

**DISTRICT COURT, WATER DIVISION 1, COLORADO
SEPTEMBER 2010 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 **SEPTEMBER 2010** for each County affected.

10CW219 Larry E. Harris and Deborah K. Harris, 27781 County Road 385, Iliff, Colorado 80736 C/O Lawrence, Jones, Custer & Grasmick, LLP, 300 Eastman Park Drive, #200, Windsor, CO, 80550 (970)674-9888. Application to Make Absolute a Conditional Water Right and for Finding of Reasonable Diligence in **LOGAN COUNTY**. 2. Conditional Water Right. 2.1. Name of Structure. Harris Well μ 1 (Well). 2.2. Decree. Case No. 00CW181, Water Division No. 1 (Decree). 2.3. Legal Description. In the NW3 SE3 of Section 15, Township 9 North, Range 51 West all in the 6th P.M., Logan County, Colorado at a point 1840 feet north and 1620 feet west of the southeast corner of said section. 2.4. Source. Groundwater tributary to the South Platte River. 2.5. Appropriation. September 1, 2000. 2.6. Amount. 1500 g.p.m. (3.33 c.f.s), conditional. 2.7. Use. Irrigation of 144.9 acres in parts of the NW3 of the NW3 of Section 22, and the SE3 of the SW3 and the SE3 of Section 15, all in Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, wildlife and wetland purposes, recharge and augmentation. 3. Outline of What Has Been Done Toward Completion. 3.1. The Decree was entered September 24, 2004. Applicant filed a well permit application January 27, 2005 and Permit No. 62323-F, Exhibit 1 attached, was issued for the Well on March 3, 2005. The Well was drilled on August 4, 2005 and a Well Construction and Test Report. Exhibit 2, was filed September 15, 2005. A pump was installed in the Well on September 15, 2005 and the pump was tested and diverted at a rate of 1500 g.p.m. The Pump Installation and Test Report was filed December 5, 2005 and is attached as Exhibit 3. 3.2. Applicant pumped the Well at 1500 g.p.m. for wildlife and wetland purposes, recharge and augmentation. Hydrobase Diversion Records are attached as Exhibit 4. Applicant has not yet made irrigation use of the Well. 4. Claim To Make Absolute. Applicant seeks a decree making the full amount of the appropriation, 1500 g.p.m. absolute, for wildlife and wetland purposes, recharge and augmentation. Applicant requests that the use for irrigation described in ¶2.7 remain conditional.

10CW220 ROBERT L AND NANCY J. EINARSEN, ETAL EINARSEN LAND CO. LLC, 1060 So. Independence Ct., Lakewood, CO 80221. Telephone: (303) 985-8291. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN PARK COUNTY. Date of original decree: 09-09-04 in case 96CW662 in Water Div. 1. Einarsen Lot 60 and Lot 62 wells located NW1/4, NW1/4, S35, T9S, R75W of the 6th PM. Indian Mountain subdivision; Filing 15. Source: Groundwater. Appropriation Date: May 31, 1978. Amount: .033 cfs (15gpm). Use: Household use only.

10CW221 HENRY H. HOSHIKO, 15312 N. 107TH ST., LONGMONT, CO 80504. Telephone: (303) 682-5291. APPLICATION TO MAKE ABSOLUTE IN BOULDER, COUNTY. Date of original decree: 09-10-04 \in case no. 03CW260 in Water Div 1. Hoshiko Pond (reservoir) located NW1/4, SE1/4, S3, T3N, R69W of the 6th PM at a distance 600 feet from South and 700 feet from East. Street Address: 15312 N. 107th St. Source: St. Vrain Creek to be filled from Highland Ditch in the NW1/4 of the SE1/4, S3, T3N, R69W, 6th PM., Boulder Colorado at a point 500 feet South and 250 feet East of the center of S3. Appropriation Date: 1-03-03. Amount: 2.9 acre ft. Use: Irrigation of 9 acres including pastures, lawn and garden using sprinklers pumped out of the pond. Date water applied to beneficial uses: 07-8-06. Amount: 2.5 acre ft. Use: Irrigate by sprinkling pasture, garden and landscaping.

10CW222 Low Line Ditch Company, hereinafter “Applicant,” c/o Steve Kaiser, Secretary, 22811 CR 36, Sterling, CO 80751. 970-522-2330 c/o Lawrence Jones Custer Grasmick LLP. Application for Finding of Reasonable Diligence and to Make Absolute a Conditional Water Right in **LOGAN COUNTY**. 2. Conditional Water Right. 2.1 Name of Structures. Low Line Ditch Recharge Project. 2.2 Decree. Case No. 03CW94, January 16, 2007, Water Division No. 1 (Decree). 2.3. Diversion Points. 2.3.1. Low Line Ditch. In the Northeast Quarter (NE1/4) of Section 33, Township 8 North, Range 52 West of the 6th P.M., Logan County, Colorado at the diversion works of the Low Line Ditch. 2.3.2. Low Line Recharge Pumping Station No. 1. In the NE1/4 SE1/4 of Section 21, Township 8 North, Range 52 West of the 6th P.M., Logan County, Colorado a surface diversion on the Pioneer Drain. 2.3.3. Low Line Recharge Well No. 1. In the SW1/4 NW1/4 of Section 22, Township 8 North, Range 52 West of the 6th P.M., Logan County, Colorado at point 1600 feet south and 1300 feet east of the Northwest corner of said section. 2.4. Source. 2.4.1. Low Line Ditch. The South Platte River. 2.4.2. Low Line Recharge Pumping Station No. 1. Pioneer Drain. 2.4.3. Low Line Recharge Well No. 1. Groundwater tributary to the South Platte River. 2.5. Dates of Appropriation. Low Line Ditch, September 26, 2002. Low Line Recharge Pumping Station No. 1 and Low Line Recharge Well No. 1, March 10, 2006. 2.6. Amounts. 2.6.1. Low Line Ditch. 20 c.f.s., absolute; 20 c.f.s., conditional. 2.6.2. Low Line Recharge Pumping Station No. 1. 6.0 c.f.s., conditional. 2.6.3. Low Line Recharge Well No. 1. 8.91 c.f.s., conditional, 4000 a.f., conditional. 2.7. Uses. 2.7.1. Absolute Uses. Augmentation, directly and by exchange, of water rights used for irrigation, livestock, recharge and replacement. 2.7.2. Conditional Uses. Fire protection, wildlife and wildlife recovery. 2.8 Recharge. The diversions are released into two Low Line Ditch Recharge Reaches and 17 Recharge Sites described in the Decree. 3. Outline of What Has Been Done Toward Completion. 3.1. Applicant entered into an Agreement with the City of Sterling for use of the Pioneer Drain and Low Line Recharge Pumping Station No. 1. on June 4, 2007. 3.2. Applicant diverted 40 c.f.s. at the Low Line Ditch headgate on October 5, 2009 for augmentation, directly and by exchange, of water rights used for irrigation, livestock, recharge, replacement and for wildlife and wildlife recovery. Diversion records are attached as Exhibit 1. 3.3. Applicant diverted 5.42 c.f.s. at Low Line Recharge Pumping Station No. 1. on March 26, 2010 for augmentation, directly and by exchange, of water rights used for irrigation, livestock, recharge, replacement and for wildlife and wildlife recovery. Diversion records are attached as Exhibit 2. 4. Claims To Make Absolute and for Finding of Reasonable Diligence Pursuant to §37-92-304 C.R.S. 4.1. Applicant seeks to make absolute 40 c.f.s. diverted at the Low Line Ditch for augmentation, directly and by exchange, of water rights used for irrigation, livestock, recharge, replacement and for wildlife and wildlife recovery. No amount remains conditional. 4.2. Applicant seeks to make absolute 5.42 c.f.s. diverted at the Low Line Recharge Pumping Station No. 1. for augmentation, directly and by exchange, of water rights used for irrigation, livestock, recharge, replacement and for wildlife and wildlife recovery. 0.58 c.f.s. to remain conditional. 4.3. Applicant seeks to continue the appropriation for Low Line Recharge Well No. 1. 8.91 c.f.s., conditional, 4000 a.f., conditional.

10CW223 J. AND JOELLEN NEUMAIER, 756 Verdos Drive, Elizabeth, CO 80107. Telephone: (303) 646-8870. APPLICATION FOR UNDERGROUND WATER RIGHT IN ELBERT COUNTY. Neumaier Well, permit 153229 located SW1/4, SE1/4, S27, T7S, R65W of the 6th PM at a distance 520 feet from South and 2295 feet from East. Street Address: 756 Verdos Dr. Subdivision: Ponderosa Park Estates, Lot 13, Unit 5. Source: Upper Dawson. Depth: 440'. Date of appropriation: 12-09-88. How appropriation was initiated: Drilled well. Date water applied to beneficial use: 3-21-89. Amount: 15 gpm Absolute. Use: Household purposes, watering of noncommercial domestic animals and fire protection.

10CW224, Shane R. Hoefft, 8394 N. Flintwood Road, Parker, CO 80138 (Kara N. Godbehere, Petrock & Fendel, 700 17th Street, #1800, Denver, CO 80202), APPLICATION FOR

UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY SOURCES, IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE, AND LARAMIE-FOX HILLS AND NOT NONTRIBUTARY UPPER DAWSON, **DOUGLAS COUNTY**, Lot 2, Stagecoach Acres, NW1/4SW1/4 of Section 33, T6S, R65W of the 6th P.M., 10.2 acres, Not nontributary Upper Dawson: 2.3 acre-feet; Nontributary Lower Dawson: 1.7 acre-feet; Denver: 6.6 acre-feet; Arapahoe: 3.7 acre-feet; and Laramie-Fox Hills: 2.8 acre-feet, Domestic, commercial, irrigation, stockwatering, and augmentation purposes, on and off the Subject Property. (3 pages).

10CW225, Harold S. Kelly Family Trust, 2517 Burnt Oak Drive, 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, **DOUGLAS COUNTY**, Lot 11, Burning Tree Ranch, SW1/4NW1/4 and NW1/4SW1/4 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).

10CW226, Louis K. and Pamela M. Knight, 1979 Carlson Road, Parker, CO 80138 (Kara N. Godbehere, Petrock & Fendel, 700 17th Street, #1800, Denver, CO 80202), APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT NONTRIBUTARY SOURCES IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE, AND LARAMIE-FOX HILLS AND THE NOT NONTRIBUTARY UPPER DAWSON AQUIFERS, **ELBERT COUNTY**, 35.7 acres, being Tract 5 , Carlson Ranch, generally located in the NE1/4 of Section 26, T6S, R65W of the 6th P.M. (described and shown on Attachment A). Not nontributary Upper Dawson: 9 acre-feet (minus amount for existing well No. 189407); Nontributary Lower Dawson: 4 acre-feet; Denver: 21 acre-feet; Arapahoe: 14 acre-feet; and Laramie-Fox Hills: 11 acre-feet, for domestic, commercial, irrigation, stockwatering, and augmentation purposes, including storage, both on and off the Subject Property. (4 pages).

10CW227, Marvin and Donna Cary, 1764 Carlson Road, Parker, CO 80138 (Kara N. Godbehere, Petrock & Fendel, 700 17th Street, #1800, Denver, CO 80202), APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT NONTRIBUTARY SOURCES IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE, AND LARAMIE-FOX HILLS AND THE NOT NONTRIBUTARY UPPER DAWSON AQUIFERS, **ELBERT COUNTY**, 35.5 acres, being Tract 7 , Carlson Ranch, generally located in the NE1/4 of Section 26, T6S, R65W of the 6th P.M. (described and shown on Attachment A). Not nontributary Upper Dawson: 9 acre-feet (minus amount for existing well No.165959); Nontributary Lower Dawson: 4 acre-feet; Denver: 21 acre-feet; Arapahoe: 14 acre-feet; and Laramie-Fox Hills: 11 acre-feet, for domestic, commercial, irrigation, stockwatering, and augmentation purposes, including storage, both on and off the Subject Property. (4 pages).

10CW228, R G and Teri L. Dicciardello, 1291 Carlson Road, Parker, CO 80138 (Kara N. Godbehere, Petrock & Fendel, 700 17th Street, #1800, Denver, CO 80202), APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT NONTRIBUTARY SOURCES IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE, AND LARAMIE-FOX HILLS AND THE NOT NONTRIBUTARY UPPER DAWSON AQUIFERS, **ELBERT COUNTY**, 35.5 acres, being Tract 1 , Carlson Ranch, generally located in the NW1/4 of Section 26, T6S, R65W of the 6th P.M. (described and shown

on Attachment A). Not nontributary Upper Dawson: 9 acre-feet (minus amount for existing well No.177117); Nontributary Lower Dawson: 4 acre-feet; Denver: 21 acre-feet; Arapahoe: 14 acre-feet; and Laramie-Fox Hills: 11 acre-feet, for domestic, commercial, irrigation, stockwatering, and augmentation purposes, including storage, both on and off the Subject Property. (4 pages).

10CW229, Pamela L. and Bruce D. Church, 1611 Castle Point Drive, Castle Rock, CO 80104 (James Petrock, Petrock & Fendel, 700 17th Street, #1800, Denver, CO 80202), APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT NONTRIBUTARY SOURCES AND FOR APPROVAL OF PLAN FOR AUGMENTATION NONTRIBUTARY LOWER DAWSON AND NOT NONTRIBUTARY UPPER DAWSON AND REQUEST FOR PLAN FOR AUGMENTATION, DOUGLAS COUNTY, 63 acres being Tracts 14 (35 acres) and 15 (28 acres), The Bluffs at Castle Pointe, being generally located in part of the SW1/4 of Section 22 and the NW1/4 of Section 27, T8S, R66W of the 6th P.M., Not nontributary Upper Dawson: 17 acre-feet (reduced for existing well No. 198509) and nontributary Lower Dawson: 11 acre-feet. Domestic, commercial, irrigation, livestock watering, fire protection, and augmentation purposes, including storage, both on and off the Subject Property. Groundwater to be augmented: 6 acre-feet per year of Upper Dawson aquifer groundwater as requested herein. Water rights for augmentation: Return flows from the use of not nontributary and nontributary groundwater and direct discharge of nontributary ground water. Statement of plan for augmentation: The Upper Dawson aquifer water will be used for domestic, irrigation, stockwatering, and storage. Sewage treatment for inhouse use will be provided by a non-evaporative septic system and consumptive use will be 10% of inhouse use and 90% of irrigation use. During pumping Applicants will replace actual depletions to the affected stream system pursuant to Section 37-90-137(9)(c), C.R.S. Depletions may occur to the Cherry Creek stream system. Return flows accrue to the South Platte River stream system, and those return flows are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicants estimate that actual depletion after 100 years of pumping is approximately 11.6% of the annual amount withdrawn. Applicants will reserve an equal amount of nontributary Lower Dawson aquifer groundwater underlying the Subject Property to meet post pumping augmentation requirements. (5 pages).

10CW230, Christopher N. Hatton and Kristine M. Doke, 1483 Carlson Road, Parker, CO 80138 (Kara N. Godbehere, Petrock & Fendel, 700 17th Street, #1800, Denver, CO 80202), APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT NONTRIBUTARY SOURCES IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE, AND LARAMIE-FOX HILLS AND THE NOT NONTRIBUTARY UPPER DAWSON AQUIFERS, ELBERT COUNTY, 35.5 acres, being Tract 2 , Carlson Ranch, generally located in the NW1/4 of Section 26, T6S, R65W of the 6th P.M. (described and shown on Attachment A). Not nontributary Upper Dawson: 9 acre-feet (minus amount for existing well No. 159680); Nontributary Lower Dawson: 4 acre-feet; Denver: 21 acre-feet; Arapahoe: 14 acre-feet; and Laramie-Fox Hills: 11 acre-feet, for domestic, commercial, irrigation, stockwatering, and augmentation purposes, including storage, both on and off the Subject Property. (4 pages).

