

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

Pursuant to CRS, 37-92-302, you are hereby notified that the following pages comprise a resume of applications and amended applications filed in the office of the Water Clerk for Water Division No. 1 during the month of **December, 1999.**

99CW200 LORENZINI BROTHERS, 8577 Hwy. 144, Weldona, CO 80653. Application for Water Rights (Surface) and Storage, **IN MORGAN COUNTY.** 17 NW Draw 300' E of NW corner of S17, T4N, R58W, 6th P.M. on fence line. 17 Central Draw from NE corner of SW1/4NE1/4, S17, T4N, R58W, go 700' west on fence line. 17 SE Draw 550' W of NE corner of SE1/4, S17, T4N, R58W, Weins Draw 150' E of SW corner of S16, T4N, R58W. 21 NW Draw 1250' E of SW corner of S16, T4N, R58W, then 210' S of fence line. 17 SE Pond 1320' S of 17 SE Draw Spring. Source: All springs-Natural springs and runoff. 17 SE Pond and 17 SE spring - Natural runoff. Appropriation: All springs 1910-17 SE Pond-12/1/1999 Amount claimed: Springs 50 gpm; Pond 2 A/F CONDITIONAL. Use: Stock water for max 250 head on 600 acre pasture lands Remarks: 17 SE Pond will be located a 17 SE Draw. The Dam will be a max 8 feet high and have an outlet tube in the bottom. Surface area will be less than 1 acre. Total capacity 2 acre feet. (2 pages)

99CW201 STEVE AND BROOKE BARRY, 1772 Alvarado Road, PO Box 201, Georgetown, CO 80444. Application for Water Storage Right, **IN CLEAR CREEK COUNTY.** Diamond B Ranch Storage Pond is located in NE1/4SW1/4 S33, T3S, R74W, 6th P.M., at a point approximately 2000' N and 200' W of the S1/4 corner, S33. Source: Clear Creek Appropriation: 5/3/1998 Amount claimed: 5 A/F Absolute; 95 A/F CONDITIONAL. If off-channel reservoir, rate of diversion in cfs for filling the reservoir: 5 cfs If non-irrigation, describe purpose fully: Water is to be used for augmentation for development of Barry land. Total capacity of reservoir in acre feet: 5 Remarks: Absolute water rights-Diamond B Ranch we believe water rights are absolute because we created a water storage for wildlife, beautification of property, and fishery. (3 pages)

99CW202 ROSE MACY, GARY AND SYLVIA BURBACK AND LESLIE J. WILLIAMS, JR., 9595 Nelson Road, Box C, Suite 203, Longmont, CO 80501 (BERNARD, LYONS & GADDIS, Wendy S. Rudnik, Esq., 515 Kimbark Street, 2nd Floor, Longmont, Colorado 80502-0978). Application For Water Storage Right **IN WELD COUNTY.** 1.Reservoir: Idaho Creek Reservoir. 2.Legal Description (reservoir): SW ¼ of the SW ¼ of Section 29, Township 2 North, Range 68 West of the 6th P.M., Weld County, Colorado. 3.Location of points of diversions: Idaho Creek Reservoir is filled through a diversion on Houck's Slough, a drainage way beginning approximately in the SE ¼ SE ¼ of Section 32, Township 2 North, Range 68 West of the 6th P.M., Weld County, Colorado, tributary to Boulder Creek. The diversion point from Houck's Slough is a culvert located under Weld County Road 3 ¼ in the SE ¼ SW ¼ of Section 29, Township 2 North, Range 68 West of the 6th P.M., Weld County, Colorado, approximately 1320 feet from the west section line and 300 feet from the south section line. Water is conveyed from Houck's Slough, beneath Weld County Road 3 ¼, through a pipeline located on Applicants' property to Idaho Creek Reservoir. The estimated maximum rate of flow through Houck's Slough is 2 cfs. 4.Source: Houck's Slough, tributary to Boulder Creek. 5.Date of appropriation: October 9, 1997. 6.How appropriation was initiated: Filling reservoir from October 9, 1997 through February 26, 1998, and putting water to beneficial use. 7.Date water applied to beneficial use: February 26, 1998. 8.Amount claimed: 89 acre feet absolute for recreation and fish and wildlife propagation uses and conditional for irrigation use. 9.Use: Irrigation, recreation, and fish and wildlife propagation. The lands to be irrigated are 40 acres located in the SW ¼ of the SW ¼ of Sec. 29, T2N, R69W of the 6th P.M., Weld County, Colorado. 10.Surface area at high water line: 18 acres. 11.Maximum height of dam/ length of dam: Reservoir is a lined gravel pit located below ground.12.Total capacity of reservoir: 89 acre feet. 13.Active capacity: 87 acre feet. 14.Dead storage: 2 acre feet. 15.Owners of land on which reservoir is located: Applicants.

99CW203 (91CW092) CONSOLIDATED MUTUAL WATER COMPANY, 12700 West 27th Avenue, P.O. Box 150068, Lakewood, Colorado 80215. Benjamin L. Craig, General Counsel for, The Consolidated Mutual Water Company, 12700 West 27th Avenue, P.O. Box 150068, Lakewood,Colorado80215. APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE A PORTION OF CONDITIONAL WATER RIGHT, **IN JEFFERSON COUNTY**
2. Name of Structure:

Fairmount Reservoir

Description of Conditional Water Right:

Date of Original Decree: November 30, 1993
Case No. 91 CW 092, District Court, Water Division 1,
State of Colorado.

