, FRIEDLOB SANDERSON RASKIN PAULSON & TOURTILLOTT, LLC, 1400 Glenarm Place, Suite 300, Denver, CO 80202) (Co-Applicant) **WILLOWS WATER DISTRICT**, 6970 South Holly Circle, Suite 200, Englewood, CO 80112/ (Dennis M. Montgomery, HILL & ROBBINS, 100Blake St. Bldg., 1441 – 18th St., Denver, CO 80202). **FIRST AMENDMENT TO APPLICATION FOR CHANGES OF DECREED RIGHTS TO NONTRIBUTARY GROUND WATER, IN ARAPAHOE COUNTY.**

Co-Applicants East Cherry Creek Valley Water and Sanitation District and Willows Water District hereby submit this First Amendment to their Application for Changes of Decreed Rights to Nontributary Ground Water filed on October 25, 1999. The original application is hereby amended as follows:

1. Paragraph 4.J. of the original application incorrectly stated the decreed point of diversion of Willows A-5 Well. The correct decreed point of diversion is in the SE/4 of the SE/4 of Section 29, Township 5 South, Range 67 West of the 6th P.M., 100 feet from the South Section Line and 70 feet from the East Section Line of Section 29.
2. Paragraph 4.J. of the application is amended to correct the decreed point of diversion of Willows A-5 Well, as described above. All other matters remain the same as shown in the October 1999 resume.
3. All existing statements of opposition shall apply to this amendment to the application. (2 pages)

99-CW-206 FIRST AMENDED APPLICATION FOR CONDITIONAL WATER STORAGE RIGHT AND CONDITIONAL DIRECT FLOW RIGHT, OF CAMAS COLORADO, INC. AND CITY OF WESTMINSTER, IN ADAMS AND WELD COUNTIES, COLORADO. (Timothy J. Flanagan, FOWLER, SCHIMBERG & FLANAGAN, P.C., 1640 Grant St., Suite 300, Denver, CO 80203. Attorney for Camas)(Mary Mead Hammond, Lee H. Johnson, CARLSON, HAMMOND & PADDOCK, L.L.C., 1700 Lincoln Street, Suite 3900, Denver, CO 80203-4539. Attorney's for C/Westminster)

NAME, ADDRESS, AND TELEPHONE NUMBER OF APPLICANT:

- A. CAMAS Colorado, Inc.
 - c/o Michael Refer, Vice President of Administration
 - P.O. Box 5485
 - Denver, Colorado 80217
 - (303) 985-1070
- B. City of Westminster
 - 4800 West 92nd Avenue
 - Westminster, Colorado 80030
 - (303) 430-2400

3. LEGAL DESCRIPTION:

A. Location of Dam:

Wattenberg Lake: will be located within a 480-acre parcel in Sec 25 and Sec 36, T1N, R67W, 6th P.M., Weld County, Colorado and Sec 30, T1N, R66W, 6th P.M., Weld County, Colorado..

B. Points of Diversion:

1. Brighton Ditch: the headgate of the Brighton Ditch on the west bank of the South Platte River in the SE/4 of the SE/4, Sec. 11, T1S, R67W, 6th P.M. in Adams County, at a point approximately 780 feet north and 1,120 feet west of the SE corner of said Sec. 11.

2. Brantner Ditch: the headgate of the Brantner Ditch on the north bank of the South Platte River in the NE/4 of SW/4, Sec. 4, T2S, R67W, 6th P.M., Adams County at a point approximately 2,721 feet south and 2,140 feet east of the NW corner of said Sec. 4.

3. Wattenberg Well Field: one or more pumps to be located in the S/2 of the NE/4 and the E/2 of the SW/4 and the SE/4 of Sec 25 and the NE/4 of the NW/4 and the NW/4 of the NE/4 of Sec 36, T1N, R67W, 6th P.M., Weld County, Colorado, and the W/2 of SW/4 of Sec 30, T1N, R66W, 6th P.M., Weld County, Colorado.

4. Wattenberg Pipeline: the headgate to be located on the west bank of the South Platte River in the NE/4 of Sec 1, T1S, R67W, 6th P.M., Adams County, Colorado.

4. SOURCE:

South Platte River via the Brighton Ditch, the Brantner Ditch, the CAMAS Wattenberg Pipeline and/or the CAMAS Wattenberg Lake Well Field.

5. A. Date of Appropriation:

1. Wattenberg Lake: December 21, 1999.
2. Wattenberg Well Field: December 21, 1999.
3. Wattenberg Pipeline: December 21, 1999.

B. How Appropriation Was Initiated: By contact with public entity on said date and publication in Water Division No. 1 Resume for December 1999.

C. Date Water Applied to Beneficial Use: Not applicable to conditional water right.

6. AMOUNT CLAIMED:

- A. Wattenberg Lake: 12,000 a.f., conditional.
- B. Brighton Ditch: 45 c.f.s.
- C. Brantner Ditch: 110 c.f.s.
- D. Wattenberg Well Field: 100 c.f.s. conditional.
- E. Wattenberg Pipeline: 300 c.f.s. conditional.

7. PROPOSED USE:

The water diverted under the water rights sought herein will be used, directly or by exchange, for irrigation, agricultural, commercial, industrial, and all municipal uses, including but not limited to, domestic, mechanical, manufacturing, industrial, power generation, fire protection, sewage treatment, street sprinkling, irrigation of parks, lawns and grounds, recreation, piscatorial, maintenance and preservation of wildlife and aesthetic values, lake and reservoir evaporation, augmentation and replacement, adjustment and regulation of municipal water systems, including further exchange with municipal water systems and with other water users. The Applicant seeks the right to fully consume such water diverted under these water rights by direct use, storage and subsequent release, reuse, successive use, further exchange and disposition to the point of extinction.