10CW231 Lakewood County Club. 6800 West 10th Avenue Lakewood, Colorado 80215 5263; c/o Mark J. Wagner, Hill & Robbins, P.C., 1441 18th St., Suite 100, Denver, CO 80202, (303) 296-8100. Application for Finding of Reasonable Diligence and to Make Absolute in Part in JEFFERSON, DENVER, AND ARAPAHOE COUNTIES. 2. Name of Conditional Water Rights: Lakewood Country Club Exchanges. 3. Describe conditional water rights giving the following from the Original Decree: A. Date of Original Decree: September 13, 2004; Case No. 97CW381, District Court, Water Division No. 1. B. Legal Description of "Exchange To" points:

(1) Lakewood Country Club Reservoir No. 1: decreed in Civil Action No. 3635, Douglas County District Court on May 18, 1972 for the storage of water diverted from No Name Gulch through the Lakewood Country Club Ditch under a priority date of July 1, 1908 for 2.497 acre feet. The decreed location of Lakewood Country Club Reservoir No. 1 is set forth in the Decree as follows: the initial point of survey is at a point whence the southeast corner of Section 2, Township 4 South, Range 69 West of the 6th P.M. bears south $1^{\circ}30'$ east 720 feet. (2) Lakewood Country Club Reservoir No. 2: decreed in Civil Action No. 3635, Douglas County District Court on May 18, 1972 for the storage of water diverted from No Name Gulch through the Lakewood Country Club Ditch under a priority date of July 1, 1908 for 0.313 acre feet. The decreed location of Lakewood Country Club Reservoir No. 2 is set forth in the Decree as follows: the initial point of survey is at a point whence the southeast corner of Section 1, Township 4 South, Range 69 West of the 6th P.M. bears south $6^{\circ}1'$ west 605.2 feet. (3) Lakewood Country Club Reservoir No. 3: decreed in Civil Action No. 3635, Douglas County District Court on May 18, 1972 for the storage of water diverted from No Name Gulch through the Lakewood Country Club Ditch under a priority date of July 1, 1908 for 1.659 acre feet. The decreed location of Lakewood Country Club Reservoir No. 3 is set forth in the Decree as follows: the initial point of survey is at a point whence the southeast corner of Section 1, Township 4 South, Range 69 West of the 6th P.M. bears south $22^{\circ}6'$ west 654.6 feet. (4) Lakewood Country Club Reservoir No. 5: decreed in Civil Action No. 3635, Douglas County District Court on May 18, 1972 for the storage of water diverted from Lakewood Gulch under a priority date of July 1, 1908 for 2.943 acre feet. The decreed location of Lakewood Country Club Reservoir No. 5 is set forth in the Decree as follows: the initial point of survey is at a point whence the southwest corner of Section 1, Township 4 South, Range 69 West of the 6th P.M. bears south $26^{\circ}15'$ west 1,667 feet. (5) Lakewood Country Club Ditch: decreed in Civil Action No. 3635, Douglas County District Court on May 18, 1972 for the diversion of water from No Name Gulch under a priority date of July 1, 1909 for 2 c.f.s. The decreed location of Lakewood Country Club Ditch is set forth in the Decree as follows: whence the southeast corner of Section 2, Township 4 South, Range 69 West of the 6th P.M. bears south $38^{\circ}36'$ east 1,059 feet. (6) Lakewood Country Club Pump No. 1: decreed in Civil Action No. 3635, Douglas County District Court on May 18, 1972 for the diversion of water from No Name Gulch under a priority date of July 1, 1909 for 3.33 c.f.s. The decreed location of Lakewood Country Club Pump No. 1 is set forth in the Decree as follows: whence the southwest corner of Section 1, Township 4 South, Range 69 West of the 6th P.M. bears south $42^{\circ}30'$ west 710 feet. (7) Lakewood Country Club Pump No. 3: decreed in Civil Action No. 3635, Douglas County District Court on May 18, 1972 for the diversion of water from Lakewood Gulch under a priority date of July 1, 1909 for 4 c.f.s. The decreed location of Lakewood Country Club Pump No. 3 is set forth in the Decree as follows: whence the southwest corner of Section 1, Township 4 South, Range 69 West of the 6th P.M. bears south $20^{\circ}45'$ west 1,672 feet. C. Legal Description of "Exchange From" points: (1) Denver's reusable effluent from the Littleton/Englewood Wastewater Treatment Plant outfall, located on the east bank of the South Platte River approximately 1.4 miles downstream from the confluence of Bear Creek and the South Platte River, as determined by available flow on Denver's Daily Operation Sheets; or (2) Denver's reusable effluent from the Metro Wastewater Treatment Plant outfall, located on the east bank of the South Platte River near the confluence of the South Platte River and Sand Creek, as determined by available flow from Denver's Daily Operation Sheets; or (3) Denver's reusable effluent from the Glendale Wastewater Treatment Plant outfall [no longer available], located on the north bank of Cherry Creek approximately 1,000 feet upstream from the point where Cherry Creek crosses Colorado Boulevard, as determined by available flow from Denver's Daily Operation Sheets; or (4) Denver's reusable return flows in Lakewood Gulch upon quantification by Denver in a subsequent Water Court case. (5) Denver's raw water delivered through the outlet of Chatfield Reservoir as measured by the outflow gauge; or (6) Any other source of augmentation water available to Denver acceptable to the Division Engineer. D. Source: Water

in or tributary to No Name and Lakewood Gulches diverted by exchange of water delivered at the "Exchange From" points described in paragraph 3.C, above, pursuant to the Raw Water Lease Agreement dated September 16, 1997, by and between the Lakewood Country Club and the City and County of Denver, acting by and through its Board of Water Commissioners. E. Appropriation Date: December 31, 1997; Amount: 5 cfs, conditional, up to 60 acre-feet during any water year (November 1 through October 31), conditional. F. Use: by exchange for the beneficial uses decreed in Case No. 97CW381. 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: During the diligence period, Applicant has incurred and expended over \$1,482,600.00 in capital costs for installation of an irrigation system for the Lakewood Golf Course, and an additional \$5,859,700 in costs attributable water lease payments and the operation, maintenance, and management of the Lakewood Golf Course and associated reservoirs and other structures for which the subject water rights are used. Applicant has kept regular records of diversions and usage and made all necessary reports to the Division Engineer, and has installed and maintained measuring devices required to administer the augmentation and exchange plan decreed in Case No. 97CW381. 5. Claim to make absolute (in part)--Date water applied to beneficial use: April 13, 2005; Amount: 1.10 cfs, and the maximum annual exchange volume of exchange was 24.11 acre-feet that occurred between January 1, 2006 and December 31, 2006 for the beneficial uses decreed in Case No 97CW381. A summary of diversion and call records evidencing the in-priority diversions by exchange are attached to the application.

10CW232 ROGER AND SHERYL MATZ, 32497 Buffalo Park Road, Evergreen, CO 80439. Telephone: (303) 679-3278. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN JEFFERSON COUNTY. Date of original decree: 9-22-04 in case no. 99CW122 in Water Div. 1. Well located SW1/4, NW1/4, S17, T5S, R71W of the 6th PM at a distance 1440 ft from North and 800 ft from West. Address: 32497 Buffalo Park Rd. West Haven Heights subdivision; Lot 4; Block 1. Source: Groundwater. Appropriation date: 6-17-74. Amount: 15 gpm. Use: Household use, water domestic animals, irrigation of lawns & gardens and fire protection.

10CW233 Conifer Metropolitan District, c/o David Coppfer, President, 10901 West Toller Drive, Littleton, CO 80127 (c/o Timothy J. Flanagan, 1640 Grant Street, Denver, Colorado 80203). APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE CERTAIN CONDITIONAL WATER RIGHTS IN JEFFERSON COUNTY. INTRODUCTORY STATEMENT: This filing is to make absolute a number of conditional water rights that were originally decreed in Case No. 01CW161. Those conditional water rights include 5 wells, a storage pond and an exchange right on Turkey Creek. The 5 wells have been drilled and are in operation and the storage pond has been constructed, filled and augmentation releases made. To date the exchange has not had to operate since the storage pond has been able to operate in priority. These water rights were adjudicated to support a shopping center known as the Village at Elk Crossing and the original Applicant was the Village at Elk Crossing, LLC. This water right is now held by the Conifer Metropolitan District which provides both water and sewer services to this commercial development of approximately 30 acres just north of Conifer, Colorado located in the NW1/4 of the SE1/4 in Section 14, Township 6S, Range 71 W, of the 6th P.M. in Jefferson County, Colorado. 2. Name of Structures: A. Village Wells Nos. 1-5 Village Well No. 1: This well is located 1,520 feet from the east section line and 1,520 feet from the south section line of Section 14, Township 6 South, Range 71 West, 6th P.M. and was drilled in accordance with Well Permit No. 63577-F (WDID No. 0905914). Village Well No. 2: This well is located 1,520 feet from the east section line and 1,870 feet from the south section line of Section 14, Township 6 South, Range 71 West, 6th P.M. and was drilled in

accordance with Well Permit No. 63578-F (WDID No. 0905915). Village Well No. 3: This well is located 1,720 feet from the east section line and 2,020 feet from the south section line of Section 14, Township 6 South, Range 71 West, 6th P.M. and was drilled in accordance with Well Permit No. 63579-F (WDID No. 0905916). Village Well No. 4: This well is located 2,391 feet from the east section line and 1,840 feet from the south section line of Section 14, Township 6 South, Range 71 West, 6th P.M. and was drilled in accordance with Well Permit No. 63696-F (WDID No. 0905917). Village Well No. 5: This well is located 1,820 feet from the east section line and 1,520 feet from the south section line of Section 14, Township 6 South, Range 71 West, 6th P.M. and was drilled in accordance with Well Permit No. 65162-F (WDID No. 0905918). B. Village Pond Location of Dam: NW1/4 of the SE1/4 of Section 14, Township 6 South, Range 71 West of the 6th P.M.; the center of Village Pond is located approximately 2,450 feet from the south section line and 1,600 feet from the east section line of said section 14. Inflows from the Village Spring, natural runoff from an unnamed tributary to North Turkey Creek and from water rights pursuant to an exchange decreed in Case No. 01CW161. C. Village Turkey Creek Exchange. A conditional appropriate right of substitution and exchange was decreed but has not yet been exercised from Spinney Mountain Reservoir up Turkey Creek to Village Pond in amount of 2.15 acre-feet with an appropriation date of August 1, 2001 and an exchange and substitute supply plan from Mountain Mutual Resource Company exchange from the confluence of Bear Creek and Turkey Creek at Bear Creek Lake in Section 5, Township 5 South, Range 69 West of the 6th P.M. in Jefferson County, Colorado to Meadowview Reservoir or the Village Pond with an appropriate date of September 30, 2003 and a maximum flow rate of 0.3 cfs. Water stored in Meadowview Reservoir may also be exchanged upstream into storage at the Village Pond. 3. Description of Conditional Water Right: In Case No. 01CW161, all of the conditional water rights which are the subject of this Application were originally decreed as follows: A. Date of Original Decree: August 11, 2004 as modified by an Order entered on May 17, 2006. B. Location of Structures: All structures are located in the NW1/4 of the SE1/4 of Section 14, Township 6 South, Range 71 West of the 6th P.M., Jefferson County, Colorado. All of these structures are shown on the attached diagram and more particularly described as noted above in ¶2. C. Source: The groundwater and surface water is tributary to North Turkey Creek, a tributary of Turkey Creek, tributary to the South Platte River. D. Appropriation Date: May 24, 2001. E. Use: The Village Wells Nos 1-5 are decreed for indoor commercial use and fire protection. The Village Pond is decreed for indoor commercial use, fire protection, piscatorial and augmentation. F. Annual Diversion Limit: Even though each of the 5 Village wells was decreed for 50 gallons per minute, there is a combined annual volume limitation on those 5 wells of 24.48 acre-feet. Further, all groundwater diverted through the Village wells is treated onsite using a central mechanical wastewater treatment system which then recharges the fractured bedrock aquifer from which the water was withdrawn. 4. Detailed Outline of What has been done towards completion of appropriation in application to beneficial use: The following activities have been undertaken by the Applicant or its predecessors in interest during the diligence period of September 2004 through September 2010 as follows: A. Well Construction: The District has spent in excess of \$337,000 to construct and operate the Village Wells Nos. 1-5. This includes payments to drilling contractors, permitting activity, and equipment purchases. B. Groundwater Monitoring: Jefferson County and the Water Court required the District or its predecessors to operate a groundwater monitoring program in the vicinity of the Village at Elk Crossing. This program includes the periodic measurement and reporting of 22 wells on and off the property. This information is measured by “data loggers” which must be periodically calibrated and downloaded by District’s groundwater consultants. This information is gathered, correlated and reported to various parties. The District has spent in excess of \$190,000 to fulfill this requirement during the diligence period. A map of the monitored wells, both on-site and off-site is attached. C. Storage Facility: The District has constructed the Village pond with an active storage capacity of 3.7 acre-feet. This facility has been in operation since June 2005. All inflow and outflows to the Village pond

are measured and recorded and reported to the Water Commissioner. The District has expended in excess of \$200,000 to build and operate this storage vessel and related facilities. D. Flumes: In order to measure the exchange capabilities and for accounting purposes, the District has acquired land and built a measuring flumes to record flows at all points described in Paragraph 40 of Case No. 01CW161. The flumes are periodically monitored and the results reported to the Water Commissioner as part of the record keeping for the augmentation plan. E. Treatment Plant: The augmentation plan is based upon onsite treatment of all waters diverted through the 5 Village Wells. After use, all of this water is replaced and recharged through the treated wastewater facility into the fractured bedrock aquifer which is the source of supply of these 5 wells. The design, installation, construction and operation of that central mechanical wastewater treatment plant and recharge facility has been accomplished at a cost in excess of \$4,369,000 to the District during the diligence period. F. Legal and Consulting: The District has incurred and paid legal and water consulting fees in conjunction with the activities outlined above and to protect and operate its water rights which are the subject of this Application. During the diligence period legal fees have been in excess of \$30,000 and water consultant fees have been in excess of \$148,000. 5. Water Applied to a Beneficial Use: A. Village Wells:

WELL	DECREED RATE	MAX. ANNUAL VOLUME PUMPED	MEASURED RATE
Village Well 1	50 gpm	-	Not currently pumped
Village Well 2	50 gpm	9.06 af	Max. 32 gpm
Village Well 3	50 gpm	3.40 af	Max. 31 gpm
Village Well 4	50 gpm	10.2 af	Max. 35 gpm
Village Well 5	50 gpm	-	Not currently pumped

B. Village Pond: 1. Total Capacity: 3.7 acre-feet; 2. Active Capacity: 3.7 acre-feet; C. Village Turkey Creek Exchange: N/A; this exchange is not operated since the onsite storage releases have been sufficient to balance any depletions by the Village well field. 6. Owners: All of the facilities and structures identified in this Application are on land owned or leased by the Conifer Metropolitan District. 7. Remarks: Map of monitoring wells both on-site and offsite is attached.

10CW234 JULIA A. SANDROCK, 10909 Benton Pl., Parker, CO 80134. Telephone: (303) 805-7411. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN PARK COUNTY. Date of original decree: 9-10-04 in case 96CW753 in Water Division 1. Sandrock Well #1 located SW1/4, NE1/4, S14, T9S, R75W of the 6th PM. Street address: 900 Quarter Horse Rd. Indian Mountain subdivision; Lot 528, Filing 26, Unit 5. Source: Groundwater. Appropriation date: May 31, 1973. Amount: 15 gpm. Use: Single family dwelling.

10CW235 Riverside Irrigation District. 221 East Kiowa Avenue, Fort Morgan, Colorado 80701 (970) 867-6586; c/o Mark J. Wagner, Hill & Robbins, P.C., 1441 18th St., Suite 100, Denver, CO 80202, (303) 296-8100. **Application for Finding of Reasonable Diligence in WELD AND MORGAN COUNTIES.** 2. Name of Structure: Vancil Reservoir, First Enlargement. 3. Describe conditional water right giving the following from the Referee's Ruling and Judgment and Decree: a. Date of Original Decree: October 30, 1990; Case No. 88 CW 221; Court: District Court, Water Division No. 1. b. Location: (1) Vancil Reservoir is an off-channel reservoir located in portions of Sections 28, 29, 32, and 33, T5S, R56W, 6th P.M., Morgan County, Colorado. The initial point of survey of the high water line of Vancil Reservoir is located on the left abutment of the dam at a point which bears approximately north 52°52' west 1200 feet from

the southeast corner of Section 29, T5N, R56W, 6th .M., thence south 37°51' east 940 feet; thence across Section 32 into section 33, T5N, R56W, 6th P.M., south 43°55' east 1020 feet; thence north 87°34' east 396 feet; thence south 35°35' east 1000 feet; thence north 60°00' east 2600 feet to the northeast end of the dam. (2) Point of diversion to storage: The ditch used to fill Vancil Reservoir is the Riverside Canal, having a capacity of 1000 cfs at the point of diversion located on the north bank of the South Platte River near Kuner, Colorado, in the SW/4 SW/4, Section 20, T5N, R 63W, 6th P.M., Weld County Colorado. c. Source: South Platte River and all tributaries intersecting the Riverside Canal, including natural runoff. d. Appropriation Date: June 17, 1986; Amount: 1950 acre-feet to be diverted through the Riverside Canal at a maximum rate of 1000 cfs, with the right to temporarily store water in Riverside Reservoir and Wildcat Reservoir and to fill and refill and maintain Vancil Reservoir at full capacity when water is legally available. Pursuant to the Decree in Case No. 96CW236, 658.4 cfs of the said 1000 cfs conditional diversion rate, and 1359 acre feet of the said 1950 acre feet conditional storage right, were made absolute. e. Use: Irrigation, augmentation, recharge, replacement, domestic, municipal, industrial, stock water, recreational and wildlife purposes. The water stored in Vancil Reservoir or recharged to the alluvium of the South Platte River may be used directly or by exchange. The acreage to be irrigated includes land in Weld and Morgan Counties now, or in the future, included in Riverside Irrigation District under the provisions of the Irrigation District Law of 1905. The District is presently located on the north side of the South Platte River in Townships 4 and 5 North, Ranges 55 through 63 West, 6th P.M. in Weld and Morgan Counties.

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: Since the decree was entered in Case No. 04CW101, Applicant has continuously operated and maintained Vancil Reservoir and its associated structures and the Applicant and Riverside Reservoir and Land Company have incurred operation, maintenance and other expenses incident to Vancil Reservoir and associated structures in an amount in excess of \$2,551,000 during the diligence period. However, no additional water was diverted, stored or used pursuant to the subject water rights over and above the amounts previously made absolute. Accordingly, Applicant requests that the Court enter a decree finding that the Applicant has exercised reasonable diligence in the development of the remaining conditional water right and that the Court enter a Decree affording the applicant such other relief as the Court deems appropriate.