Location: In the NE ¼, Section 24, Township 3 South, Range 70 West of the 6th Principal Meridian,
Jefferson County, Colorado.

Source: Clear Creek, A tributary of the South Platte River.

Appropriation date: July 16, 1991.

Amount: 990 acre feet conditional

Use: All beneficial uses, including municipal, irrigation, domestic, mechanical, commercial, industrial, recreation, fish and wildlife, augmentation and replacement and any other use necessary, desirable, or incident to the operation of the Consolidated Mutual Water Company's water system.

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.

Fairmount reservoir and the pipeline used to fill it were completed prior to the date of the decree, November 30, 1993, at a cost of \$3,620.17. The pipeline used to convey water from the reservoir into applicant's treatment and distribution system was completed since November 30, 1993 at a cost of \$586,861. Other expenditures for improvement, maintenance, and carriage in the filler ditch total \$29,850.

Claim to make Absolute:

The reservoir was filled to capacity during the Spring and Summer of 1993, and a total of 307 acre feet of water was withdrawn in 1994 and used in Applicant's water system for municipal irrigation, domestic, mechanical, commercial and industrial uses. The entire capacity of the reservoir has been used for fish, wildlife and recreational uses since it was filled in 1993.

WHEREFORE, Applicant requests that this Court issue it's findings and decree that Applicant has completed its appropriation of a portion of the water rights decreed in Case No. 91 CW 092 and now has absolute water rights in the amount of 990 acre feet for fish, wildlife and recreation uses; 307 acre feet for municipal, irrigation, domestic, mechanical, commercial, and industrial uses; that applicant has been diligent with regard to completion of the remainder of its appropriation; and that the remaining water rights decreed in Case No. 91 CW 092, and not made absolute, be continued in full force and effect for another diligence period. (3 pages)

99CW204 HARPER KEYS ALLEN, 5189 N. Mesa Drive, Castle Rock, CO 80104. **ANDREW C. AND KEM M. BUTLER**, 4383 N. Canyon Lane, Castle Rock, CO 80104. **DAN H. AND LESLIE T. CARLSON**, 5031 North Mesa Drive, **RUSSELL LEE AND JUNE F. GOODWIN**, 4674 Lariat Drive, Castle Rock, CO 80104. **JOHN A. MARSHALL AND MELINDA F. WHITEMAN**, P.O. Box 495, Castle Rock, CO 80104. **KERRY L. PHELPS**, 5050 North Mesa Drive, Castle Rock, CO 80104. **JAMES L. AND KIRSTEN PETERSEN PUCKET**, 4893 N. Lariat Drive, Castle Rock, CO 80104. **SHARON A. AND THOMAS L. RICHMOND**, 4355 Canyon Lane, Castle Rock, CO 80104. **JAMES E. AND CAROL S. TACKETT**, 4530 Lariat Drive, Castle Rock, CO 80104. **ANDREAS S. VLAHINOS AND MARY SANDRA ARMENTRAUT**, 4547 N. Lariat Drive, Castle Rock, CO 80104. (Daniel J. Danser, Esq., 240 Wilcox Street, Castle Rock, CO 80104). Application for Underground Water Rights from Nontributary Sources, **IN DOUGLAS COUNTY**. 2. Well permits: Well permits will be applied for prior to

construction of the wells. 3. Legal Description of Wells and Subject Property: The wells which will withdraw groundwater from the nontributary Arapahoe and Laramie-Fox Hills aquifers will be located in portions of Sections 14,15 and 22, T7S, R67W, 6th P.M., at any location on the following individual parcels in Douglas County as described below. Harper Keys Allen, Lot 151, Happy Canyon Filing 5, 2.224 AM/L, State Parcel No. 2351-150-04-040 and Lot 152, Happy Canyon Filing 5, 2.502 AM/L, State Parcel No. 2351-150-04-039. Andrew C. and Kem M. Butler, Lot 2, Happy Canyon South, 2.010 AM/L, State Parcel No. 2351-220-05-001. Dan H. and Leslie T. Carlson, Tract 159, Happy Canyon Filing 5, 2.371 A/ML, State Parcel No. 2351-140-04-001. Russell Lee and June F. Goodwin, Lot 95, Happy Canyon Filing 2, 1.877 AM/L, State Parcel No. 2351-220-05-001. John A. Marshall and Melinda F. Whiteman, Lot 148, Happy Canyon Filing 5, 1.572 AM/L, State Parcel No. 2151-105-05-001. Kerry L. Phelps, Tract E. Happy Canyon Filing 4, 1.488 AM/L State Parcel No. 2351-140-03-008. James L. and Kirsten Petersen Puckett, Lot 115 Happy Canyon Filing 2, 2.047 AM/L, State Parcel No. 2151-220-04-013. Sharon A. and Thomas L. Richmond, Lot 3, Happy Canyon South, 2.010 AM/L, State Parcel No. 2351-220-05-012. James E. and Carol S. Tackett. Lot 29, Happy Canyon Filing 1, 2.388 AM/L, State Parcel No. 2351-150-02-032. Andreas S. Vlahinos and Mary Sandra Armentraut, Tract 47, Happy Canyon Filing 1, 2.256 AM/L, State Parcel No. 2351-220-02-016. 4. Source of Water Rights: The groundwater to be withdrawn from the Arapahoe and Laramie-Fox Hills aquifers is nontributary groundwater as described in C.R.S. 37-90-103(10.5). 5. Estimated Amounts and Rates of Withdrawal: The wells will withdraw the subject amounts of groundwater at rates of flow necessary to efficiently withdraw the entire decreed amounts. Applicants waive the 600 foot spacing rule as described in C.R.S. 37-90-137(2) for wells located on their respective lots. The estimated average annual amounts of withdrawal available from the subject aquifers as indicated below, are based upon the Denver Basin Rules, 2 C.C.R. 402-6. Applicants claim the right to withdraw more water each year from each aquifer than the average amount available annually therefrom, so long as the sum of the withdrawals from all of the wells completed into that aquifer does not exceed the product of the number of years since the date of issuance of a permit to construct a well described herein into that aquifer or the date of the ruling herein, whichever first occurs, times the average annual amount of withdrawal available from that aquifer. 6. Applicant estimate the following annual amounts are representative of the Arapahoe and Laramie-Fox Hills aquifers underlying the Subject Properties.