8. SURFACE AREA:

- A. Wattenberg Lake:
 1. High Water Line: 400 acres
 2. Reclaimed gravel pit; non-jurisdictional dam

9. TOTAL CAPACITY OF RESERVOIR:

- A. Wattenberg Lake:
 1. Active Capacity: 12,000 a.f.
 2. Dead Storage: -0- a.f.

10. NAME AND ADDRESS OF OWNER OF LAND ON WHICH STRUCTURE FOR THE WATER RIGHT IS LOCATED:

- A. The Applicants own the property upon which Wattenberg Lake, the Wattenberg Lake Pipeline, and the Wattenberg Lake Well Field will be located.
- B. The Brighton Ditch is owned by Brighton Ditch Company, Don Rosenbrock, 3286 WCR 23, Fort Lupton, Colorado 80621.
- C. The Brantner Ditch is owned by the Brantner Ditch Company, Alvin Dechant, President, 4936 WCR 23, Fort Lupton, Colorado 80621.

11. REMARKS:

- A. Attached is a General Location Map of the Wattenberg Lake (Attachment A) and associated facilities.
- B. This project is being developed and will be jointly operated with the City of Westminster, Colorado in accordance with a contract between the parties, "Purchase and Sale Agreement" of December 21, 1999 between the Water and Wastewater Enterprise of the City of Westminster and CAMAS Colorado, Inc.
- C. It is anticipated that a slurry wall will be installed around the perimeter of the area to be mined. No mining or excavation activities have yet occurred on the subject property; thus, there has not been an attempt to comply with Senate Bill 120 since no groundwater has been exposed by mining activities.
- D. The Applicants do not intend to convey water (other than shareholder deliveries) through either the Brighton or Brantner Ditches unless and until they have obtained a carriage contract with either or both of these companies.
- E. This project may be developed in conjunction and interconnected with the Rogers Reservoir decreed in Case No. 92-CW-022 on May 3, 1995.
- F. Concurrently with the filing of this Application, the City of Westminster is filing a separate "Application for a Conditional Appropriative Right of Exchange" which includes this facility. (5 pages)

99CW207 CITY OF WESTMINSTER, 4800 West 92nd Ave., Westminster, CO 80030. (Lee H. Johnson, CARLSON, HAMMOND & PADDOCK, L.L.C., 1700 Lincoln St., Suite 3900, Denver, CO 80203-4539). First Amended Application for Conditional Appropriative Rights of Exchange, **IN WELD, ADAMS, AND JEFFERSON COUNTIES**. The application in Case No. 99CW207 is hereby amended to correct a legal description. The legal description for the location of the Wattenberg Well Field in Paragraph 3D of the Application is corrected as follows: "the Wattenberg Well Field located immediately adjacent to Wattenberg Lake and the South Platte River, more particularly located in the S ½ of the NE ¼ and the E ½ of the SW¼ and the SE ¼ of Section 25, and the NE¼ of the NW¼ and the NW¼ of the NE ¼ of Section 35, Township 1 North, Range 67 West of the 6th P.M., Weld County, Colorado and the W ½ of the SW¼ of Section 30, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado." In all other respects, the Application remains the same. All Statements of Opposition directed to the original Application will be deemed applicable to the First Amended Application.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE, until the last day of **June, 2000** to file with the Water Clerk in quadruplicate a verified statement of opposition setting forth facts as to why a certain application should not be granted or why it should be granted only in part or on certain conditions. A copy of each statement of opposition must also be served upon the Applicant or the Applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing fee: \$45.00). **MARY A. CRESPIN, Water Clerk, Water Division 1, POB "C", Greeley, CO 80632.**

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RULINGS ENTERED BY REFEREE LIESMAN ON 04-03-2000
 97CW095 DORA D'AMICO ELBERT PAGES 11

97CW366 GIRL SCOUTS-WAGON WHEELTELLER COUNCIL PAGES 08

99CW138 KEVIN MCCARTY WELD PAGES 03
 (REVISED RULING)

RULINGS ENTERED BY REFEREE LIESMAN ON 04-03-2000

98CW259 LADONNA SHEA BOULDER PAGES 03

99CW079 ROBERT FREEMAN WELD PAGES 03

RULINGS ENTERED BY REFREEE LIESMAN ON 04-10-2000

99CW192 GEORGE LAVELLE TELLER PAGES 04

98CW461 CITY OF WOODLAND PARK TELLER PAGES 05

96CW453 WILLIAM VANHEEMSBERGEN PARK PAGES 03

96CW276 ARTHUR & SHEILA RICH PARK PAGES 02

RULINGS ENTERED BY REFEREE LIESMAN ON 04-11-2000

96CW580 GLENN JACOBS PARK PAGES 02

96CW530 RUTH ZIELINSKI PARK PAGES 02

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95CW229 LAKE VALLEY GOLF COURSE BOULDER PAGES 09

95CW247 LAKE GEORGE CO & LYLE JOHNSON PARK PAGES 09

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99CW136 THOMAS BROWN LOGAN PAGES 05

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96CW324 WALLACE TECHENTIEN PARK PAGES 03

96CW325 WALLACE TECHENTIEN PARK PAGES 03

96CW331 CATHERINE CUNNINGHAM PARK PAGES 03

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96CW423	HENRY ZANETELL	PARK	PAGES 03
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96CW425	DENNIS, PATRICIA, LOUIS & MARY MANCUSO	PARK	PAGES 03
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ORDER OF DISMISSAL AND ORDER OF ABANDONMENT OF CONDITIONAL RIGHTS ENTERED BY
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ORDER OF DISMISSAL ENTERED BY JUDGE HAYS ON 04-25-2000

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