5. Land ownership for storage structure. Vancil Reservoir is located on land owned by the Applicant.

10CW236 Hunt Feedyard, Inc., 14460 WCR 40, Platteville, Colorado 80651; P. Andrew Jones, Lawrence Jones Custer Grasmick LLP, 355 Eastman Park Drive, Suite 200, Windsor, Colorado 80550; (970) 674-9888; Application for Change of Well Location IN **WELD COUNTY**. Name of Structure: Strear Well No. 1-RF371 (0664); Original Decree: Case No. W-5324, Water Division No. 1. Adjudication date: July 22, 1975. Appropriation date: May 31, 1950. Decreed Location: In the NW1/4 of the NW1/4 of Section 33, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado, at a point 30 feet South and 720 feet East of the NW Corner of said Section 33. Source: Groundwater. Decreed flow rate: .667 c.f.s., absolute. Decreed Use: Irrigation of 45 acres in the NW1/4 of Section 33, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. Well Permit: 664-R-R. Name of Structure: Strear Well No. 2-0665. Original Decree: Case No. W-5324, Water Division No. 1. Adjudication date: July 22, 1975. Appropriation date: April 30, 1955. Decreed Location: In the NW1/4 of the NW1/4 of Section 33, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado, at a point 611 feet South and 50 feet East of the NW Corner of said Section 33. Source: Groundwater. Decreed flow rate: .44 c.f.s., absolute. Decreed Use: Irrigation of 45 acres in the NW ¼ of Section 33, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. Well Permit: 665-R. Change of well location: Strear Well No. 1-RF371

(0664) and Strear Well No. 2-0665 were replaced with a single well located more than 200 feet from the originally decreed locations. Applicant seeks to change the decreed location of the wells to the actual location of the single well, which is approximately 600 feet from the original decreed location for Strear Well No. 1-RF371 (0664). The correct location is as follows: GPS Coordinates: NAD 83, Easting 518099, Northing 4558318. Upon entry of a decree approving this application, Applicant will apply to the Colorado Division of Water Resources to obtain new well permits reflecting this corrected location. Name and address of owner of land on which structure is located: Applicant owns the structure and the land upon which structure is located. This application consists of 4 pages.

10CW237 COLUMBINE COUNTRY CLUB, 17 Fairway Lane, Littleton, CO 80123, through attorneys, Petrock & Fendel, P.C., Matthew S. Poznanovic, Atty. Reg. #29990, 700 Seventeenth Street, Suite 1800, Denver, Colorado 80202, Telephone: (303) 534-0702. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE, IN ARAPAHOE COUNTY**. 2. Decree Information: Decreed in Case No. W-8740-77 on November 9, 1983. The period of diligence which is the subject of this application is from the date of decree in Case No. 02CW203 being August 2004. 3. Name of structure: Dutch Creek Lake 4. Source of water: Dutch Creek 5. Date of appropriation: June 24, 1959 6. Amount: 1.5 acre-feet with right to refill (conditional). 7. Location of Structure: The center of the dam is located in the golf course at Columbine Country Club at a point which is N. 10.5 degrees W., 1500 feet of the Southeast corner of Section 19, T. 5 S., R. 68 W. of the 6th P.M., Arapahoe County. 8. Uses: Recreational, landscaping, aesthetic, and irrigation. Recreational and aesthetic use was previously decreed absolute in Case No. 94CW224. 9. This Application for Finding of Reasonable Diligence is filed pursuant to the Water Right Determination and Administration Act of 1969, Sec. 37-92-302, C.R.S. 10. During this diligence period, in continuing the development of the conditional water rights, Applicant has been engaged in the legal defense and protection of said water rights and has been diligent in the continued use and development of the water rights involved. These activities include, but are not limited to, the following: 10.1 Applicant's consultant completed an engineering study of water quality in Dutch Creek. 10.2 Applicant's consultant prepared updates to its accounting form to incorporate the Dutch Creek Lake conditional storage water rights. 10.3 Applicant has continued to store water in Dutch Creek Lake for previously decreed absolute uses. 10.4 Applicant purchased a new water pump and motor for use in Dutch Creek Lake. 10.5 Applicant purchased a new water tank and related irrigation equipment for use of the conditional water rights. 10.6 Applicant purchased and installed a water feature in Dutch Creek Lake. 10.7 Applicant has incurred expenses in excess of \$9,000.00 regarding purchase of the water feature, pump, storage tank and related equipment. 10.8 Applicant participated in a water court proceeding in order to protect its water rights. 10.9 Applicant has incurred additional expenses for legal, consulting, and engineering work. 10.10 During the diligence period, legal counsel for Applicant has reviewed the resume of applications as published by the Water Clerk for Water Division 1 and advised Applicant whether Statements of Opposition need to be filed to protect the water rights (4 pages).

10CW238 (04CW34, 04CW34, 84CW177) CEMEX, INC. AND THE CITY OF LONGMONT. 1100 South Sherman Street Longmont, CO 80501, (Longmont) 5134 Ute Highway, P.O. Box 529, Lyons, CO 80540 (Cemex). Direct all pleadings to: Raymond L. Petros, David S. Hayes, Nicole L. Johnson, Petros & White, LLC, 1999 Broadway, Suite 3200, Denver, CO 80202, (303) 825-1980. 2. Name of Structure: St. Vrain – Portland No. 1 Reservoir (a/k/a-A-Pit) **APPLICATION FOR A FINDING OF REASONABLE DILIGENCE AND CLAIM TO MAKE PARTIALLY ABSOLUTE In BOULDER COUNTY**. 3. Name and description of conditional water rights: A. Original decree: Decreed by the District Court, Water Division No. 1, in Case No. 84CW177, on June 27, 1991. B. Legal description: Section 28, Township 3 North,

Range 70 West, 6th P.M., Boulder County, as depicted on the map attached hereto as Exhibit C. C. Source: St. Vrain Creek, via the Swede Ditch, Boulder Feeder Canal, Foothills Reservoir Feeder Canal, and/or Smead Ditch, also shown on Exhibit C. D. Amount: 9,000 acre feet, conditional. E. Use: Irrigation, municipal, industrial, flood control, water quality control, recreation, fishery enhancement, minimum stream flows, exchange and replacement. F. Prior diligence decrees and decree making partially absolute: Findings of reasonable diligence were subsequently made in the decrees entered in Case No. 97CW189, on February 9, 1998, and Case No. 04CW34, on September 17, 2004. In addition, the decree entered in Case No. 97CW189 made absolute 1607 acre-feet for irrigation, industrial, flood control, recreation, fishery enhancement, and exchange and replacement purposes. 4. Evidence of Reasonable Diligence: During the applicable diligence period (September 2004 – Present), Cemex and Longmont have taken steps to diligently develop the conditional St. Vrain – Portland No. 1 Reservoir right. The application contains a detailed outline of the activities performed during the diligence period and is available for inspection and/or copying at the office of the Applicants’ attorneys, the Water Court or via Lexis Nexis. This is not intended to be all-inclusive and may be supplemented by additional evidence during any hearing in this matter. 6. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: A. Reservoir: Cemex, Inc., at the address given previously. B. Foothills Reservoir Feeder Canal: Highland Ditch Company, 4309 State Highway 66, Longmont, CO 80504 C. Swede Ditch: Swede Ditch Company, P.O. Box 95, Hygiene, CO 80533, D. Boulder Feeder Canal: Northern Colorado Water Conservancy District, 220 Water Avenue, Berthoud, Colorado 80513, E. Smead Ditch: Smead Ditch Company, 5475 Hygiene Road, Longmont, CO 80503. WHEREFORE, Applicants respectfully request that the Court enter a decree finding reasonable diligence for and continuing in full force and effect the remaining conditional portion of the Subject Right described in Paragraphs 2 & 3 above.

10CW239 (03CW411, 96CW1173, 87CW297). WILLIAM J. HOGAN, JOANN SHARP, AND JOHN C. HOGAN. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN JEFFERSON COUNTY. 1. Name, address and telephone number of Applicant: William J. Hogan, JoAnn Sharp, and John C. Hogan (“Applicants”), c/o William J. Hogan, 11919 State Highway 93, Boulder, Colorado 80303. Direct all pleadings to: Steven J. Bushong, Eli A. Feldman, Porzak Browning & Bushong LLP, 929 Pearl Street, Suite 300, Boulder, CO 80302, (303) 443-6800. 2. Name of Structures: A. Hogan Ditch No. 2. B. Hogan Reservoir No. 2. 3. Description of Conditional Rights: A. Original decree: Decree of the Water Court, Water Division No. 1, in Case No. 87CW297, dated December 13, 1990. Findings of reasonable diligence were entered in Case No. 96CW1173 and Case No. 03CW411. B. Decreed location of structures: (1) Hogan Ditch No. 2: The point of diversion for Hogan Ditch No. 2 is located in the E1/2 of the SW1/4, Section 5, Township 2 South, Range 70 West, 6th P.M., Jefferson County, Colorado, at a point approximately 1,475 feet from the south line and 1,630 feet from the west line of said Section 5. From this point, Hogan Ditch No. 2 heads northeast and terminates at Hogan Reservoir No. 2. Hogan Ditch No. 2 is used to fill Hogan Reservoir No. 2. (2) Hogan Reservoir No. 2: Hogan Reservoir No. 2 is located in a portion of the NW1/4 of the SE1/4, and the NE1/4 of the SW1/4, both in Section 5, Township 2 South, Range 70 West, 6th P.M., Jefferson County, Colorado. (3) A map depicting the locations of the subject structures is attached hereto as Exhibit A. C. Source of water: (1) Hogan Ditch No. 2: A spring located at the point of diversion for Hogan Ditch No. 2, tributary to Coal Creek, tributary to the South Platte River. (2) Hogan Reservoir No. 2: Hogan Ditch No. 2 is the source for Hogan Reservoir No. 2. D. Appropriation dates (both structures): June 1, 1938 (for irrigation, livestock and domestic purposes); December 1, 1985 (for municipal, commercial, industrial, exchange, replacement,

augmentation and related beneficial uses). E. Amount of water: (1) Hogan Ditch No. 2: 70 gpm (0.156 cfs). (2) Hogan Reservoir No. 2: 12 acre feet, with the right to fill and refill repeatedly at a filling rate of 0.156 cfs. F. Use (both structures): In Case No. 87CW297, the structures were originally decreed absolute for irrigation, livestock and domestic purposes; and conditional for municipal, commercial, industrial, exchange, replacement, augmentation and related beneficial uses. In Case No. 96CW1173, commercial and industrial uses were made fully absolute and a finding of reasonable diligence was entered for municipal, exchange, replacement, augmentation and related beneficial uses. 4. Detailed outline of work done to complete the project and apply water to beneficial use: The subject water rights were decreed in Case No. 03CW411 as components of Applicants' integrated water supply system. Since the last diligence decree was entered in Case No. 03CW411, Applicants have undertaken the following specific activities that demonstrate diligence with regard to the subject conditional right: A. Applicants are in the process of negotiating a renewal of their lease with Texas Industries, Inc. to permit the continued extraction of aggregate materials from Applicant's property. The mining activities are currently creating a water storage facility, the depletions from which may be augmented by the subject water rights in the future. B. Applicants entered into a contract with the City and County of Denver, acting by and through its Board of Water Commissioners ("Denver"), to allow Applicants to collect and use transbasin water that leaks or is discharged from Denver's pipelines that transect Applicant's property. Such transbasin water can be captured in Hogan Reservoir No. 2. C. Applicants have encumbered their property with a deed of conservation easement that retains Applicants' right to construct five residences, in addition to the two residences already in existence. The development of the rights reserved in the deed of conservation easement may require storage capacity and a plan for augmentation, which can be supplied by the subject water rights. D. Applicants have maintained the embankment, headgate, ditch, and other infrastructure that forms Hogan Reservoir No. 2 and Hogan Ditch No. 2. E. Applicants employed an engineering firm to study exchange potential for exchanges of historical use credits to firm up the yield of Applicant's integrated water supply system. F. Applicants have had meetings and/or correspondence with Denver, the Town of Superior, developers within the City of Arvada and others regarding the use of its of water rights and/or its water facilities. G. Applicants engaged an engineer to prepare construction drawings for flume installation and headgate improvements on Hogan Ditch No. 2. H. Applicants installed a new water line, running from Hogan Well No. 2 to a horse barn facility, including in-line connections for future taps. All of the above activities are necessary prerequisites to applying the subject conditional water right to the remaining conditional beneficial uses of municipal, exchange, replacement, augmentation and related beneficial uses. 5. Ownership: Applicants own the land upon which the Hogan Ditch No. 2 and Hogan Reservoir No. 2 are located. WHEREFORE, Applicants requests that the Court enter a decree finding the Applicants reasonably diligent in applying the Hogan Ditch No. 2 and Hogan Reservoir No. 2 water rights to municipal, exchange, replacement, augmentation and related beneficial uses.

10CW240 L & M Ranch, LLC, 7967 S. Pontiac Way, Centennial, CO 80112, (303) 773-1967. Jeffrey J. Kahn, Lyons Gaddis Kahn & Hall, PC, P.O. Box 978, Longmont, CO 80502-0978, (303) 776-9900. Application for Finding of Reasonable Diligence in **ELBERT COUNTY**. 3. **Name of structure**: Children's Reservoir f/k/a Agate Reservoir. 4. **Previous decrees**: The original decree was entered in Case No. 79CW182 on March 24, 1983, and diligence decrees were entered in Case No. 85CW358 on September 19, 1988; Case No. 89CW182 on November 2, 1990; Case No. 96CW269 on October 3, 1997; and Case No. 03CW362 on September 13, 2004. 5. **Decreed Location**: The axis of the dam is at a point from whence the northwest corner of Section 11, T7S, R59W, 6th P.M., bears North 80°30' West 2,431 feet or approximately 525' south of the north section line for Section 11 and 2,460' east of the west section line of Section 11. 6. **Decreed Source**: Godfrey Gulch, tributary to East Bijou Creek. 7. **Decreed**

Appropriation Date: June 1, 1905. 8. **Decreed Amount:** 7,727 acre feet, absolute. 9. **Decreed Uses:** Absolute for the irrigation of 70 acres; conditional for the irrigation of 1065 acres. 10. **Work done toward completion of the appropriation during the subject diligence period:** During the diligence period, the Applicant has filled the reservoir with water, but has not been able to expand the irrigation beyond the 70 acres already irrigated. The Applicant has maintained and improved the reservoir during the diligence period by placing gravel on one of the dams to repair and prevent erosion at a cost of \$468.00, by improving one of the diversion structures into the reservoir at a cost of \$336.00 and placing fencing at the reservoir in order to prevent cattle from accessing the dam at a cost of \$166.00. The Applicant has also filled holes on the dam and leveled the dam. 11. **Owner of land upon which the structure is located:** Applicant. WHEREFORE, Applicant requests the Court enter a decree finding that Applicant is entitled to the finding of reasonable diligence and continuing the conditional water right for another six years. (4 pages)

10CW241 JAMES AND FAYE GILMORE, 404 Thunder Road, Golden, CO 80401, through attorneys: Petrock & Fendel, P.C., James J. Petrock, Atty. Reg. #2881, 700 Seventeenth Street, Suite 1800, Denver, Colorado 80202, Telephone: (303) 534-0702. APPLICATION TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE, IN JEFFERSON COUNTY. 2. Decree Information: Decreed on January 27, 1999, in Case No. 97CW264, District Court, Water Division 1. 3. Name of structure: Gilmore Pond. 4. Source of water: An unnamed tributary of Beaver Brook, a tributary of Clear Creek. 5. Date of appropriation: September 30, 1997. 6. Amount: 0.6 acre-feet per year and refill (conditional). 7. Location: Located in the NE1/4 NW1/4 of Section 16, T4S, R71W of the 6th P.M., at a point approximately 1600 feet from the west and 450 feet from the north section line of Section 16. The pond is filled through a pipeline on the stream located approximately 1850 feet from the west and 260 feet from the north section line of Section 16. 8. Uses: Recreation, wildlife and fish propagation, and replacement and augmentation (conditional). 9. The Gilmore Pond has been constructed and diverted and stored water in priority between April 23 and June 25, 2010. The pond is located off channel and is lined. Applicant requests that the conditional amount of 0.6 acre-feet be made absolute for recreation, wildlife and fish propagation use. (2 pages).