Owner/ Applicant	Area	SB5 Computation		Section	State Parcel ID	Arapahoe		Laramie- Fox Hills	
		Location				ST	Amt (ft) (AF)	ST	Amt (ft) (AF)
		N/S SL	E/W SL						
Allan Lot 151	2.244	1650S	800E	15	2351-150-04-040	356	1.36	177	0.60
Allan Lot 152	2.502	1435S	610E	15	2351-150-04-39	355	1.51	178	0.67
Butler	2.010	2340S	2090E	22	2351-220-05-001	299	1.02	175	0.53
Carlson	2.371	450S	85E	15	2351-140-04-001	348	1.40	178	0.63
Goodwin	1.877	1000N	2300E	22	2351-220-05-001	318	1.01	175	0.49
Marshall Whiteman	1.572	2000S	450E	15	2151-105-05-001	362	0.97	178	0.42
Phelps	1.488	525S	600W	14	2351-140-03-008	352	0.89	179	0.40
Puckett	2.047	1435N	1635E	22	2151-220-04-013	317	1.10	176	0.54
Richmond	2.010	2540S	2308E	22	2351-220-05-012	298	1.02	175	0.53
Tackett	2.388	800S	2450E	15	2351-150-02-032	338	1.37	175	6.63
Vlahinos / Armentraut	2.256	220N	1980E	22	2351-220-02-016	329	1.26	176	0.59

The average annual amounts available for withdrawal from the subject aquifers will depend on the hydrogeology and the legal entitlement of the Applicants and represents a claim to all groundwater underlying the Subject Property.

Well Fields: Applicants request that this Court determine that Applicants have the right to withdraw all of the legally available groundwater in the Arapahoe and Laramie Fox Hills aquifer lying below the Subject Property on the lots which are contiguous, through wells that may be requested in the future, which may be located anywhere on the Subject Property, and any additional wells which may be completed in the future as Applicant's well fields. As additional wells are constructed, applications will be filed in accordance with

C.R.S. 37-90137(10). Proposed use: Applicants will use all water withdrawn from the subject aquifers in an individual well or in a water system to be used, reused, successively used, and after use leased, sold, or otherwise disposed of for the following beneficial purposes: municipal, domestic, industrial, commercial, irrigation, livestock watering, recreational, fish and wildlife, fire protection, augmentation, and any other beneficial purpose. Said water will be produced for immediate application to said uses, both on and off the property, for storage and subsequent application to said uses, for exchange purposes, for replacement of depletions resulting from the use of water from other sources, and for augmentation purposes. Jurisdiction: The Water Court has jurisdiction over the subject matter of this application pursuant to C.R.S. 37-92-302(2), and C.R.S. 37-90-137(6). Remarks: A. Applicants claim the right to withdraw more than the average annual amounts estimated in paragraph 6 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. B. Although Applicants have estimated the amounts of water available for withdrawal from the subject aquifers based on estimates of relative values for specific yield and saturated thickness, Applicants request the right to revise the estimates upward or downward, based on better or revised data, without the necessity of amending this application or republishing the same. (6 pages)

99CW205 **ROGER L. AIRHART**, 8593 WCR 25, Ft. Lupton, CO 80621. Application for Underground Water Rights from Not Nontributary and Nontributary Sources, **IN WELD COUNTY**. 2. Well Permits: Well permits will be applied for prior to drilling the wells. 3. No specific wells are sought to withdraw ground water from the nontributary Laramie-Fox Hills Aquifer underlying the land described in paragraph 9 below, at this time. All wells are to be located on the applicants land in lots 7, 11, and 12 of the NE1/4, S24, T2N, R67W, 6th P.M., Weld County. No specific locations for the proposed wells are requested. Specific locations will be provided when applications for well permits are submitted. 4. Source of Water Rights: The nontributary groundwater will be withdrawn from the Laramie-Fox Hills Aquifer. 5. Estimated Amounts, Rates of Withdrawal and Well Depths: Average Pumping rates and Well Depths: Laramie Fox Hills Aquifer. Estimated Average Annual Amounts Available: The estimated average annual amount of withdrawal available from the subject aquifers as indicated below, is based upon the Denver Basin Rules, 2 C.C.R. 402-6. Applicant estimates the following values and average annual amounts are representative of the referenced aquifers underlying the Subject Property which is an area of 73 acres.

	Sand	Specific	Withdrawal	Annual Average
Aquifer		Thickness	Yield (%)	(Acre Feet)
Laramie-Fox Hills		170 feet	.15	Request all available Appropriation

The average annual amounts available for withdrawal from the subject aquifers will depend on the hydrogeology and the legal entitlement of Applicant to all groundwater in those aquifers underlying the described property. The use of not nontributary water from the aquifer shall be subject to judicial approval of an augmentation plan which will be applied for at such time as the well is proposed to be permitted. 6. Well Fields: Applicant requests that this Court determine that Applicant has the right to withdraw all of the legally available ground water in the Subject Aquifers lying below the land described in paragraph 9 below, through the wells described in paragraph 2 above and any additional wells which may in the future become part of the Applicant's well fields. Applicant further requests that the pumping rates for each of these wells may exceed the nominal pumping rates set forth above to the extent necessary to withdraw the full amount acre-foot allocation of water from the aquifer, However, the subject wells will not exceed the pumping rate specified on the well permit for each well. 7. Proposed Use: All water withdrawn will be reused, successively used, leased, sold, or otherwise disposed of for the following beneficial uses: municipal, domestic, industrial, commercial, augmentation, stock watering, recreational, fish and wildlife. The water will be produced for immediate application to said uses, for storage and subsequent application to said uses, for exchange purposes, for replacement of depletions from the use of water from other sources, and for augmentation purposes. 8 Applicant requests the right to withdraw from these wells an average amount of water determined to be available in paragraph 5 plus an amount of ground water in excess of that annual amount; provided that the sum of the total withdrawals from any particular aquifer does not exceed the product of the number of years since the date of the issuance of well permits or of the entry of this decree, which ever occurs first, times the decreed average annual amount for that aquifer. 9. Description of the Land Overlying Subject Ground Water: Approximately 73 acres of land located in the NE1/4 of S24, T2N, R67W, 6th P.M., Weld County. (3 pages; attachments 2 pages)

99CW206 CAMAS COLORADO, INC., c/o Richard Mergens, Vice president, P.O. Box 5485, Denver, CO 80217. (Timothy J. Flanagan, FLOWLER, SCHIMBERG, & FLANAGAN, P.C., 1640 Grant St., Suite 300, Denver, CO 80203). CITY OF WESTMINSTER, 4800 West 92nd Ave., Westminster, CO 80030. (Mary M. Hammond, Lee H. Johnson, CARLSON, HAMMOND & Paddock, L.L.C., 1700 Lincoln St., Suite 3900, Denver, CO 80203-4539). Application for Conditional Water Storage Right and Conditional Direct Flow Right, **IN ADAMS AND WELD COUNTIES.**

2. NAME OF RESERVOIR: Wattenberg Lake

3. Legal Description: A.. Wattenberg Lake: will be located within a 480-acre parcel in S25, S30, and S36, T1N, R67W, 6th P.M.

B. Points of Diversion:

1. Brighton Ditch: the headgate of the Brighton Ditch on the west bank of the South Platte River in the SE/4SE/4, S11, T1S, R67W, 6th P.M. in Adams County, at a point approximately 780 feet north and 1,120 feet east of the SE corner of said S11.

2. Brantner Ditch: the headgate of the Brantner Ditch on the north bank of the South Platte River in the NE/4 of SW/4, S4, T2S, R67W, 6th P.M., Adams County at a point approximately 2,721 feet south and 2,140 feet east of the NW corner of said S4.

3. Wattenberg Well Field: one or more pumps to be located in the S/2 of the NE/4 and the E/2 of the SW/4 and the SE/4 of S25, the W/2 of SW/4 of S30, and the NE/4 of the NW/4 and the NW/4 of the NE/4 of S36, T1N, R67W, 6th P.M., Weld County.

4. Wattenberg Pipeline: the headgate to be located on the west bank of the South Platte River in the NE/4 of S1, T1S, R67W, 6th P.M., Adams County.

4. Source:

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

5. A. Date of Appropriation:

1. Wattenberg Lake: December 21, 1999

2. Wattenberg Well Field: December 21, 1999

3. Wattenberg Pipeline: December 21, 1999

6. AMOUNT CLAIMED:

A. Wattenberg Lake: 12,000 a.f., conditional

B. Brighton Ditch: 45 c.f.s.

C. Brantner Ditch: 110 c.f.s.

D. Wattenberg Well Field: 100 c.f.s. conditional

E. Wattenberg Pipeline: 300 c.f.s. conditional

7. PROPOSED USE:

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

8. SURFACE AREA:

A. Wattenberg Lake:

1. High Water Line: 400 acres

2. Reclaimed gravel pit; non-jurisdictional dam

9. TOTAL CAPACITY OF RESERVOIR:

A. Wattenberg Lake:

1. Active Capacity: 12,000 a.f.

2. Dead Storage: -0- a.f.

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

A. The Applicants own the property upon which Wattenberg Lake, the Wattenberg Lake Pipeline,

and the Wattenberg Lake Well Field will be located.