10CW242 PALMER DIVIDE WATER COMPANY, 2760 N. Academy, #314, Colorado Springs, CO 80917, through attorneys: Petrock & Fendel, P.C., James J. Petrock, Atty. Reg. #2881, Kara N. Godbehare, Atty. Reg. #36742, 700 Seventeenth Street, Suite 1800, Denver, Colorado 80202, Telephone: (303) 534-0702. APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION, IN EL PASO COUNTY. 2. Description of plan for augmentation: A. Groundwater to be augmented: 46.5 acre-feet per year of not nontributary Dawson aquifer groundwater to be withdrawn over a 100 year pumping period as decreed in Consolidated Case Nos. 93CW75, Water Division 2, and 93CW147, District Court, Water Division 1, and 87.15 acre-feet per year of not nontributary Dawson aquifer groundwater to be withdrawn over a 300 year pumping period as decreed in Consolidated Case Nos. 94CW49(A) and (B), Water Division 2, and 94CW144(A) and (B), District Court, Water Division 1. The land which is the subject of the decree is approximately 1802 acres located in Sections 4, 5, 7, 8, 9, and 17, T11S, R66W of the 6th P.M., as shown on Attachment A hereto (Subject Property). Applicant is the owner of the groundwater which is the subject of this application. B. Water rights to be used for augmentation: Return flows from the use of not nontributary Dawson aquifer water and return flows and direct discharge of nontributary groundwater as decreed Case No. 85CW230, District Court, Water Division 1. C. Statement of plan for augmentation: The purpose of this augmentation plan is to supplement withdrawals from individual not nontributary Dawson aquifer wells as also previously decreed in the decrees described in paragraph 2.A above. In Consolidated Case Nos. 93CW75, Water Division 2, and 93CW147, District Court, Water Division 1, an augmentation

plan was approved for the use of 119 individual Dawson aquifer wells to withdraw 0.38 acre-feet per year (0.27 for inhouse use and 0.11 acre-feet for irrigation of 3000 square-feet of irrigated area). In Consolidated Case Nos. 94CW49(A) and (B), Water Division 2, and 94CW144(A) and (B), District Court, Water Division 1, an augmentation plan was approved for the use of 390 individual Dawson aquifer wells to withdraw 0.419 acre-feet per year (0.27 for inhouse use and 0.149 acre-feet for irrigation of 3000 square-feet of irrigated area). By this application an additional withdrawal of 0.62 acre-feet and 1 acre-foot total will be available through 75 of the wells in Consolidated Case Nos. 93CW75, Water Division 2, and 93CW147, District Court, Water Division 1, and an additional withdrawal of 0.581 acre-feet and 1 acre-foot total will be available through 150 of the wells in Consolidated Case Nos. 94CW49(A) and (B), Water Division 2, and 94CW144(A) and (B), District Court, Water Division 1. The additional annual amounts will provide additional inhouse use and irrigation of an additional 7000 square feet of irrigated area per well. Residential lots on which this water will be used utilize non-evaporative septic systems and consumptive use associated with inhouse use will be approximately 10% of water used and consumptive use associated with irrigation use will be approximately 90% of water used. Applicant requests that this plan for augmentation be operated in combination with the augmentation plans previously approved and described above. Lot owners operating wells under this new plan for augmentation will report all annual pumping to the Kings Deer Homeowners Association in a timely manner. D. Actual depletions to the affected stream systems will be replaced during pumping pursuant to Section 37-90-137(9)(c), C.R.S. Depletions occur to stream systems in Water Divisions 1 and 2, this application is being filed in both divisions. Return flows from use of the water return to the South Platte River stream system and such return flows are sufficient to replace the required amount of replacement. Applicant requests that the total actual depletion to all stream systems be returned to the South Platte River stream system and for a finding that those replacements are sufficient. Additional amounts of nontributary groundwater as decreed in Case No. 85CW230 will be reserved to meet any additional post pumping augmentation requirements. Lot owners operating wells under this plan will be responsible for any post pumping depletions which may occur by the pumping of these additional annual amounts, unless approved by the Kings Deer Homeowners Association. WHEREFORE, Applicant prays that this Court enter a Decree: 3. Granting the application herein and specifically determining that vested or conditionally decreed water rights of others will not be materially injured by the withdrawals of groundwater and the plan for augmentation proposed herein. (4 pages)

10CW243 (87CW309) The Town of Castle Rock, Attn: Ron Redd, Utilities Director, 175 Kellogg Court, Castle Rock, CO 80109, (720) 733-6002 Jeffrey J. Kahn, Madoline Wallace-Gross, Lyons, Gaddis, Kahn & Hall, P.C., P.O. Box 978, Longmont, CO 80502-0978, (303) 776-9900 **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN DOUGLAS COUNTY** 2. Names and descriptions of structures: 2.1. Appropriative Right of Exchange from Confluence of East and West Plum Creek to Douglas Lane Pipeline. 2.1.1. Downstream Terminus: Confluence of East and West Plum Creeks, in the SW1/4 SE1/4 Section 23, T. 7 S., R. 68 W., 6th P.M. 2.1.2. Upstream Terminus: Douglas Lane Pipeline, located on the east bank of East Plum Creek in the NE1/4 SE1/4 Section 22, T. 8 S., R. 67 W., 6th P.M., 2250 feet from the south section line and 800 feet from the east section line. 2.1.3. Source: Consumptive use credits from the Benjamin Quick, John Kinner, John Kinner No. 2 and Huntsville Ditches, changed in Case No. 87CW309, District Court, Water Division No. 1. 2.1.4. Appropriation Date: December 30, 1987. 2.1.5. Exchange Rate: 2.02 cfs, conditional. 2.1.6. Uses: All municipal, industrial, storage, exchange, replacement and augmentation uses. 2.1.7. Amount Claimed Absolute: Not applicable. 2.2. Appropriative Right of Exchange from the Confluence of East and West Plum Creek to East Plum Creek Well Field and the Meadows Well Field 2.2.1. Downstream Terminus: Confluence of East and West Plum Creek, in the SW1/4 SE1/4 Section 23, T. 7 S., R. 68 W., 6th

P.M., 2.2.2. Upstream Termini: Wells in the East Plum Creek Well Field (Castle Rock Well Nos. 2, 3, 4, 8, 9, 11, 12, 13, 78 to 87 inclusive) and the Meadows Well Field (Castle Rock Well Nos. 184 to 203 inclusive). 2.2.2.1. Castle Rock Well No. 2, located in NE1/4 SE1/4, Section 11, T. 8 S., R. 67 W., 6th P.M., Douglas County, 1535 feet from the south line and 1300 feet from the east line of Section 11. 2.2.2.2. Castle Rock Well No. 3, located in NW1/4 SE1/4, Section 11, T. 8 S., R. 67 W., 6th P.M., Douglas County, at a point approximately 1980 feet north and 1710 feet west of the SE corner of Section 11. 2.2.2.3. Castle Rock Well No. 4, located in NE1/4 NW1/4, Section 11, T. 8 S., R. 67 W., 6th P.M., Douglas County, 530 feet from the north line and 1910 feet from the west line of Section 11. 2.2.2.4. Castle Rock Well No. 8, located in NE1/4 NW1/4, Section 11, T. 8 S., R. 67 W., 6th P.M., Douglas County, 270 feet from the north line and 1930 feet from the west line of Section 11. 2.2.2.5. Castle Rock Well No. 9, located in SE1/4 SW1/4, Section 2, T. 8 S., R. 67 W., 6th P.M., Douglas County, at a point approximately 660 feet north and 1600 feet east of the SW corner of Section 2, a/k/a at Rock and Elbert Streets. 2.2.2.6. Castle Rock Well No. 11, located in SW1/4 NW1/4, Section 14, T. 8 S., R. 67 W., 6th P.M., Douglas County, at a point approximately 2600 feet south of the north line and 900 feet east of the west line of said Section 14. 2.2.2.7. Castle Rock Well No. 12, located in NW1/4 SW1/4, Section 14, T. 8 S., R. 67 W., 6th P.M., Douglas County, at a point approximately 2450 feet north of the south line and 500 feet east of the west line of said Section 14. 2.2.2.8. Castle Rock Well No. 13, located in NW1/4 SW1/4, Section 14, T. 8 S., R. 67 W., 6th P.M., Douglas County, at a point approximately 2100 feet north of the south line and 400 feet east of the west line of said Section 14. 2.2.2.9. Castle Rock Well No. 78, located in SE1/4 NE1/4, Section 22, T. 8 S., R. 67 W., 6th P.M., Douglas County, 1750 feet from the north section line and 800 feet from the east section line. 2.2.2.10. Castle Rock Well No. 79, located in SE1/4 NE1/4, Section 22, T. 8 S., R. 67 W., 6th P.M., Douglas County, 2300 feet from the north section line and 800 feet from the east section line. 2.2.2.11. Castle Rock Well No. 80, located in NE1/4 SE1/4, Section 22, T. 8 S., R. 67 W., 6th P.M., Douglas County, 2300 feet from the south section line and 800 feet from the east section line. 2.2.2.12. Castle Rock Well No. 81, located in SW1/4 NW1/4, Section 2, T. 8 S., R. 67 W., 6th P.M., Douglas County, 1050 feet from the west section line and 2000 feet from the north section line. 2.2.2.13. Castle Rock Well No. 82, located in NW1/4 NW1/4 Section 11, T. 8 S., R. 67 W., 6th P.M., Douglas County, 1100 feet from the west section line and 1000 feet from the north section line. 2.2.2.14. Castle Rock Well No. 83, located in SE1/4 NW1/4 Section 11, T. 8 S., R. 67 W., 6th P.M., Douglas County, 1500 feet from the west section line and 2100 feet from the north section line. 2.2.2.15. Castle Rock Well No. 84, located in SW1/4 NE1/4 Section 11, T. 8 S., R. 67 W., 6th P.M., Douglas County, 2500 feet from the east section line and 2300 feet from the north section line. 2.2.2.16. Castle Rock Well No. 85, located in NE1/4 SW1/4 Section 11, T. 8 S., R. 67 W., 6th P.M., Douglas County, 1600 feet from the west section line and 2200 feet from the south section line. 2.2.2.17. Castle Rock Well No. 86, located in SE1/4 SE1/4 Section 11, T. 8 S., R. 67 W., 6th P.M., Douglas County, 600 feet from the east section line and 1000 feet from the south section line. 2.2.2.18. Castle Rock Well No. 87, located in SW1/4 SW1/4 Section 14, T. 8 S., R. 67 W., 6th P.M., Douglas County, 1300 feet from the west section line and 100 feet from the south section line. 2.2.2.19. Castle Rock Well No. 184, located in SE1/4 NE1/4 Section 28, T. 7 S., R. 67 W., 6th P.M., Douglas County, 2150 feet from the north section line and 200 feet from the east section line. 2.2.2.20. Castle Rock Well No. 185, located in SW1/4 NW1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1700 feet from the north section line and 20 feet from the west section line. 2.2.2.21. Castle Rock Well No. 186, located in SW1/4 NW1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1325 feet from the north section line and 350 feet from the west section line. 2.2.2.22. Castle Rock Well No. 187, located in NE1/4 NE1/4 Section 28, T. 7 S., R. 67 W., 6th P.M., Douglas County, 750 feet from the north section line and 600 feet from the east section line. 2.2.2.23. Castle Rock Well No. 188, located in NE1/4 NE1/4 Section 28, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1200 feet from the north section line and 800 feet from the east section line. 2.2.2.24. Castle Rock Well No. 189, located in SE1/4 NE1/4

Section 28, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1650 feet from the north section line and 1050 feet from the east section line. 2.2.2.25. Castle Rock Well No. 190, located in SW1/4 NW1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 2025 feet from the north section line and 1075 feet from the west section line. 2.2.2.26. Castle Rock Well No. 191, located in SW1/4 NW1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 2400 feet from the north section line and 750 feet from the west section line. 2.2.2.27. Castle Rock Well No. 192, located in NW1/4 SW1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 2550 feet from the south section line and 375 feet from the west section line. 2.2.2.28. Castle Rock Well No. 193, located in NW1/4 SW1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 2150 feet from the south section line and 1300 feet from the west section line. 2.2.2.29. Castle Rock Well No. 194, located in NW1/4 SW1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1875 feet from the south section line and 900 feet from the west section line. 2.2.2.30. Castle Rock Well No. 195, located in NE1/4 SW1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1700 feet from the south section line and 2400 feet from the west section line. 2.2.2.31. Castle Rock Well No. 196, located in NE14/ SW1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1400 feet from the south section line and 1950 feet from the west section line. 2.2.2.32. Castle Rock Well No. 197, located in SE1/4 SW1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1150 feet from the south section line and 1550 feet from the west section line. 2.2.2.33. Castle Rock Well No. 198, located in SW1/4 SE1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas county, 750 feet from the south section line and 2400 feet from the east section line. 2.2.2.34. Castle Rock Well No. 199, located in SE1/4 SW1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas county, 500 feet from the south section line and 2425 feet from the west section line. 2.2.2.35. Castle Rock Well No. 200, located in NW1/4 NE1/4 Section 34, T. 7 S., R. 67 W., 6th P.M., Douglas County, 25 feet from the north section line and 1800 feet from the east section line. 2.2.2.36. Castle Rock Well No. 201, located in NW1/4 NE1/4 Section 34, T. 7 S., R. 67 W., 6th P.M., Douglas County, 300 feet from the north section line and 2250 feet from the east section line. 2.2.2.37. Castle Rock Well No. 202, located in NW1/4 NE1/4 Section 34, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1050 feet from the north section line and 1500 feet from the east section line. 2.2.2.38. Castle Rock Well No. 203, located in NW1/4 NE1/4 Section 34, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1250 feet from the north section line and 1950 feet from the east section line. 2.2.3. Source: Consumptive use credits from the Benjamin Quick, John Kinner, John Kinner No. 2 and Huntsville Ditches, changed in Case No. 87CW309, District Court, Water Division No. 1. 2.2.4. Appropriation Date: March 25, 1992. 2.2.5. Exchange Rate: 2.02 cfs, conditional, cumulative for all wells. 2.2.6. Uses: All municipal, industrial, storage, exchange, replacement and augmentation uses. 2.2.7. Amount Claimed Absolute: Not applicable. 3. Integrated Water Supply System. The conditional water rights are component parts of Applicant's integrated water supply system, which consists of tributary water rights, augmentation plans, appropriative rights of exchange, conditional water rights and non-tributary groundwater rights. Pursuant to C.R.S. § 37-92-301(4)(B), work on one component of the system shall be considered in finding that reasonable diligence has been shown for all components of the system. 4. Previous decrees for these conditional water rights: Case No. 87CW309, District Court, Water Division No. 1, entered on January 18, 1995. On June 24, 2010, the Water Court Judge issued an Order Concerning Notice of Expiration that extended the deadline for Applicant to file an application for finding of reasonable diligence for these conditional water rights to September 30, 2010. 5. Work done toward completion of the appropriation from January 1995 to January 2001: Applicant spent more than \$4.5 million on the following tasks: 5.1. Constructed Castle Rock Well Nos. 149 and 150 in the Denver aquifer at a cost of approximately \$1.1 million; 5.2. Redrilled Castle Rock Well No. 12 at a cost of approximately \$330,000; 5.3. Constructed Castle Rock Well Nos. 78, 79 and 80 (Heckendorf Well Nos. 1, 2, and 3) at a combined cost of approximately \$731,000; 5.4. Constructed Castle Rock Well Nos. 39, 176 and 204 in the Arapahoe aquifer at a combined cost of approximately \$2.4 million; 5.5. Acquired a portion of

the water rights decreed to the High Line Ditch to be integrated into Applicant's water supply; 5.6. Rehabilitated several of its alluvial wells to increase their pumping capacities at a cost in excess of \$10,000; 5.7. Began and/or continued to adjudicate Water Court applications in Case Nos. 92CW144, 94CW289, 96CW199 and 97CW168; 5.8. Opposed applications that could injure Applicant's water rights in Case Nos. 94CW296, 94CW069, 95CW016, 95CW114, 95CW183, and 97CW076; and 5.9. Conducted legal and engineering work to adjudicate and oppose Water Court applications described above. 6. Work done toward completion of the appropriation after January 2001 until the filing of this application: Applicant spent more than \$1.8 million on various aspects of its integrated water system. Specifically, among other things, Applicant has: 6.1. Drilled Castle Rock Well Nos. 216, 217, and 218 in the Dawson, Denver and Arapahoe aquifers respectively at a cost of approximately \$629,000; 6.2. Redrilled Castle Rock Well Nos. 14 and 31 at a cost of approximately \$1.2 million; 6.3. Diverted water in-priority during June and July of 2009 from the Heckendorf Wells (Castle Rock Well Nos. 78, 79, 80); 6.4. Acquired conditional water rights for the Meadows Well Field and the augmentation plan decreed in Case No. 85CW480 to be integrated into Applicant's water supply; 6.5. Began and/or continued to adjudicate Water Court applications in Case Nos. 92CW144, 03CW441, 04CW251, 06CW157, 08CW241, 08CW242, 09CW166 and 09CW167; 6.6. Opposed applications that could injure Applicant's water rights in Case Nos. 04CW292, 04CW293, 08CW258, 09CW292, 09CW275, 09CW279, and 09CW283; 6.7. Conducted legal and engineering work to file an application for change of senior water rights for use in Applicant's municipal water system; and 6.8. Conducted legal and engineering work to determine whether to acquire certain senior water rights for use in Applicant's municipal water system. 7. Owner of land upon which the structures are or will be located: 7.1. Castle Rock Well Nos. 2, 3, 80, 85, 86 and Douglas Lane Pipeline are located on land owned by Douglas County Board of County Commissioners, 100 Third Street, Castle Rock, CO 80104. 7.2. Castle Rock Well No. 4, 8, 9, 84, 87 is located on land owned by Applicant. 7.3. Castle Rock Well Nos. 11, 12 and 13 are located on land owned by H.R. Gannon Revocable Trust & Robert L Hier ET AL, 3572 Roaring Fork Drive, Pinetop, AZ 85935-8512. 7.4. Castle Rock Well No. 78 is located on land owned by Michael & Irene Vander Meulen, P. O. Box 1077, Castle Rock, CO 80104. 7.5. Castle Rock Well No. 79 is located on land owned by Sheldon G Boone Testamentary Family Trust c/o Margaret Boone, P.O. Box 656, Castle Rock, CO 80104. 7.6. Castle Rock Well No. 81 is located on land owned by Plum Creek Wastewater Authority, 5880 Country Club Drive, Castle Rock, CO 80108. 7.7. Castle Rock Well Nos. 82 and 83 are located on land owned by Colorado Dept. of Transportation, 4201 E Arkansas Avenue, Denver, CO 80222. 7.8. Castle Rock Well Nos. 184 through 203 are located on land owned by Castle Rock Land Co. LLC, c/o Castle Rock Development Co., 3033 E. First Avenue, Suite 410, Denver, CO 80206. WHEREFORE, Applicant respectfully requests the Court enter a decree finding that Applicant has been reasonably diligent in perfecting the conditional water rights described herein. (8 pages)

10CW244 (87CW240) The Town of Castle Rock, Attn: Ron Redd, Utilities Director, 175 Kellogg Court, Castle Rock, CO 80109, (720) 733-6002. Jeffrey J. Kahn, Madoline Wallace-Gross, Lyons, Gaddis, Kahn & Hall, P.C., P.O. Box 978, Longmont, CO 80502-0978, (303) 776-9900 **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN DOUGLAS COUNTY**. 2. **Names of structures for which diligence is sought:** Appropriative Right of Exchange from Plum Creek Regional Waste Water Treatment Plant (formerly known as Castle Pines Waste Water Treatment Plant) Discharge to Douglas Lane Pipeline. 3. **Downstream Terminus:** Plum Creek Regional Waste Water Treatment Plant point of discharge, located in the SW1/4 SW1/4 Section 21, T. 7 S., R. 67 W., 6th P.M. 4. **Upstream Terminus:** Douglas Lane Pipeline, located on the east bank of East Plum Creek in the NE1/4 SE1/4 Section 22, T. 8 S., R. 67 W., 6th P.M., 2250 feet from the south section line and 800 feet from the east section line. 5. **Source:** Consumptive use credits decreed to the Hillside and Cook Creek Ditches, changed in