B. The Brighton Ditch is owned by Brighton Ditch Company don Rosenbrock, 3286 WCR 23, Fort Lupton, CO 80621.

C. The Brantner Ditch is owned by the Branter Ditch Company, Alvin Dechant, President, 4936 WCR 23, Fort Lupton, CO 80621.

11.

REMARKS:

A. Attached is a General Location Map of the Wattenberg Lake (Attachment A) and associated facilities.

B. This project is being developed and will be jointly operated with the City of Westminster, Colorado in accordance with a contract between the parties, "Purchase and Sale Agreement" of December 21, 1999 between the Water and Wastewater Enterprise of the City of Westminster and CAMAS Colorado, Inc.

C. It is anticipated that a slurry wall will be installed around the perimeter of the area to be mined. No mining or excavation activities have yet occurred on the subject property; this, there has not been an attempt to comply with Senate Bill 120 since no groundwater has been exposed by mining activities.

D. The Applicants do not intend to convey water (other than shareholder deliveries) through either the Brighton or Brantner Ditches unless and until they have obtained a carriage contract with either or both of these companies.

E. This project may be developed in conjunction and interconnected with the Rogers Reservoir decreed in Case No. 92CW022 on May 3, 1995.

F. Concurrently with the filing of this Application, the City of Westminster is filing a separate "Application for a Conditional Appropriative Right of Exchange" which includes this facility. (5 pages; Map 1 page)

99CW207 CITY OF WESTMINSTER, (Mary Mead Hammond, Lee H. Johnson, Carlson, Hammond & Paddock, L.L.C., 1700 Lincoln Street, Suite 3900, Denver, Colorado 80203-4539, (303) 861-9000). Application for Conditional Appropriative Rights of Exchange, **IN WELD, ADAMS AND JEFFERSON COUNTIES.**

2. Name of Structures: Westminster's Big Dry Creek Wastewater Treatment Plant, Brighton Ditch, Brantner Ditch, Wattenberg Lake, Wattenberg Well Field, Wattenberg Pipeline, Lower Clear Creek Ditch, West Gravel Lakes, Kershaw Ditch, Manhart Ditch, Jim Baker Reservoir, Croke Canal, Farmers High Line Canal, and the Church Ditch.

3. Legal Description of Structures and Points of Diversion: A. The outfall from Westminster's Big Dry Creek Wastewater Treatment Plant ("BDCWWTP") is located at a point on the north bank of Big Dry Creek 400 feet east of Huron Street in the NW1/4 of the SW1/4 of Section 27, Township 1 South, Range 68 West, of the 6th P.M., County of Adams, State of Colorado. B.

The headgate of the Brighton Ditch is located on the west bank of the South Platte River in the SE1/4SE1/4 of Section 11, Township 1 South, Range 67 West of the 6th P.M., County of Adams, State of Colorado. C.

The headgate of the Brantner Ditch is located on the west bank of the South Platte River in the NE1/4SW1/4 of Section 4, Township 2 South, Range 67 West of the 6th P.M., County of Adams, State of Colorado. D. Wattenberg Lake will be located in Sections 25 and 36, Township 1 North, Range 67 West of the 6th P.M., and Section 30, Township 1 North, Range 66 West of the 6th P.M. Wattenberg Lake may be filled by releases from the Brantner Ditch, the Brighton Ditch, the Wattenberg Pipeline located NE1/4 of Section 1, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado, and the Wattenberg Well Field located immediately adjacent to Wattenberg Lake and the South Platte River, more particularly located in the S 1/2 of the NE 1/4 and the E 1/2 of the SW 1/4 and the SE 1/4 of Section 25, and the NE 1/4 of the NW 1/4 and the NW 1/4 of the NE 1/4 of Section 35, and the W1/2 of the SW1/4 of Section 30, Township 1 North, Range 67 West of the 6th P.M., Weld County, Colorado. E. The headgate of the Lower Clear Creek Ditch is located on the north bank of Clear Creek at a point 1400 feet west and 1200 feet north of the SE corner of Section 4, Township 3 South, Range 68 West of the 6th P.M., Adams County Colorado.

F. The West Gravel Lakes are located in portions of Section 25 and 36, Township 2 South, Range 68 West of the 6th P.M, Adams County, Colorado. The outfall of the West Gravel Lakes is located in the W1/2 of the NW1/4 of Section 30, Township 2 South, Range 67 West of the 6th P.M., Adams County, Colorado. G. The headgate of the Kershaw Ditch is located on the North Bank of Clear Creek in the

NE1/4 of the NW1/4 of Section 18, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado. H. The headgate of the Manhart Ditch is located on the North bank of Ralston Creek in the SW1/4 of Section 12, Township 3 South, Range 69 West of the 6th P.M., Jefferson County, Colorado. I. Jim Baker Reservoir is located in the S1/2 of the NE1/4 and the N1/2 of the SE1/4 of Section 7, Township 3 South, Range 68 West of the 6th P.M., in Adams County, Colorado. J. The headgates of the Croke Canal are located: (1) On the north bank of Clear Creek in the NW1/4NE1/4 of Section 26, Township 3 South, Range 70 West, 6th P.M., Jefferson County, Colorado. (2) On Ralston Creek where the Croke Canal crosses Ralston Creek in Section 1, Township 3 South, Range 70 West, 6th P.M., Jefferson County, Colorado at a point near the center of said Section 1. (3) On Leyden Creek at a point where the Croke Canal crosses Leyden Creek in the NW1/4 of Section 31, Township 2 South, Range 69 West, 6th P.M., Jefferson County, Colorado. K. The headgates of the Farmers High Line Canal are located: (1) On the north bank of Clear Creek in the SW1/4 of Section 27, Township 3 South, Range 70 West, 6th P.M., a short distance below the Ford Street Bridge across Clear Creek in the City of Golden, Jefferson County, Colorado (decreed as the Clear Creek point of diversion for the Farmers High Line Canal in Case No. 60052, District Court for the City and County of Denver, Division II, May 13, 1936). (2) At a point where the Farmers High Line Canal crosses Van Bibber Creek in the SW1/4 of Section 12, Township 3 South, Range 70 West, 6th P.M., Jefferson County, Colorado, which point is approximately 800 feet north of the south line and 400 feet west of the east line of said SW1/4. (3) On the north bank of Ralston Creek at a point approximately 175 feet west of the point where the Farmer High Line Canal crosses Ralston Creek and near the center of the NW1/4 of Section 1, Township 3 South, Range 70 West, 6th P.M., Jefferson County, Colorado (decreed as the Ralston Creek point of diversion for the Farmers High Line Canal in Case No. 60052, District Court for the City and County of Denver, Division II, May 13, 1936). L.

The headgates of the Church Ditch are located: (1) The headgate of the Church Ditch on Clear Creek, (also known as the Golden City and Ralston Creek Ditch), is located on the north bank of Clear Creek at a point in the NE1/4 of Section 32, Township 3 South, Range 70 West, 6th P.M., Jefferson County, Colorado, 1450 feet S 69 30' W from the northeast corner of said section. (2) The headgate of the Church Ditch on Ralston Creek, (also known as the Golden City and Ralston Creek Ditch), is located on the north bank of Ralston Creek in Section 2, Township 3 South, Range 70 West, 6th P.M., Jefferson County, Colorado, at a point 445 feet S 69 W from the center of said section. (3) The headgate of the Church Ditch on Clear Creek at a point in the NE1/4 of Section 32, Township 3 South, Range 70 West, 6th P.M., Jefferson County, Colorado, 1450 feet S 69E 30' W from the northeast corner of said section. (2) The headgate of the Church Ditch on Ralston Creek, (also known as the Golden City and Ralston Creek Ditch), is located on the north bank of Ralston Creek in Section 2, Township 3 South, Range 70 West, 6th P.M., Jefferson County, Colorado, at a point 445 feet S 69E W from the center of said section.

4. Appropriative Rights of Exchange: This application seeks to adjudicate the following appropriative rights of exchange pursuant to § 37-80-120, § 37-83-104 and § 37-92-302(1)(a). C.R.S. A. Big Dry Creek Exchange:

1. In substitution for releases of reusable effluent from the BDCWWTP, water shall be diverted from the South Platte River by exchange at the following structures: a. Brantner Ditch, located as described in Paragraph 3.C, above, for storage in Wattenberg Lake. b. Brighton Ditch, located as described in Paragraph 3.B, above, for storage in Wattenberg Lake. c. Wattenberg Pipeline, located as described in Paragraph 3.D, above, for storage in Wattenberg Lake. d. Wattenberg Well Field, located as described in Paragraph 3.D, above, for storage in Wattenberg Lake. 2. The reach of the stream system over which this exchange will operate includes Big Dry Creek from the outfall of the BDCWWTP downstream to its confluence with the South Platte River, thence upstream on the South Platte River to the points of diversion identified above, the furthest upstream of which is the headgate of the Brantner Ditch located as described in paragraph 3.C. 3. Amount Claimed: 40 c.f.s., conditional. 4. Appropriation Date: December 21, 1999. 5. Use of exchange water: All municipal uses associated with the City of Westminster's Municipal Water Supply System including, but not limited to, municipal, irrigation, domestic, commercial, industrial, recreational, exchange, replacement, and augmentation purposes. To the extent water provided as a substitute supply is fully consumable, any water diverted into Westminster's system by exchange shall carry identical rights of use, reuse, successive use, and disposition, and may be fully consumed by Westminster. 6. Source of water diverted by exchange: South Platte River. B. Wattenberg Lake Exchange: 1. In substitution for releases of water stored in Wattenberg Lake to the South Platte River, water shall be diverted by exchange at the following structures: a. Lower Clear Creek Ditch, located as described in

Paragraph 3.E, above, for storage in the West Gravel Lakes. b. Kershaw Ditch, located as described in Paragraph 3.G, above, for storage in Jim Baker Reservoir. c. Manhart Ditch, located as described in Paragraph 3.H, above, for storage in Jim Baker Reservoir.

d. Croke Canal, located as described in Paragraph 3.J, above, for storage in Standley Lake and/or delivery into the Westminster Municipal Water Supply System, and/or municipal uses directly from the Croke Canal. e. Farmers High Line Canal, located as described in Paragraph 3.K, above, for storage in Standley Lake and/or delivery into the Westminster Municipal Water Supply System, and/or municipal uses directly from the Farmers High Line Canal. f. The Church Ditch, located as described in Paragraph 3.L, above, for storage in Standley Lake and/or delivery into the Westminster Municipal Water Supply System, and/or municipal uses directly from the Church Ditch.