Case No. 87CW240, District Court, Water Division No. 1. 6. **Appropriation Date:** November 27, 1987. 7. **Amount:** 0.8 cfs, conditional. 8. **Uses:** All municipal, industrial, storage, replacement, exchange and augmentation uses. 9. **Amount claimed absolute:** Not applicable. 10. **Previous decrees for this conditional water right:** Case No. 87CW240, District Court, Water Division No. 1 entered on May 11, 1989. On June 24, 2010, the Water Court Judge issued an Order Concerning Notice of Expiration that extended the deadline for Applicant to file an application for finding of reasonable diligence for this conditional water right to September 30, 2010. 11. **Integrated Water Supply System.** The conditional water right is a component part of Applicant's integrated water supply system, which consists of tributary water rights, augmentation plans, appropriative rights of exchange, conditional water rights and non-tributary groundwater rights. Pursuant to C.R.S. § 37-92-301(4)(B), work on one component of the system shall be considered in finding that reasonable diligence has been shown for all components of the system. 12. **Work done toward completion of the appropriation from May of 1989 to May of 1993:** Applicant spent more than \$50,000 on various aspects of its integrated water system. Specifically, among other things, Applicant had: 12.1. Rehabilitated several of its alluvial wells at a cost of approximately \$10,000; 12.2. Began and/or continued to adjudicate Water Court applications in Case Nos. 86CW378, 86CW379, 87CW309, 89CW212, 92CW144 and 93CW010; 12.3. Opposed an application that could injure Applicant's water rights in Case No. 89CW225; and 12.4. Conducted legal and engineering work to adjudicate and oppose Water Court applications described above. 13. **Work done toward completion of the appropriation after May of 1995 until the filing of this application:** Applicant spent more than \$5.7 million on various aspects of its integrated water system. Specifically, among other things, Applicant has: 13.1. Constructed Castle Rock Well Nos. 149 and 150 in the Denver aquifer at a cost of approximately \$1.1 million; 13.2. Constructed Castle Rock Well Nos. 78, 79 and 80 (Heckendorf Well Nos. 1, 2, and 3) at a combined cost of approximately \$731,000; 13.3. Constructed Castle Rock Well Nos. 39 and 176 in the Arapahoe aquifer at a combined cost of approximately \$1.6 million; 13.4. Drilled Castle Rock Well Nos. 216, 217, and 218 in the Dawson, Denver and Arapahoe aquifers respectively at a cost of approximately \$629,000; 13.5. Redrilled Castle Rock Well Nos. 12, 14 and 31 at a cost of approximately \$1.5 million; 13.6. Diverted water in-priority during from the Castle Rock Well Nos. 78, 79 and 80; 13.7. Acquired conditional water rights for the Meadows Well Field and the augmentation plan decreed in Case No. 85CW480 to be integrated into Applicant's water supply; 13.8. Acquired a portion of the water rights decreed to the High Line Ditch to be integrated into Applicant's water supply; 13.9. Began and/or continued to adjudicate Water Court applications in Case Nos. 92CW144, 94CW289, 96CW199, 97CW168, 03CW441, 04CW251, 06CW157, 08CW241, 08CW242, 09CW166 and 09CW167; 13.10. Opposed applications that could injure Applicant's water rights in Case Nos. , 94CW296, 94CW069, 95CW016, 95CW114, 95CW183, 97CW076, 04CW292, 04CW293, 08CW258, 09CW292, 09CW275, 09CW279, and 09CW283; 13.11. Conducted legal and engineering work to adjudicate and oppose Water Court applications described above; and 13.12. Conducted legal and engineering work to determine whether to acquire certain senior water rights for use in Applicant's municipal water system. 14. **Owner of land upon which the structures is or are located:** 14.1. Douglas Lane Pipeline is located on land owned by Douglas County Board of County Commissioners, 100 Third Street, Castle Rock, CO 80104. 14.2. Plum Creek Regional Waste Water Treatment Plant point of discharge is located on land owned by Plum Creek Waste Water Authority, 5880 Country Club Drive, Castle Rock, CO 80108. WHEREFORE, Applicant respectfully requests the Court enter a decree finding that Applicant has been reasonably diligent in perfecting the conditional water right described herein. (5 pages)

10CW245 (86CW378 and 86CW379) Town of Castle Rock, Attn: Ron Redd, Utilities Director, 175 Kellogg Court, Castle Rock, CO 80109, (720) 733-6002. Jeffrey J. Kahn, Madoline Wallace-Gross, Lyons, Gaddis, Kahn & Hall, P.C., P.O. Box 978, Longmont, CO 80502-0978, (303) 776-

9900. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN DOUGLAS AND JEFFERSON COUNTIES.** 2. Request for Finding of Reasonable Diligence for Conditional Ground Water Rights. 2.1. Names of Wells: CR 176 through CR 181, inclusive. 2.2. Legal Descriptions of Wells: 2.2.1. Castle Rock Well No. 176: NW1/4 NW1/4 Section 25, T. 7 S., R. 68 W., 6th P.M., Douglas County, Colorado, 450 feet from the west section line and 10 feet from the north section line. 2.2.2. Castle Rock Well No. 177: NW1/4 NW1/4 Section 25, T. 7 S., R. 68 W., 6th P.M., Douglas County, Colorado, 650 feet from the west section line and 450 feet from the north section line. 2.2.3. Castle Rock Well No. 178: NW1/4 NW1/4 Section 25, T. 7 S., R. 68 W., 6th P.M., Douglas County, Colorado, 950 feet from the west section line and 400 feet from the north section line. 2.2.4. Castle Rock Well No. 179: NW1/4 NW1/4 Section 25, T. 7 S., R. 68 W., 6th P.M., Douglas County, Colorado, 1000 feet from the west section line and 1000 feet from the north section line. 2.2.5. Castle Rock Well No. 180: SW1/4 NW1/4 Section 25, T. 7 S., R. 68 W., 6th P.M., Douglas County, Colorado, 1250 feet from the west section line and 2050 feet from the north section line. 2.2.6. Castle Rock Well No. 181: NE1/4 SW1/4 Section 25, T. 7 S., R. 68 W., 6th P.M., Douglas County, Colorado, 1450 feet from the west section line and 3050 feet from the north section line. 2.3. Source for All Wells: Alluvium of West Plum Creek. 2.4. Appropriation Date for All Wells: March 3, 1992. 2.5. Amount for Each Well: 350 g.p.m. 2.6. Uses for Each Well: All municipal uses. 2.7. Depth of Each Well: 50 feet. 2.8. Amount Claimed Absolute: Not applicable. 3. Request for Finding of Reasonable Diligence for Conditional Rights of Appropriative Exchange. 3.1. Exchange from Chatfield Reservoir to CR Well 181. 3.1.1. Downstream Terminus: Chatfield Reservoir, which is an existing reservoir formed by Chatfield Dam located on the mainstem of the South Platte River. The right abutment is located in Douglas County, in Sections 6 and 7, T. 6 S., R. 68 W. of the 6th P.M.; the left abutment is located in Jefferson County, in Section 1, T. 6 S., R. 69 W. of the 6th P.M. 3.1.2. Upstream Termini: CR 176 to CR 181, described in ¶ 2.2. above. 3.1.3. Source: Sewered and unsewered return flows from Denver Basin Aquifer groundwater. 3.1.4. Appropriation Date: March 3, 1992. 3.1.5. Amount: 4.7 cfs, cumulative among all termini. 3.1.6. Uses: All municipal and augmentation uses. 3.1.7. Amount Claimed Absolute: Not applicable. 3.2. Exchange from Chatfield Reservoir to Douglas Lane Pipeline. 3.2.1. Downstream Terminus: Chatfield Reservoir, described in ¶ 3.1.1. above. 3.2.2. Upstream Terminus: Douglas Lane Pipeline, in the NE1/4 SE1/4 Section 22, T. 8 S., R. 67 W., 6th P.M., 2250 feet from the south section line and 800 feet from the east section line of Section 22. 3.2.3. Source: Sewered and unsewered return flows from Denver Basin Aquifer groundwater. 3.2.4. Appropriation Date: December 31, 1986. 3.2.5. Amount: 50 cfs. 3.2.6. Uses: All municipal and augmentation uses. 3.2.7. Amount Claimed Absolute: Not applicable. 3.3. Exchange from Confluence of East and West Plum Creeks to CR 181. 3.3.1. Downstream Terminus: Confluence of East and West Plum Creeks in the SW1/4 SE1/4 Section 23, T. 7 S., R. 68 W., 6th P.M. 3.3.2. Upstream Termini: CR 176 to CR 181, described in ¶ 2.2. above. 3.3.3. Source: Sewered and unsewered return flows from Denver Basin Aquifer groundwater. 3.3.4. Appropriation Date: March 3, 1992. 3.3.5. Amount: 4.7 cfs, cumulative among all exchange points. 3.3.6. Uses: All municipal and augmentation uses. 3.3.7. Amount Claimed Absolute: Not applicable. 3.4. Exchange from Plum Creek Regional Waste Water Treatment Plant Discharge to Douglas Lane Pipeline. 3.4.1. Downstream Terminus: Plum Creek Regional Waste Water Treatment Plant point of discharge in the SW1/4 SW1/4 Section 21, T. 7 S., R. 67 W of the 6th P.M. 3.4.2. Upstream Terminus: Douglas Lane Pipeline, described in ¶ 3.2.2. above. 3.2.3. Source: Sewered and unsewered return flows from Denver Basin Aquifer groundwater. 3.2.4. Appropriation Date: December 31, 1986. 3.2.5. Amount: 23.5 cfs. 3.2.6. Uses: All municipal and augmentation uses. 3.2.7. Amount Claimed Absolute: Not applicable. 4. Integrated Water Supply System. The conditional water rights are component parts of Applicant's integrated water supply system, which consists of tributary water rights, augmentation plans, appropriative rights of exchange, conditional water rights and non-tributary groundwater rights. Pursuant to C.R.S. § 37-92-301(4)(B), work on one component of the system shall be considered in finding that

reasonable diligence has been shown for all components of the system. 5. Previous decrees for these conditional water rights: Consol. Case No. 86CW378 and 86CW379, District Court, Water Division No. 1 entered January 18, 1995. On June 24, 2010, the Water Court Judge issued an Order Concerning Notice of Expiration that extended the deadline for Applicant to file an application for finding of reasonable diligence for these conditional water rights to September 30, 2010. 6. Work done toward completion of the appropriation from January 1995 to January 2001: Applicant spent more than \$4.5 million on the following tasks: 6.1. Constructed Castle Rock Well Nos. 149 and 150 in the Denver aquifer at a cost of approximately \$1.1 million; 6.2. Redrilled Castle Rock Well No. 12 at a cost of approximately \$330,000; 6.3. Constructed Castle Rock Well Nos. 78, 79 and 80 (Heckendorf Well Nos. 1, 2, and 3) at a combined cost of approximately \$731,000; 6.4. Constructed Castle Rock Well Nos. 39, 176 and 204 in the Arapahoe aquifer at a combined cost of approximately \$2.4 million; 6.5. Acquired a portion of the water rights decreed to the High Line Ditch to be integrated into Applicant's water supply; 6.6. Rehabilitated several of its alluvial wells to increase their pumping capacities at a cost in excess of \$10,000; 6.7. Began and/or continued to adjudicate Water Court applications in Case Nos. 92CW144, 94CW289, 96CW199 and 97CW168; 6.8. Opposed applications that could injure Applicant's water rights in Case Nos. 94CW296, 94CW069, 95CW016, 95CW114, 95CW183, and 97CW076; and 6.9. Conducted legal and engineering work to adjudicate and oppose Water Court applications described above. 7. Work done toward completion of the appropriation after January 2001 until the filing of this application: Applicant spent more than \$1.8 million on various aspects of its integrated water system. Specifically, among other things, Applicant has: 7.1. Drilled Castle Rock Well Nos. 216, 217, and 218 in the Dawson, Denver and Arapahoe aquifers respectively at a cost of approximately \$629,000; 7.2. Redrilled Castle Rock Well Nos. 14 and 31 at a cost of approximately \$1.2 million; 7.3. Diverted water in-priority during June and July of 2009 from the Heckendorf Wells (Castle Rock Well Nos. 78, 79, 80); 7.4. Acquired conditional water rights for the Meadows Well Field and the augmentation plan decreed in Case No. 85CW480 to be integrated into Applicant's water supply; 7.5. Began and/or continued to adjudicate Water Court applications in Case Nos. 92CW144, 03CW441, 04CW251, 06CW157, 08CW241, 08CW242, 09CW166 and 09CW167; 7.6. Opposed applications that could injure Applicant's water rights in Case Nos. 04CW292, 04CW293, 08CW258, 09CW292, 09CW275, 09CW279, and 09CW283; 7.7. Conducted legal and engineering work to file an application for change of senior water rights for use in Applicant's municipal water system; and 7.8. Conducted legal and engineering work to determine whether to acquire certain senior water rights for use in Applicant's municipal water system. 8. Owner of land upon which the structures are or will be located: 8.1. Castle Rock Well Nos. 176 through 181 are located on land owned by Double HH Ranch LLC, 14787 W. Cedar Avenue, Golden, CO 80401-5172. 8.2. Chatfield Reservoir is located on land owned by U.S. Army Corps of Engineers, 9307 S. Wadsworth Blvd., Littleton, CO 80128. 8.3. Douglas Lane Pipeline is located on land owned by Douglas County Board of County Commissioners, 100 Third Street, Castle Rock, CO 80104. 8.4. Plum Creek Regional Waste Water Treatment Plant point of discharge is located on land owned by Plum Creek Wastewater Authority, 5880 Country Club Dr., Castle Rock CO 80108. WHEREFORE, Applicant respectfully requests the Court enter a decree finding that Applicant has been reasonably diligent in perfecting the conditional water rights described herein. (7 pages)

10CW246, (03CW87) THE DIVISION OF PARKS AND OUTDOOR RECREATION and THE BOARD OF PARKS AND OUTDOOR RECREATION and THE BOARD OF PARKS AND OUTDOOR RECREATION, 1525 Sherman Street, 7th floor, Denver, Colorado 80203. Telephone: (303) 866-3437. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO CONTINUE CONDITIONAL WATER RIGHT, LOGAN COUNTY**, C/O BETH VAN VURST, Assistant Attorney General, Natural Resources Section. Name, address, telephone number of applicant: Colorado Division of Parks and Outdoor

Recreation (State Parks), 1313 Sherman Street, Suite 618, Denver Colorado 80203, 303-866-3437. Name of Structure and legal description: North Sterling Recharge Pit in Logan County. Describe conditional water rights, giving the following from the Referee's Ruling and Judgment and Decree; Date of Original Decree: September 13, 2003; Case No. 03CW87 Water Division1. Subsequent decrees awarding findings of diligence: n/a. Legal description: North Sterling Recharge Pit -located in portions or all of: Sections 2, 10, and 15 T9N, R53W, 6th P.M, Logan County, Colorado. Source: South Platte River. Appropriation Date: February 28, 2003. Amount: 15 acre feet. Uses: Storage for recreation, domestic, aesthetic, piscatorial, wildlife, fire protection, commercial and evaporation and augmentation of recreation, domestic, aesthetic, piscatorial, wildlife, fire protection, irrigation commercial, and evaporation. Additional Remarks: The North Sterling Recharge Pit is an off-channel recharge pit which will not divert groundwater. The entire volume will be dead storage. Provide a detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: Description 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: The North Sterling Recharge Pit is a proposed off-channel structure that was conditionally decreed in September of 2004 in Case No. 2003CW87. The North Sterling Recharge Pit is intended to be used for the beneficial uses described above in Paragraph 3.F, including use as an augmentation source for the out-of-priority depletions occurring at North Sterling State Park, and is therefore part of an integrated water supply system. Leonard Rice Consulting Water Engineers, Inc. ("Leonard Rice") was retained by Applicant to help develop the water supply for North Sterling State Park, including the engineering necessary to support the initial application for the conditional water right at issue in this diligence application. During the Diligence Period, Applicant completed, without limitation, the following activities toward application of the North Sterling Recharge Pit to beneficial use. Applicant has performed monthly reviews of the water court resume to determine whether the filing of Statements of Opposition are necessary protect its water rights in Water Division No.1, including the North Sterling Recharge Pit. Applicant has continued to renew its contract with Leonard Rice for the performance of engineering services related to the development and maintenance of the water supply at North Sterling State Park, including those associated with development of the North Sterling Recharge Pit. In the most recent renewal, Applicant received approval to expend \$25,000.00 over the course of the 2010 fiscal year on these engineering services. Work has begun on selection of the site for the recharge pit which will utilize this water right. Parks staff and Leonard Rice have met to discuss the requirements of the site, including the feasibility of water delivery, and the integration of the North Sterling Recharge Pit for use in the existing North Sterling State Park's augmentation plan. Applicant has initiated and participated in several meetings with North Sterling Irrigation District in which the parties have discussed, among other things, utilizing the Irrigation District's diversion structures to convey water into the Recharge Pit. An engineer from Leonard Rice visited the locations detailed in the conditional decree and visually inspected their suitability as recharge sites. These locations were also inspected to determine the feasibility of delivering water from the North Sterling Canal using existing headgates owned by the Irrigation District. Furthermore, it is anticipated that the North Sterling Recharge Pit will be operated in a manner that is similar to how North Sterling Irrigation District operates its recharge pits. Applicant has visited North Sterling Irrigation District's recharge pits and their associated diversion structures. Applicant has also met with representatives from North Sterling Irrigation District to discuss operation of their recharge pits and accounting methods. These site visits and discussions have assisted Applicant in moving towards design and construction of the North Sterling Recharge Pit. Work continues on the selection of a site and design concept. Name and address of owners of the land on which structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Colorado Division of Parks and Outdoor Recreation (State Parks), 1313 Sherman Street, Room

618, Denver, Colorado 80203; U.S. Army Corps of Engineers, USAED-Omaha, ATTN CEMRO-ED-HC, 215 N 17th Street, Omaha, NE 68102-4978. North Sterling Reservoir and Irrigation Company, 112 North 8th Avenue, Sterling, CO 80751.