2. The reach of the stream system over which this exchange will operate includes the South Platte River from the outfall of Wattenberg Lake, thence upstream on the South Platte River to the confluence with Clear Creek, thence upstream on Clear Creek and its tributaries to the points of diversion identified above, the furthest upstream of which is the headgates of the Church Ditch located as described in paragraph 3.L. 3. Amount Claimed: 50 c.f.s., conditional. 4. Appropriation Date: December 21, 1999. 5. Use of exchange water: All municipal uses associated with the City of Westminster's Municipal Water Supply System including, but not limited to, municipal, irrigation, domestic, commercial, industrial, recreational, exchange, replacement, and augmentation purposes. To the extent water provided as a substitute supply is fully consumable, any water diverted into Westminster's system by exchange shall carry identical rights of use, reuse, successive use, and disposition, and may be fully consumed by Westminster. 6. Source of water diverted by exchange: Clear Creek, Ralston Creek, Leyden Creek and Van Bibber Creek.

C. West Gravel Lakes Exchange: 1. In substitution for water stored in the West Gravel Lakes pursuant to this application that is: (i) released to the South Platte River, or (ii) booked over into the City of Thornton's storage account in the West Gravel Lakes, or (iii) pumped from the West Gravel Lakes into the Lower Clear Creek Ditch, water shall be diverted by exchange at the following structures: a. Kershaw Ditch, located as described in Paragraph 3.G, above, for storage in Jim Baker Reservoir. b. Manhart Ditch, located as described in Paragraph 3.H, above, for storage in Jim Baker Reservoir. c. Croke Canal, located as described in Paragraph 3.J, above, for storage in Standley Lake and/or delivery into the Westminster Municipal Water Supply System, and/or municipal uses directly from the Croke Canal. d. Farmers High Line Canal, located as described in Paragraph 3.K, above, for storage in Standley Lake and/or delivery into the Westminster Municipal Water Supply System, and/or municipal uses directly from the Farmers High Line Canal. e. The Church Ditch, located as described in Paragraph 3.L, above, for storage in Standley Lake and/or delivery into the Westminster Municipal Water Supply System, and/or municipal uses directly from the Church Ditch. 2. The reach of the stream system over which this exchange will operate includes the South Platte River from the outfall of the West Gravel Lakes, thence upstream on the South Platte River to the confluence with Clear Creek, thence upstream on Clear Creek and its tributaries to the points of diversion identified above, the furthest upstream of which is the headgates of the Church Ditch located as described in paragraph 3.L.

In addition, this exchange may operated within the Lower Clear Creek Ditch system (to the extent the exchange is facilitated by a bookover to the City of Thornton's storage account in West Gravel Lakes or pumped from the West Gravel Lakes into the Lower Clear Creek Ditch itself), thence upstream on Clear Creek and its tributaries to the points of diversion identified above, the furthest upstream of which is the headgates of the Church Ditch located as described in paragraph 3.L. Substitution at the Lower Clear Creek Ditch, will occur through either of the following two methods: a. water in the West Gravel Lakes owned by Westminster may be removed from Westminster's account and placed in Thornton's account in place of Clear Creek water which would otherwise be diverted for Thornton's shares in the Lower Clear Creek Ditch ("Bookover Exchange"); or b. water from West Gravel Lakes may be pumped into the Lower Clear Creek Ditch, at a point located in the N1/2 of Section 25, Township 2 South, Range 68 West of the 6th P. M., Adams County, Colorado, in place of Clear Creek water which would otherwise be diverted for shareholders other than Thornton ("Ditch Exchange").

Either method may satisfy a portion of the demand of the Lower Clear Creek Ditch and in turn may cause the reduction of its diversions from Clear Creek. To the extent such diversions are reduced, an equal amount of water may then be diverted by exchange at the exchange diversion points. The intra-ditch exchange in the Lower Clear Creek Ditch involving shares not owned by Westminster shall not operate to burden or otherwise limit future changes in use of water rights of such shares. 3. Amount Claimed: 100 c.f.s., conditional. 4. Appropriation Date: December 21, 1999. 5. Use of exchange water: All municipal uses associated with the City of Westminster's Municipal Water Supply System including, but not limited