10CW247 CHRISTPHER J. RODACY and MARY C. RODACY, 12630 Milam Road, Colorado Springs, CO 80908 (Henry D. Worley, MacDougall, Woldridge & Worley, PC, 530 Communication Circle, Suite 204, Colorado Springs, CO 80905). Application for Adjudication of Denver Basin Ground Water and for Approval of Plan for Augmentation in **EL PASO COUNTY**

I. APPLICATION FOR DENVER BASIN WATER RIGHTS. 1. Names of wells and permit, registration, or denial numbers: Permit No. 126857. **2. Legal description of wells:** Permit No. 126857 is constructed in the Dawson aquifer in the SE1/4 SE1/4 Section 11, T. 12 S., R. 66 W., 6th P.M. Up to three additional wells may be constructed in the Dawson aquifer. One well in each of the Denver, Arapahoe and Laramie-Fox Hills aquifers is contemplated, plus all necessary additional and/or replacement wells, to be located anywhere on Applicants= 20 acre property located in the SE1/4 E1/4 Section 11, T. 12 S., R. 66 W., 6th P.M., in El Paso County, other than on 2.1 acres which is subject to an easement for road purposes owned by El Paso County, which easement allows Applicants to continue to use that land for Aall purposes not inconsistent with the purposes set forth in this Easement=). The address of the property is 12630 Milam Road, Colorado Springs, CO 80908; its legal description is attached as Exhibit A. A map showing its general location is attached as Exhibit B. The Property is located entirely within the Arkansas River drainage. **3. Sources:** not nontributary Dawson aquifer; not nontributary Denver aquifer; not nontributary Arapahoe aquifer; nontributary Laramie-Fox Hills aquifer. **5. Amount claimed:** Dawson aquifer - 15 gpm, 16.0 AF/yr, absolute; Denver aquifer - 15 g.p.m., 15.98 AF/yr, absolute; Arapahoe aquifer - 150 g.p.m., 8.37 AF/yr, absolute; Laramie-Fox Hills aquifer - 150 g.p.m., 5.63 AF/yr, absolute. These amounts include the water underlying the 2.1 acre easement previously mentioned. The water court will be asked to retain jurisdiction over such decree to enter a final determination of the amount of water available for appropriation from each aquifer based on geophysical logs for such wells. The water claimed in the Dawson aquifer exceeds the amount shown in the State=s database; the variation is based on an analysis of the well log for the nearby well permit 23227-F in the Denver aquifer. **6. Proposed use:** all beneficial uses including augmentation, except municipal uses. **7. Name and address of owner of land on which wells are/will be located:** Same as Applicants. **II. APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION. 8. Name of structures to be augmented:** Well permit 126857. No other water rights are or will be diverted from that well. After entry of a decree, permit 126857 will be re-permitted consistent with the provisions of the decree. Also, up to three additional Dawson aquifer wells. **9. Previous decrees for water rights to be used for augmentation:** None. **11. Statement of plan for augmentation:** Well permit 126857 is permitted for domestic uses. Applicants seek approval of a plan for augmentation which will allow additional uses from this well, including *without limitation* indoor residential uses, commercial uses, a detached home office or guest house, landscape and garden irrigation, stock water, hot tub and/or swimming pool. In addition, Applicants seek approval of a plan for augmentation which will allow the same kinds of uses from up to three additional Dawson aquifer wells. Indoor use for residences is expected to equal 0.3 acre foot annually. Treatment of waste water from indoor uses will be achieved using nonevaporative individual septic tanks and leach fields (“AISDS”); consumption of water so treated will not exceed 10 percent of residential indoor uses, or 0.03 acre foot annually, with 90 percent, or 0.27 acre foot annually, returning to the nearest stream. Depletions in the 300th year are modeled to equal 24.5 percent of annual pumping. Total annual pumping shall not exceed 2.0 acre feet; each Dawson aquifer well will be limited to 2.0 acre feet annually, divided by the number of lots. Based on total annual pumping of 2.0 acre feet, depletions in the 300th year will equal 0.49 acre foot. So

long as there are ISDS return flows from at least two single family dwellings, such return flows alone will equal at least 0.54 acre foot annually, which exceeds stream depletions each year during pumping. Change to a type of wastewater disposal other than nonevaporative ISDS shall require an amendment of this plan for augmentation. Applicants propose to replace depletions during pumping with Dawson aquifer return flows from the ISDS, and to replace post-pumping depletions with the nontributary Laramie-Fox Hills aquifer water decreed herein, all of which will be reserved for that purpose. Applicants will reserve the right to replace such depletions with any other judicially acceptable source of augmentation water, upon judicial approval after appropriate notice. **12. Miscellaneous provisions.** (1) There is one lien against the Applicants' property, the lienor will be notified of this application pursuant to C.R.S. 37-92-302(2)(b). (2) Applicants are sending a copy of this letter to the Board of County Commissioners of El Paso County by certified mail. (3) This application is being filed in Water Divisions 1 and 2. After the period for filing statements of opposition has expired, Applicants will seek to consolidate the two cases in Water Division 2, where the Property is located. (Application and attachments, 7 pages)

10CW248 Magness Land Holdings, LLC, Magness Platteville, LLC, Kplatteville, LLC, and Dearal Beddo c/o Wendell Geeslin P.O. Box 190 Platteville, Colorado 80651 Telephone: 970-785-6170. Weld County, Water Division 1, Application for Finding of Reasonable Diligence in **WELD COUNTY**. 1. Name and Address of Applicants: Magness Land Holdings, LLC, Magness Platteville, LLC, Kplatteville, LLC, and Dearal Beddo c/o Wendell Geeslin P.O. Box 190 Platteville, Colorado 80651 Telephone: 970-785-6170 Please direct all pleadings to Applicants' counsel, Holland & Hart LLP, at the address identified above. 2. Background Information: A. Through this application, Applicants seek a finding of reasonable diligence in the development of conditional water rights originally decreed in Case No. 02CW182 (Water Division 1) for diversion and storage of water for recharge, augmentation, and exchange purposes, as well as wildlife habitat, fish and game, piscatorial, irrigation, stock watering, and recreational purposes. The conditional water rights for diversion of water through the Meadow Island Ditch No. 2 and the Beeman Ditch will be used for the purpose of recharging water to the alluvial aquifer through seepage from the ditch segments and for storing water in various specified water storage facilities. The conditional water storage rights for the Sunata Recharge Pond No. 1 Sunata Reservoir No. 1, Waddle Reservoir No. 1, Waddle Reservoir No. 2, Lorenz Reservoir No. 1, Funk Reservoir No. 1, Beddo Reservoir No. 1 and Beddo Reservoir No. 2 will be used to store water for recharge purposes, augmentation, and exchange, wildlife habitat, fish and game purposes, piscatorial, irrigation, stock watering, and recreational purposes. The recharge pond and reservoirs will be filled with water transported through the Meadow Island Ditch No. 2 and Beeman Ditch, or from the alluvial wells identified below. Water stored in the recharge pond and reservoirs will be used, among other things, to recharge the South Platte River alluvial aquifer and used for augmentation of out of priority depletions associated with pumping of wells owned or operated by Applicants. Water may also be directly released from the reservoirs for augmentation of out of priority depletions associated with pumping of wells owned by Applicants. B. Applicants do not seek approval of an augmentation plan through this application. Water diverted and stored pursuant to the subject water rights shall be used for augmentation, recharge, or exchange purposes only pursuant to a decreed plan for augmentation, a decreed recharge plan that quantifies the amount, timing, and location of recharge accretions, an approved temporary substitute supply plan pursuant to C.R.S. § 37-92-308, or a decreed appropriative right of exchange. Any temporary substitute supply plan approval sought by Applicants shall not include a recharge plan or claim recharge credits as a component of such temporary substitute supply plan. 3. Names of

Structures: A. Meadow Island Ditch No. 2 B. Beeman Ditch C. Sunata Recharge Pond No. 1 D. Sunata Reservoir No. 1 E. Waddle Reservoir No. 1 F. Waddell Reservoir No. 2 G. Lorenz Reservoir No. 1 H. Funk Reservoir No. 1 I. Beddo Reservoir No. 1 J. Beddo Reservoir No. 2 K. Lorenz Well No. 2 L. Hansen Well No. 3 M. Funk Well No. 1 The general locations of subject water rights are shown on the General Facility Location Map attached hereto as Exhibit A. 4. Information from Previous Decrees: Date of Original Decree: September 22, 2004, Case No 02CW182, Water Division No. 1. A. Meadow Island Ditch No. 2: (a) Legal Description: The point of diversion is located on the west bank of the South Platte River at a point located in the SE1/4 of the NW1/4 of Section 1, Township 2 North, Range 67 West, 6th P.M., in Weld County, Colorado, at a point 1900 feet from the West Section Line and 1700 feet from the North Section Line. (b) Source: South Platte River. (c) Appropriation date: September 20, 2000. (d) Amount: 40 cfs, conditional. (e) Uses: Recharge of alluvial aquifer from seepage from ditch segments, storage in Sunata Recharge Pond No. 1, Sunata Reservoir No. 1, Waddle Reservoir Nos. 1 and 2, Beddo Reservoirs Nos. 1 and 2 for augmentation and exchange, wildlife habitat, fish and game purposes, piscatorial, irrigation, stock watering, and recreational purposes. B. Beeman Ditch: (a) Legal Description: The point of diversion is located on the west bank of the South Platte River at a point located in the SE1/4 of the NW1/4 of Section 1, Township 2 North, Range 67 West, 6th P.M., in Weld County, Colorado, at a point 1900 feet from the West Section Line and 1700 feet from the North Section Line. The Beeman Ditch shares a common river diversion point with the Meadow Island Ditch No. 2. (b) Source: South Platte River. (c) Appropriation date: September 20, 2000. (d) Amount: 50 cfs, conditional. (e) Uses: Diversion for recharge from ditch segments, storage in Sunata Reservoir No. 1, Waddle Reservoir Nos. 1 and 2 for augmentation and exchange, wildlife habitat, fish and game purposes, piscatorial, irrigation, stock watering, and recreational purposes. C. Sunata Recharge Pond No. 1: (a) Legal Description: Located in the E1/2, SE1/4 and the E1/2, NE1/4 of Section 26, Township 3 North, Range 67 West, 6th P.M., in Weld County, Colorado. Sunata Recharge Pond No. 1 is a combined facility with Sunata Reservoir No. 1. The portion of this facility that is unlined will constitute Sunata Recharge Pond No. 1. (b) Source: Seepage, return flows from upland irrigated areas, and deliveries from the South Platte River through the Beeman Ditch or the Meadow Island Ditch No. 2. (c) Appropriation Date: September 20, 2000. (d) Amount: 400 acre-feet, conditional. (e) Uses: Storage for recharge purposes, augmentation, and exchange, wildlife habitat, fish and game purposes, piscatorial, irrigation, stock watering, and recreational purposes. (f) Surface Area of High Water Line and Total Capacity of Recharge Ponds and Storage Facilities: (i) Maximum height of dam in feet: 6 feet. (ii) Length of dam in feet: 650 feet. (iii) Surface area: 120 acres. (iv) Capacity: 400 acre-feet, all active capacity. D. Sunata Reservoir No. 1: (a) Legal Description: Located in the E1/2, SE1/4 and the E1/2, NE1/4 of Section 26, Township 3 North, Range 67 West, 6th P.M., in Weld County, Colorado. Sunata Reservoir No. 1 is a combined facility with Sunata Recharge Pond No. 1. This reservoir will consist of lined and unlined portions. The portion of this facility that is unlined will constitute Sunata Recharge Pond No. 1. (b) Source: Seepage, return flows from upland irrigated areas, and deliveries from the South Platte River through the Beeman Ditch or the Meadow Island Ditch No. 2. (c) Appropriation Date: September 20, 2000. (d) Amount: 250 acre-feet, conditional. (e) Uses: Storage for recharge purposes, augmentation and exchange, wildlife habitat, fish and game purposes, piscatorial, irrigation, stock watering, and recreational purposes. (f) Surface Area of High Water Line and Total Capacity of Recharge Ponds and Storage Facilities: (i) Maximum height of dam in feet: 6 feet. (ii) Length of dam in feet: 600 feet. (iii)

Surface area: 120 acres. (iii) Capacity: 250 acre-feet, all active capacity. F. Waddle Reservoir No. 1: (a) Legal Description: Located in the SE1/4 of the NW1/4 of Section 24, Township 3 North, Range 67 West, 6th P.M., in Weld County, Colorado. (b) Source: Seepage, return flows from upland irrigated areas, and deliveries from South Platte River through the Meadow Island Ditch No. 2. (c) Appropriation Date: September 20, 2000. (d) Amount: 5 acre-feet, conditional. (e) Uses: Storage for recharge purposes, augmentation and exchange, wildlife habitat, fish and game purposes, piscatorial, irrigation, stock watering, and recreational purposes. (f) Surface Area of High Water Line and Total Capacity of Recharge Ponds and Storage Facilities: (i) Maximum height of dam in feet: N/A. (ii) Length of dam in feet: N/A. (iii) Surface area: 1 acre. (iv) Capacity: 5 acre-feet, all active capacity. F. Waddle Reservoir No. 2: (a) Legal Description: Located in the N1/2 of the NW1/4 of Section 24, Township 3 North, Range 67 West of the 6th P.M., in Weld County, Colorado. (b) Source: Seepage, return flows from upland irrigated areas, and deliveries from the South Platte River through the Meadow Island Ditch No. 2. (c) Appropriation Date: September 20, 2000. (d) Amount: 25 acre-feet, conditional. (e) Uses: Storage for recharge purposes, wildlife habitat, fish and game purposes, piscatorial, stock watering, and recreational purposes. (f) Surface Area of High Water Line and Total Capacity of Recharge Ponds and Storage Facilities: (i) Maximum height of dam in feet: N/A. (ii) Length of dam in feet: N/A. (iii) Surface area: 5 acres. (iv) Capacity: 25 acre-feet, all active capacity. G. Lorenz Reservoir No. 1: (a) Legal Description: Located in the SW1/4 of the SW1/4 Section 30, Township 3 North, Range 66 West, 6th P.M., in Weld County, Colorado. (b) Source: Seepage, return flows from upland irrigated areas, ground water tributary to the South Platte River diverted from the Lorenz Well No. 2 or the Hansen Well No. 3. (c) Appropriation Date: September 20, 2000. (d) Amount: 250 acre-feet, conditional. (e) Uses: Storage for recharge purposes, augmentation and exchange, wildlife habitat, fish and game purposes, piscatorial, irrigation, stock watering, and recreational purposes. (f) Surface Area of High Water Line and Total Capacity of Recharge Ponds and Storage Facilities: (i) Maximum height of dam in feet: N/A. (ii) Length of dam in feet: N/A. (iii) Surface area: 40 acres. (iv) Capacity: 250 acre-feet, all active capacity. Anticipated to be excavated below land surface. H. Funk Reservoir No. 1: (a) Legal Description: Located in the NW1/4 of the NE1/4 of Section 1, Township 2 North, Range 67 West, 6th P.M., in Weld County, Colorado. (b) Source: Seepage, return flows from upland irrigated areas, ground water tributary to the South Platte River diverted from Funk Well No. 1. (c) Appropriation Date: September 20, 2000. (d) Amount: 200 acre-feet, conditional. (e) Uses: Storage for recharge purposes, augmentation and exchange, wildlife habitat, fish and game purposes, piscatorial, irrigation, stock watering, and recreational purposes. (f) Surface Area of High Water Line and Total Capacity of Recharge Ponds and Storage Facilities: (i) Maximum height of dam in feet: N/A. (ii) Length of dam in feet: N/A. (iii) Surface area: 20 acres. (iv) Capacity: 200 acre-feet, all active capacity. Anticipated to be excavated below land surface. I. Beddo Reservoir No. 1: (a) Legal Description: Located in the SW1/4 of the NE1/4 of Section 25, Township 3 North, Range 67 West, 6th P.M., in Weld County, Colorado. (b) Source: Seepage, return flows from upland irrigated areas, and deliveries from the South Platte River through the Meadow Island Ditch No. 2. (c) Appropriation Date: September 20, 2000. (d) Amount: 5 acre-feet, conditional. (e) Uses: Storage for recharge purposes, augmentation and exchange, wildlife habitat, fish and game purposes, piscatorial, irrigation, stock watering, and recreational purposes. (f) Surface Area of High Water Line and Total Capacity of Recharge Ponds and Storage Facilities: (i) Maximum height of dam in feet: N/A. (ii) Length of dam in feet: N/A. (iii)

Surface area: 1 acre. (iv) Capacity: 5 acre-feet, all active capacity. J. Beddo Reservoir No. 2: (a) Legal Description: Located in the NW1/4 of the NE1/4 and the SW1/4 of the NE1/4 of Section 25, Township 3 North, Range 67 West, 6th P.M., in Weld County, Colorado. (b) Source: Seepage, return flows from upland irrigated areas, and deliveries from the South Platte River through the Meadow Island Ditch No. 2. (c) Appropriation Date: September 20, 2000. (d) Amount: 25 acre-feet, conditional. (e) Uses: Storage for recharge purposes, augmentation and exchange, wildlife habitat, fish and game purposes, piscatorial, irrigation, stock watering, and recreational purposes. (f) Surface Area of High Water Line and Total Capacity of Recharge Ponds and Storage Facilities: (i) Maximum height of dam in feet: N/A. (ii) Length of dam in feet: N/A. (iii) Surface area: 5 acres. (iv) Capacity: 25 acre-feet, all active capacity. K. Lorenz Well No. 2: (a) Legal Description: Located in the SE1/4 of the SE1/4 Section 25, Township 3 North, Range 67 West, 6th P.M. (600 feet north and 350 feet west from the SE corner of Section 25). (b) Source: Ground water tributary to the South Platte River. (c) Appropriation date: September 20, 2000. (d) Amount: 2.5 cfs, conditional. (e) Uses: Storage in Lorenz Reservoir No. 1 for recharge purposes, augmentation and exchange, wildlife habitat, fish and game purposes, piscatorial, irrigation, stock watering, and recreational purposes. Lorenz Well No. 2 is an existing well identified by Well Permit No. R-14192. L. Hansen Well No. 3: (a) Legal Description: Located in the SE1/4 of the SE1/4 of Section 25, Township 3 North, Range 67 West, 6th P.M. (380 feet north and 20 feet west of the SE Corner of Section 25). (b) Source: Ground water tributary to the South Platte River. (c) Appropriation date: September 20, 2000. (d) Amount: 2.5 cfs, conditional. (e) Uses: Storage in Lorenz Reservoir No. 1 for recharge purposes, augmentation and exchange, wildlife habitat, fish and game purposes, piscatorial, irrigation, stock watering, and recreational purposes. Hansen Well No. 3 is an existing well identified by Well Permit No. 8953. M. Funk Well No. 1: (a) Legal Description: Located in the NW1/4 of the NE1/4 of Section 1, Township 2 North, Range 67 West, 6th P.M. (750 feet south and 2600 feet east from the NW corner of Section 1). (b) Source: Ground water tributary to the South Platte River. (c) Appropriation date: September 20, 2000. (d) Amount: 2.5 cfs, conditional. (e) Uses: Storage in Funk Reservoir No. 1 for recharge purposes, augmentation and exchange, wildlife habitat, fish and game purposes, piscatorial, irrigation, stock watering, and recreational purposes. Funk Well No. 1 is a proposed well and will be used to withdraw ground water tributary to the South Platte River. 5. Applicants have the right to divert water at the rates and volumes identified when such rights are in priority, for the uses herein described, up to a maximum simultaneous diversion rate of 50 cfs and a total volume of 3000 acre-feet per year. 6. Uses: A. The water diverted, placed in recharge facilities, and stored under this decree will be used for augmentation, recharge, exchange, wildlife habitat, fish and game, piscatorial, irrigation, stock watering, and recreational purposes. Water diverted and/or stored for recharge purposes will be allowed to percolate into the underground aquifer and flow toward the South Platte River for the purpose of developing accretions to offset out-of-priority depletions caused by pumping of wells owned or operated by Applicants. Water diverted and stored pursuant to the subject water rights shall be used for augmentation, recharge, or exchange purposes only pursuant to a decreed plan for augmentation, a decreed recharge plan that quantifies the amount, timing, and location of recharge accretions, an approved temporary substitute supply plan pursuant to C.R.S. § 37-92-308, or a decreed appropriative right of exchange. Any temporary substitute supply plan approval sought by Applicants shall not include a recharge plan or claim recharge credits as a component of such temporary substitute supply plan. B. The water stored in priority in each identified storage

facility may be used and reused. No such reuse and successive use will occur unless and until Applicants have received Water Court approval of the quantity of water available for reuse and successive use as a part of a plan for augmentation, a decreed recharge plan, an approved temporary substitute supply plan pursuant to C.R.S. § 37-92-308, or a decreed appropriative right of exchange.

C. Applicants claim the right to operate the wells described in Paragraphs 4.K, 4.L and 4.M as river diversions (or headgate wells). In order to operate as river diversions, the wells described in paragraphs 4.K, 4.L, and 4.M above must be located within 100 feet of the bank of the South Platte River. Prior to operation of any of the wells described in Paragraphs 4.K, 4.L and 4.M above for diversion of the subject water rights, Applicants shall calculate the actual effects of such pumping using the Glover technique or other appropriate technique(s) and make the results of such calculations available to all other parties in this case and in Case No. 02CW182. Any party may, within 90 days of the service of such calculations, petition the Court under the Court's retained jurisdiction to make a determination concerning whether there are any delayed effects of pumping of wells and whether any such delayed depletions must be replaced pursuant to a plan for augmentation to avoid injury consistent with C.R.S. § 37-92-305. Applicants will not operate the wells that are subject of any such petition until the Court has resolved such a dispute.

D. Applicants will comply with all other terms and conditions specified in the decree entered in Case No. 02CW182.

7. Place of Use: All use of water diverted or stored under the subject water rights shall be restricted to the lands and properties owned by Applicants, which are depicted on the General Property Location Map attached hereto as Exhibit B. The legal descriptions of these lands and properties are attached hereto as Exhibit C. Of those lands, approximately 1,012 acres may be irrigated by the conditional water rights requested herein. Use for wildlife habitat, fish and game, piscatorial, and recreational purposes will take place at or surrounding the various water diversion and storage facilities described herein. Use for augmentation, exchange, and/or recharge shall be for the purpose only of replacing out-of-priority depletions associated with pumping of wells owned by Applicants located on the lands described in Exhibit C.

8. Integrated System: The subject water rights are part of Applicants' integrated water supply system, which includes a number of ditches, ponds and wells for use on Applicants' property. Consequently, diligence with respect to any one component of the Applicants' integrated water supply system would be considered in finding that reasonable diligence has been shown in the development of water rights for all features of Applicants' integrated water supply system. *See* C.R.S. § 37-92-301(4)(b).

9. Evidence of Reasonable Diligence: During the most recent diligence period, Applicants have continued to take steps to diligently develop the conditional water rights including, without limitation, the activities described below. This list is not intended to be comprehensive and may be supplemented by additional evidence.

A. As majority shareholders in the Meadow Island Ditch Company No. 2, Applicants participated jointly with the Beeman Irrigating Ditch and Milling Company to improve the joint diversion works for the Beeman Ditch and the Meadow Island Ditch No. 2, including installation of two new river headgates and replacement of a diversion dam.

B. Applicants, individually or as majority shareholders in the Meadow Island Ditch Company No. 2, installed two new head gates and three measuring devices with stage discharge recorders on Meadow Island Ditch No. 2. Additionally, Applicants cleaned the Meadow Island Ditch No.2 annually and otherwise maintained the Meadow Island Ditch No. 2.

C. As shareholders in the Beeman Irrigating Ditch and Milling Company, Applicants contributed to the improvement and annual maintenance of the Beeman Ditch.

D. Applicants installed and maintained measuring devices with stage discharge recorders on Sunata Recharge Pond No. 1, Sunata Reservoir No. 1, Waddle Reservoir

No. 1, Waddle Reservoir No. 2, Lorenz Reservoir No. 1, Funk Reservoir No. 1, Beddo Reservoir No. 1 and Beddo Reservoir No. 2. Applicants also dredged or cleaned and otherwise maintained the Sunata Recharge Pond No. 1, Sunata Reservoir No. 1, Waddle Reservoir No. 1, Waddle Reservoir No. 2, Lorenz Reservoir No. 1, Funk Reservoir No. 1, Beddo Reservoir No. 1 and Beddo Reservoir No. 2. E. Applicants monitored new water rights applications and activities of other water users and filed statements of opposition and participated in water court proceedings in order to protect the subject water rights. F. Applicants engaged the services of a water resources consultant to evaluate Applicants' water rights and integrated water supply, including the subject conditional water rights. G. Applicants, individually or as majority shareholders in the Meadow Island Ditch Company No. 2, engaged the services of attorneys to provide legal advice in connection with the above-described activities and associated water rights matters. H. Total expenditure in time and money for all of the above work during the diligence period is difficult to estimate, but is in excess of \$100,000. 10. Name and address of owner of land on which ditch, recharge pond, or storage structure for the water right is located: A. Meadow Island Ditch No. 2 and Beeman Ditch: Donald Kanzler, 11528 Weld County Road 23, Ft. Lupton, CO B. Sunata Recharge Pond No. 1: (1) Magness Land Holdings, LLC, address as above. (2) Taylor Family Trust, LLC 10614 Highway 66, Platteville, CO 80651 C. Sunata Reservoir; Lorenz Reservoir No. 1; Lorenz Well No. 2; Hansen Well No. 3; Funk Reservoir No. 1; Funk Well No. 1: Magness Land Holdings, LLC, address as above. D. Waddle Reservoir No. 1; Waddle Reservoir No. 2: Magness Platteville, LLC, address as above. E. Beddo Reservoir No. 1; Beddo Reservoir No. 2: Dearal Beddo, P.O. Box 426, Platteville, Colorado 80651 Wherefore, Applicants respectfully request that the Court enter a decree finding that the subject water rights are part of an integrated water supply system owned or operated by the Applicants, finding that the Applicants have been reasonably diligent in the development of the subject conditional water rights, and continuing the subject conditional water rights in full force and effect and in accordance with the original decree, and such other relief as the Court deems just and proper.

AMENDMENTS

2004CW326 The City of Thornton, Colorado; c/o Water Resources Division, 12450 Washington Street, Thornton, Colorado 80241. Matthew L. Merrill, White & Jankowski, LLP, 511 16th St., Ste. 500, Denver, CO 80202. Amended and Restated Application for Change of Conditional Storage Right, Conditional Underground Water Rights, Conditional and Absolute Surface Right, and Plan for Augmentation, Including Exchange in **ADAMS, DENVER, and WELD COUNTIES**. 2. Introductory Remarks. Applicant, the City of Thornton ("Thornton") owns and operates an integrated municipal water and sewer system supplying water and sewer service to those within its service area as it now exists and as it may grow in the future, and to those with contracts for water supply service. As part of its water supply planning, Thornton has acquired certain structures, land and water rights involved in this case from the original applicant, City of Arvada. Thornton filed this amended application to adapt certain originally pleaded components to allow operation within Thornton's municipal system instead of Arvada's municipal system. The Cooley West Complex consists of three interconnected lined gravel pit cells that operate as one unit. The south cell of this complex was part of the original application by Arvada in this case. Thornton purchased the south cell and the wells in this case from Arvada in 2006. The conditional storage right for the south cell as sought by Arvada in the original application was an overfiling on the right for the Cooley West Complex (fka Cooley Pit) decreed to Thornton in Case No. 91CW126 (Div. 1). To account for final constructed storage volumes,

this amended application seeks to change the place of storage of 611.37 acre-feet of water storage rights decreed for the North Dahlia Pit in Case No. 91CW126 to the Cooley West Complex. In the alternative and in the event Thornton's change of water right sought herein is denied, Thornton seeks a decree for the conditional storage right claimed by Arvada in the amount of 1,226.76 acre-feet as pleaded in the original application for use in Thornton's municipal system. This amended and restated application continues Arvada's claim for eleven wells to fill the Cooley West Complex, although Thornton has modified the locations of four of the six wells that are not yet constructed. In addition, this amended and restated application adds a surface water right claim for the Ford Seep Ditch that discharges into the Cooley West Complex. Finally, the amended application seeks a plan for augmentation, including exchange, to prevent injury from out-of-priority diversions by the Ford Seep Ditch and the eleven wells. The principal structures involved in this application are shown on the attached Exhibit A. All exhibits to this amended application are incorporated by this reference as if fully set forth in the amended application.

Change of Conditional Water Right 3. Introduction. Thornton's decree in Case No. 91CW126 confirmed conditional water storage rights for a number of gravel pits. Two of these pits were the North Dahlia Pit and the Cooley Pit (now known as Cooley West Complex). North Dahlia and the Cooley West Complex are located in the same stretch of the South Platte River and are components of an interconnected gravel lakes system owned by Thornton. There are no intervening surface diversions between the South Platte River diversion points decreed to these two pits in Case No. 91CW126. By this application, Thornton seeks to refine the conditional decreed storage amounts for these two gravel pits to more accurately represent the constructed conditions. The as-built storage capacity of the Cooley West Complex is greater than decreed in Case No. 91CW126, and the as-built storage capacity of the North Dahlia Pit is less than decreed in Case No. 91CW126. By this application, Thornton seeks to change the location of 611.37 acre-feet of the conditional water right from the North Dahlia Pit to the Cooley West Complex. The operation of both pits (and the other structures decreed in Case No. 91CW126) will continue to be subject to the volumetric diversion limits in Case No. 91CW126 and the other terms and conditions of that decree. The operation of both pits will also continue to be subject to the decree in Case No. 96CW1116 (Div. 1).

4. From Previous Decree Case No. 91CW126 (Water Division 1):

- a. Date Entered: September 16, 2002.
- b. Rights to be Changed: Thornton seeks to change a portion of the water right decreed to the North Dahlia Pit described in paragraph 8.3 of the previous decree to the Cooley Pit (nka Cooley West Complex) described in paragraph 8.2 of the previous decree. Both of these water rights are decreed for the same uses. Thornton does not seek to change any other right in Case No. 91CW126 by this application.
- c. North Dahlia Pit:
 - i. Decreed points of diversion: (1) The headgate of the Burlington Ditch on the east bank of the South Platte River in the SW1/4 of the NE1/4 of Section 14, T3S, R68W, 6th P.M., Adams County, at a point approximately 2,300 feet south and 2,200 feet west of the northeast corner of said section. (2) South Platte River Diversion on the southeast bank of the South Platte River in the SW1/4 of the SE1/4, Section 19, T2S, R67W, 6th P.M., Adams County, at a point approximately 582 feet north and 2,073 feet west of the southeast corner of said Section 19.
 - ii. Decreed place of storage: Located in the S1/2 of the NE1/4, and SE1/4, Section 19; the W1/2 of the SW1/4, S1/2 of the NW1/4, Section 20, T2S, R67W, 6th P.M., Adams County.
 - iii. Source: South Platte River.
 - iv. Appropriation Date and Rates of Diversion: (1) Burlington Ditch, August 19, 1996, 200 c.f.s. (2) South Platte River Diversion, December 31, 1991, 300 c.f.s.
 - v. Amount: 3,500 acre-feet.
 - vi. Historical Use: The water right to be changed is a conditional right for numerous municipal uses described in the decree in Case No. 91CW126, paragraph 10.3. Therefore, there are no records of actual diversions. The change will not exceed the contemplated draft of the original appropriation.
- d. Cooley Pit (nka Cooley West Complex):
 - i. Decreed points of diversion: (1) The combined headgate of the Lower Clear Creek Ditch and Colorado Agricultural Ditch on the north bank of Clear Creek in the SW1/4 of the SE1/4, Section 4, T3S, R68W, 6th P.M., Adams County, at a point approximately 1,200 feet north and 1,400 feet

west of the southeast corner of said section. (2) South Platte River Diversion on the northwest bank of the South Platte River in the SW1/4 of the NW1/4, Section 20, T2S, R67W, 6th P.M., Adams County, at a point approximately 3,780 feet north and 15 feet east of the southwest corner of said Section 20. ii. Decreed place of storage: Located in the NE1/4, N1/2 of the SE1/4, NE1/4 of the SW1/4, and SE1/4 of the NW1/4, Section 17, T2S, R67W, 6th P.M., Adams County. iii. Source: South Platte River and Clear Creek, a tributary to the South Platte River. iv. Appropriation Date and Rates of Diversion: (1) Lower Clear Creek Ditch/Colorado Agricultural Ditch, December 31, 1991, 230 c.f.s. (2) South Platte River Diversion, December 31, 1991, 300 c.f.s. v. Amount: 3,800 acre-feet. vi. Historical Use: The water right to be changed is a conditional right for numerous municipal uses described in the decree in Case No. 91CW126, paragraph 10.3. Therefore, there are no records of actual diversions. The change will not exceed the contemplated draft of the original appropriation. 5. Proposed Changes: Thornton seeks to change 611.37 acre-feet of the water storage right decreed in Case No. 91CW126 for the North Dahlia Pit to the Cooley West Complex. Thornton also seeks to confirm the as-built legal description of the Cooley West Complex. Thornton will continue to operate according to all other terms and conditions in Case Nos. 91CW126 and 96CW1116. The changed rights are described as follows: a. North Dahlia Pit. Decreed storage capacity of 2,888.63 acre-feet. All other previously decreed information and terms and conditions remain unchanged. b. Cooley West Complex. All information below describes the entire three-cell complex comprising the Cooley West Complex (fka Cooley Pit). i. As-Built Legal Description: NE1/4, N1/2SE1/4, NE1/4SW1/4, and E1/2NW1/4 of Section 17, T2S, R67W, of the 6th P.M. in Adams County, Colorado. The reservoir is an excavated and lined former gravel pit and therefore does not have a dam centerline. The Cooley West Complex is generally located on the north or west side of the South Platte River, east of McKay Road. See Exhibit A. ii. Decreed Storage: 4,411.37 acre-feet. iii. Surface Area: 185.67 acres at high water line. A stage-capacity table is attached as Exhibit B. The reservoir is a former gravel pit that has been lined for municipal storage. Because water storage is below grade, there is no dam height or dam length for this structure. iv. All other previously decreed information and terms and conditions remain unchanged. 6. Remarks: a. Thornton may also store reusable municipal effluent or other water that Thornton owns and controls and which is lawfully available for storage in the Cooley West Complex. b. Thornton seeks a decree to divert water from the underground and surface water rights described below into the Cooley West Complex, among the other uses described below. c. The structures and water rights described above are part of Thornton's integrated municipal water system. d. A diligence proceeding involving the water rights decreed in Case No. 91CW126 is pending in the Division 1 Water Court in Case No. 08CW205 (Div. 1). **Claim for Underground Water Rights** 7. Introduction: In this amended application, Thornton seeks groundwater rights for the eleven wells included in the original application in this matter, including five existing wells and six proposed wells. The wells are used to fill the Cooley West Complex described in paragraph 5 above, and the water diverted by the wells may be used directly in Thornton's municipal system or stored in Thornton's lined gravel lakes for later municipal uses. 8. Names and Locations of Wells: All of the wells will be in Section 17, Township 2 South, Range 67 West, 6th P.M., in Adams County, Colorado. The specific well locations are described below. a. Cooley West Well No. 1 (Permit No. 65288-F) is located in the NE1/4 of the SW1/4 of Section 17, 1,415 feet from the south section line and 2,450 feet from the west section line. b. Cooley West Well No. 2 (Permit No. 65289-F) is located in the NE1/4 of the SW1/4 of Section 17, 1,440 feet from the south section line and 2,490 feet from the west section line. c. Cooley West Well No. 3 (Permit No. 65290-F) is located in the NW1/4 of the SE1/4 of Section 17, 1,507 feet from the south section line and 2,738 feet from the west section line. d. Cooley West Well No. 4 (Permit No. 65291-F) is located in the NW1/4 of the SE1/4 of Section 17, 1,500 feet from the south section line and 2,990 feet from the west section line. e. Cooley West Well No. 5 (Permit No. 65292-F) is located in the NW1/4 of the SE1/4 of Section 17, 1,500 feet from the south section line and

3,240 feet from the west section line. f. Cooley West Well No. 6 will be located in the NW1/4 of the SE1/4 of Section 17, approximately 1,840 feet from the south section line and 1,380 feet from the east section line. This is the same location as Arvada Well No. 8 described in the original application. g. Cooley West Well No. 7 will be located in the NE1/4 of the SE1/4 of Section 17, approximately 2,425 feet from the south section line and 921 feet from the east section line. This is the same location as Arvada Well No. 11 described in the original application. h. Cooley West Well No. 8 will be located in the NW1/4 of the SE1/4 of Section 17, approximately 2,055 feet from the north section line and 315 feet from the east section line. i. Cooley West Well No. 9 will be located in the NE1/4 of the SE1/4 of Section 17, approximately located 1,470 feet from the north section line and 25 feet from the east section line. j. Cooley West Well No. 10 will be located in the NE1/4 of the SE1/4 of Section 17, approximately located 1,150 feet from the north section line and 20 feet from the east section line. k. Cooley West Well No. 11 will be located in the NE1/4 of the SE1/4 of Section 17, approximately located 110 feet from the north section line and 10 feet from the east section line. 9. Source: Groundwater tributary to the South Platte River. 10. Date of appropriation: February 7, 2000. 11. How appropriation was initiated: By resolution of the Arvada City Council to purchase the property and construct the reservoir, and by entry into the contract to purchase the property on February 7, 2000. The reservoir and liner were completed in December 2002. Five wells and the inlet and outlet facilities were constructed, and pumps were installed on those wells, between 2001 and 2004. Arvada also posted the property on November 16, 2004, at two locations between the reservoir and the South Platte River and filed the original application in this case on December 28, 2004. Further action on this application by Thornton was confirmed by Thornton's City Council in Resolution CD No. 2006-134. 12. Rate of Diversion: 22 cubic feet per second ("cfs"), CONDITIONAL, from the cumulative pumping of all or any combination of the wells. 13. **Uses:** All municipal uses, both direct and after storage in Thornton's lined gravel lakes, including but not limited to: domestic, manufacturing, industrial, commercial, mechanical, fire protection, sewage treatment, street sprinkling, watering of parks, lawns, gardens and other public spaces, irrigation, agricultural, recreation, piscatorial, wildlife preservation, lake and reservoir evaporation, and aesthetic purposes and for replacement, adjustment and regulation of Thornton's storage and delivery systems, and those of its users, among themselves and with others. Thornton may divert, store and use the water directly, by and for exchange, augmentation, substitution, replacement or otherwise, as may be appropriate to maximize its lawful use. Thornton may reuse, successively use, dispose of, and/or otherwise apply all water to extinction. The return flows discharged or released by Thornton attributable to the exercise of this right shall have associated with it the same rights of use, reuse, successive use and disposition. The water may be placed to use within the Thornton service area as it now exists (as shown on Exhibit C) or as it may exist in the future and in any other location capable of service with water produced from the well. 14. Remarks: a. The wells currently discharge to the Cooley West Complex. b. The depths of the wells currently range and are expected to range between 30 and 40 feet. c. Applicant has current well permits for Well Nos. 1-5. Copies of the well permits are attached hereto as Exhibit D. Applicant will apply for new well permits for each of the wells prior to diversion of water for storage pursuant to the claimed conditional water right. d. With respect to the conditional claim stated above, Thornton claims the right to confirm additional amounts as absolute, without further notice or publication, based on its exercise of the subject water rights from the date of their appropriation up to the time of any hearing in these proceedings. e. Thornton seeks approval of the augmentation plan described below for the operation of the underground water rights described in this claim. f. These underground water rights are part of Thornton's integrated municipal water system. **Claim for Surface Water Right** 15. Introduction: The Ford Seep Ditch collects surface water flows and delivers that water into the north cell of the Cooley West Complex. Because of land use issues, it is currently not feasible to route the ditch directly to the South Platte River. Thornton seeks a water right for the Ford Seep Ditch for municipal and other purposes, and will augment the diversions when out of

priority under the augmentation plan included in this application. 16. Name of Structure: Ford Seep Ditch. 17. Legal Description of Point of Diversion: The Ford Seep Ditch diversion is located in the NE1/4 of the NW1/4 of Section 17, Township 2 South, Range 67 West, 6th P.M., in Adams County, Colorado, approximately 1,375 feet from the north section line and 2,100 feet from the west section line. 18. Source: Surface water tributary to the South Platte River. 19. Date of Appropriation: August 4, 2006. 20. How appropriation was initiated: By Applicant's acquisition of the property and structures associated with the subject water right and recording of the deeds for the same in the public records of Adams County, and diversion of water under the subject water right and replacement of out-of-priority diversions by exchange. 21. Date Water Applied to Beneficial Use: May 7, 2010 as shown on Exhibit E. 22. Rate of Diversion: 3.5 c.f.s., of which .7 cfs is ABSOLUTE based on diversion during free river on May 7, 2010 (*see* Exhibit E, attached); and 2.8 cfs remains CONDITIONAL. 23. Uses: As stated in paragraph 13 above. 24. Remarks: a. The Ford Seep Ditch terminates into the Cooley West Complex. b. The Ford Seep Ditch also has a decreed water right in Case No. W-4597 by the Water Court in and for Water Division 1 on August 12, 1975. No change of that original water right is sought in this application. c. With respect to the conditional claim stated above, Thornton claims the right to confirm additional amounts as absolute, without further notice or publication, based on its exercise of the subject water rights from the date of their appropriation up to the time of any hearing in these proceedings. d. The structures and water rights described above are part of Thornton's integrated municipal water system. **Plan for Augmentation, Including Exchange**

25. Introduction. This part of the amended application seeks approval of a plan for augmentation that will replace the out-of-priority depletions associated with the appropriation and use of the surface and underground water rights described in paragraphs 7 through 24 above. In general, Thornton will pump alluvial water from the wells described above, and the timing, location, and amount of those depletions will be determined. When the depletions are out of priority, to prevent injury, Thornton will provide augmentation water back to the river in timing, location, and amount in a manner so that senior appropriators are not injured. Similarly, Thornton will measure surface diversions at the Ford Seep Ditch and when the diversions are not in priority, Thornton will provide augmentation water back to the river in timing, location, and amount in a manner so that senior appropriators are not injured. 26. Name of Structures to be Augmented. Each of the structures described above in paragraphs 7 through 24 above. These water rights are not yet decreed. 27. Source of Water Rights to be Used for Augmentation. Thornton owns a large portfolio of water rights and has the contract right to use other sources of water. The City maintains water accounting to distinguish those sources that are available for use for augmentation, such as in this augmentation plan, and those which are not. The reusable water in Thornton's portfolio may be used on a first use basis or following other uses. These sources of augmentation water are used under a number of the City's decrees depending upon Thornton's then-occurring needs and operations. Accordingly, these sources are not dedicated exclusively to this plan for augmentation, but are available for use under this plan pursuant to the terms and conditions of any decree that may be issued in this case. More particularly the sources of water that will be used in this plan can be broken down into sources derived based on Thornton's decrees and those it is entitled to use pursuant to contract, as follows: a. List of Water Rights: Attached as Exhibit F is a list of Thornton water rights to be used for augmentation purposes pursuant to this decree. These sources generally include the consumptive use attributable to changed irrigation rights in the South Platte Basin, transmountain sources, nontributary rights, and water rights that have been originally decreed for augmentation purposes, including lawn irrigation return flows generated by the exercise of such rights in accordance with the decree in Consolidated Cases 86CW401, etc., Water Division 1. Some of the sources on the list are single use water rights denoted by footnote 2. They are decreed for augmentation purposes, but the water is not reusable. The decrees approving use of these water rights for augmentation are listed on Exhibit F, and those decrees include legal descriptions of the points of diversion and historic

use information for these water rights, which information is voluminous and publicly available and not re-printed here. b. Unchanged Shares in Ditch Companies: Thornton has acquired additional shares in certain ditch companies. The underlying water right decrees for these shares are also identified on Exhibit F. Some of these shares are included in pending applications to change their use. Change applications for other shares have not yet been filed, and they are denoted on the list by footnote 1. After change decrees have been entered for these unchanged shares, but not before, these ditch shares will be available for use as augmentation sources herein; provided, however, that Thornton may also use these unchanged shares for augmentation purposes herein if they are pending change in a water court application and Thornton obtains approval from the State Engineer to use the unchanged shares on a temporary basis for augmentation purposes under the procedures set forth in C.R.S. § 37-92-308 (2010) as it may be amended. c. Subject Water Rights: The water rights described in paragraphs 7 – 24 above. d. Contract Supplies: Thornton has available to it by agreements with other water users the following additional sources that will be used in this plan for augmentation. i. *Coors*. Under an agreement dated December 23, 1996, Thornton has the right to deliveries from Coors of up to 600 acre-feet of reusable water per year at a rate not to exceed 2.5 cfs. ii. *Westminster*. Under an agreement dated January 7, 1982, Thornton has the right to deliveries from Westminster of up to 500 acre-feet of reusable water per year at a rate not to exceed 4 cfs. iii. *Public Service Company*. Under an agreement dated May 13, 1994, Thornton has the right to deliveries from Public Service Company of 71 acre-feet of fully consumable water per year at a rate not to exceed 1 cfs. iv. *Westminster*. Under an agreement dated October 10, 1990, Thornton receives reusable water that is booked over from Westminster to Thornton in Standley Lake of variable pro rata amount of up to 375 acre-feet per year. v. *Consolidated Mutual Water Company*. Under an agreement dated October 17, 1997, Thornton has the right to receive deliveries of reusable water up to 120 acre-feet per year at a rate not to exceed 50 cfs. vi. *Aurora*. Under an agreement dated May 20, 2003, Thornton has the right to receive deliveries of reusable water from Aurora in an amount of 7,883 acre-feet per year. vii. *Arvada*. Under an agreement dated October 16, 2006, Thornton has the right to receive deliveries of reusable water from Arvada up to a maximum rate of 12 cfs between April 1 and October 31. 3. Additional Sources: Thornton will also use as augmentation supplies any other water rights or sources of water that Thornton then owns or controls, provided that they are decreed for augmentation purposes. These sources may include consumptive use attributable to changed irrigation water rights, trans-mountain water, developed water, or decreed nontributary groundwater provided that Thornton can make such supplies available at the locations, at the time, and in the amount necessary to prevent injury. The decree in this case will include a retained jurisdiction process for adding these additional sources with notice to objectors.

28. Statement of Plan for Augmentation. Thornton will operate the underground and surface water rights described in paragraphs 7 – 24 when they are in priority. When they are out of priority, the depletions associated with each component will be replaced as outlined below. Thornton will operate its replacement supplies according to the terms and conditions of the decrees (or any administrative approval) allowing use for augmentation, which decrees are listed on Exhibit F. a. Well Depletions. Thornton will pump alluvial ground water from the wells described in paragraph 8 into storage in Thornton's lined gravel lakes and for use in its municipal system. Totalizing flow meters have been or will be installed to measure the daily amount pumped from each well. The stream depletions resulting from pumping each well will be calculated according to lagging factors. Out-of-priority stream depletions will be replaced to the river from the augmentation sources listed in paragraph 27. Accounting will be performed on a daily basis and will be integrated with Thornton's existing accounting forms for its gravel pits and raw water system. Thornton will make daily releases of augmentation water, at the proper time and in the appropriate amount, above the downstream calling right so as to prevent injury. The releases will be made from any of the locations listed in paragraph 28.c. b. Ford Seep Ditch Depletions. The Ford Seep Ditch flows year round into the Cooley West Complex. Thornton

measures the flows with a flume on a daily basis. Accounting will be performed on a regular basis and will be integrated with Thornton's existing accounting forms for its gravel pits and raw water system. At times when these diversions are not in priority because of a valid downstream call, Thornton will make releases of augmentation water, at the proper time and in the appropriate amount, above the downstream calling right so as to prevent injury. The releases will be made from any of the locations listed in paragraph 28.c. *c. Location of Augmentation Water Releases.* Some augmentation water will be discharged from the Metro WWTP, the location of which is described in sub-paragraph i below. Depending, however, upon the derivation of source of the augmentation water, the provision of augmentation water pursuant to this augmentation plan will also be provided from any of the following locations, but in each instance above the downstream calling water right: i. Metropolitan Waste Water Reclamation District Outfall, presently located in the SE1/4 of the SW1/4 of Section 1, T3S, R68W, 6th P.M., Adams County, Colorado. ii. The confluence of Sand Creek and the South Platte River located in the SE1/4 of the SW1/4 of Section 1, T3S, R68W, 6th P.M., Adams County, Colorado. iii. The confluence of Clear Creek and the South Platte River located in the SW1/4 of the SE1/4 of Section 36, T2S, R68W, 6th P.M., Adams County, Colorado. iv. The confluence of Big Dry Creek and the South Platte River located in the NW1/4 of the NW1/4 of Section 7, T1N, R66W, 6th P.M., Weld County, Colorado. v. The confluence of Cherry Creek and the South Platte River located in the NE1/4 of the NW1/4 of Section 33, T3S, R68W, 6th P.M., Denver County, Colorado. vi. At the three locations for Thornton's taking credits for lawn irrigation return flows specified in paragraph 63.5.3 of the decree in Consolidated Cases 86CW401, etc. vii. At the locations for Thornton's taking credits for lawn irrigation return flows specified in Case No. 08CW82. viii. Any other location that augmentation water can be released above the downstream calling water right in a manner so as to prevent injury. Thornton seeks the ability to confirm new locations and sources of augmentation water through a retained jurisdiction process. 29. Exchange Component of Plan. When the replacement water is provided below the point of diversion of the wells or the Ford Seep Ditch, the plan for augmentation will include an element of an exchange, for which Thornton seeks confirmation of an appropriation date of August 31, 2010, through the following reaches and in the following conditional amounts: a. From the confluence of Big Dry Creek and the South Platte River, described in paragraph 28.c.iv above, up the South Platte River to the Ford Seep Ditch and uppermost point of depletion of the wells described in paragraph 8, at a rate of 25.5 cfs. 30. Name and address of owners of land on which the structures in this application are or will be located, and upon which water is or will be placed to beneficial use. Applicant, whose contact information is provided in paragraph 1 above. Application is 15 pages plus six (6) exhibits (43 pages total with exhibits).

09CW54, Lise D. Stevens, 38000 County Road 13, Elizabeth, CO 80107 (James J. Petrock, Petrock & Fendel, 700 17th Street, #1800, Denver, CO 80202), AMENDED APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT NONTRIBUTARY SOURCES AND REQUEST FOR APPROVAL OF CHANGE OF WATER RIGHTS AND PLAN FOR AUGMENTATION, **ELBERT COUNTY**. The original application requested adjudication of the Denver Basin groundwater underlying Applicant's 88.6 acres located in parts of the NE1/4 of Section 25, T7S, R65W, and the SW1/4 of Section 19 and NW1/4 of Section 30, T7S, R64W of the 6th P.M., as described and shown on Attachment A hereto (Subject Property). It was subsequently discovered that the groundwater underlying the Subject Property had previously been decreed in Case No. 07CW270. Applicant is the owner of the groundwater underlying the Subject Property as decreed in Case No. 07CW270, including the decreed amount of 26.5 acre-feet per year of not nontributary Upper Dawson aquifer groundwater. Request for Change of Water Right: In Case No. 07CW270, all of the not nontributary Upper Dawson aquifer groundwater underlying the Subject Property was decreed

and is not available for use through exempt wells pursuant to Section 37-92-602, C.R.S. Applicant requests that the decreed amount of 26.5 acre-feet be reduced by 8 acre-feet per year to 18.5 acre-feet per year for use through exempt wells on the Subject Property. Request for Approval of Plan for Augmentation: Groundwater to be augmented: 18.5 acre-feet per year for 100 years of not nontributary Upper Dawson aquifer groundwater underlying the Subject Property as decreed in Case No. 07CW270. Water rights to be used for augmentation: Return flows from the use of not nontributary Upper Dawson aquifer water and return flows and direct discharge of nontributary Laramie-Fox Hills aquifer groundwater underlying the Subject Property as also previously decreed in Case No. 07CW207. Statement of plan for augmentation: The subject Upper Dawson aquifer groundwater will be used for additional domestic, irrigation, stockwatering, and use in barns and stables. Sewage treatment for inhouse use is provided by a non-evaporative septic system and consumptive use associated with that use will be approximately 10% of water used. Consumptive use associated with irrigation use will be approximately 90% of water used. During pumping Applicant will replace actual depletions pursuant to Section 37-90-137(9)(c), C.R.S. Depletions may occur to the Running Creek stream system. Return flows from use of the subject water rights from inhouse and irrigation use will accrue to the South Platte River system via Running Creek and those return flows are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicant will reserve an equal amount of nontributary Laramie-Fox Hills aquifer groundwater as decreed in Case No. 07CW207 to meet post-pumping augmentation requirements.

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 **November 2010** (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.