to, municipal, irrigation, domestic, commercial, industrial, recreational, exchange, replacement, and augmentation purposes. To the extent water provided as a substitute supply is fully consumable, any water diverted into Westminster's system by exchange shall carry identical rights of use, reuse, successive use, and disposition, and may be fully consumed by Westminster. 6. Source of water diverted by exchange: Clear Creek, Ralston Creek, Leyden Creek and Van Bibber Creek. D. Jim Baker Reservoir Exchange: 1. In substitution for water stored in Jim Baker Reservoir pursuant to this application and released to Clear Creek, water shall be diverted by exchange at the following structures: a. Croke Canal, located as described in Paragraph 3.J, above, for storage in Standley Lake and/or delivery into the Westminster Municipal Water Supply System, and/or municipal uses directly from the Croke Canal. b. Farmers High Line Canal, located as described in Paragraph 3.K, above, for storage in Standley Lake and/or delivery into the Westminster Municipal Water Supply System, and/or municipal uses directly from the Farmers High Line Canal. c. The Church Ditch, located as described in Paragraph 3.L, above, for storage in Standley Lake and/or delivery into the Westminster Municipal Water Supply System, and/or municipal uses directly from the Church Ditch. 2. The reach of the stream system over which this exchange will operate includes Clear Creek from the outfall of Jim Baker Reservoir, thence upstream on Clear Creek and its tributaries to the points of diversion identified above, the furthest upstream of which is the headgates of the Church Ditch located as described in paragraph 3.L. 3. Amount Claimed: 25 c.f.s., conditional. 4. Appropriation Date: December 21, 1999. 5. Use of exchange water: All municipal uses associated with the City of Westminster's Municipal Water Supply System including, but not limited to, municipal, irrigation, domestic, commercial, industrial, recreational, exchange, replacement, and augmentation purposes. To the extent water provided as a substitute supply is fully consumable, any water diverted into Westminster's system by exchange shall carry identical rights of use, reuse, successive use, and disposition, and may be fully consumed by Westminster. 6. Source of water diverted by exchange: Clear Creek, Ralston Creek, Leyden Creek and Van Bibber Creek.

5. Remarks: A. Upon information and belief, the names and addresses of owners of land on which structures are located are as follows: City of Westminster, 4800 West 92nd Avenue, Westminster, Colorado 80030; Brighton Ditch Company, Don Rosenbrock, 3286 WCR 23, Fort Lupton, Colorado 80621; Brantner Ditch Company, Alvin Dechant, President, 4936 WCR 23, Fort Lupton, Colorado 80621; City of Thornton, 9500 Civic Center Drive, Thornton, Colorado 80229; Lower Clear Creek Ditch Company, c/o James Fukaye, 10689 Riverdale Road, Northglenn, Colorado 80233; Kershaw Ditch Company, c/o William Pehr, Esq., 3380 West 72nd Avenue, Westminster, Colorado 80030; Manhart Ditch Company, 7145 Mariposa Street, Denver, Colorado 80221; Farmers Reservoir and Irrigation Company, 80 South 27th Avenue, Brighton, Colorado 80601; Farmers' High Line Canal and Reservoir Company, 725 Malley Drive, Northglenn, Colorado 80233; Church Ditch Company, c/o City of Northglenn, 11701 Community Center Drive, Northglenn, Colorado 80233; CAMAS Colorado, Inc., P.O. Box 5485, Denver, Colorado 80217. B. On December 16, 1999, Westminster entered into a Purchase and Sale Agreement with CAMAS Colorado Incorporated concerning the lands on which Wattenberg Lake will be located. The Purchase and Sale Agreement outlines certain rights and/or obligations between Westminster and CAMAS Colorado Incorporated. Nothing in this application or in any resulting decree is intended to change or circumvent any right and/or obligation of the parties to said Purchase and Sale Agreement. The present application is filed subject to said rights and/or obligations in said Purchase and Sale Agreement. C. Pursuant to said Purchase and Sale Agreement, Westminster has an interest in certain conditional storage rights in Wattenberg Lake. Westminster is a joint applicant with CAMAS Colorado Incorporated seeking a decree confirming said conditional storage rights. Water stored in Wattenberg Lake pursuant to said conditional storage rights, as well as other water owned or controlled by Westminster and lawfully stored in Wattenberg Lake, including, but not limited to, Westminster's fully consumable effluent from the Metro Wastewater Reclamation District (f.k.a. Metro No. 1 Sewage Disposal Plant) and/or the BDCWWTP, will be used as a substitute supply in the Wattenberg Lake Exchange identified in paragraph 4.B., above. D. The Applicant does not intend to convey water through either the Brighton or Brantner Ditches unless and until it has obtained a carriage contract with either or both companies. E. The Applicant initiated the appropriative rights of exchange by entering into a Purchase and Sale Agreement with CAMAS, posting notice at the relevant structures and the filing of the present application. 6. Attachments: A. Schematic map of location of structures and ditches. Accordingly, Westminster seeks a decree of this Court confirming the appropriative rights of exchange as requested in this application.

99CW208 THE CONSOLIDATED MUTUAL WATER COMPANY, 12700 West 27th Avenue, P.O. Box 150068, Lakewood, Colorado 80215. APPLICATION FOR CHANGE OF WATER RIGHT, IN JEFFERSON COUNTY.

2. Decreed name of Structure for which change is sought:

KELLY LAKE RESERVOIR

3. From previous decree:

Date Entered: May 13, 1936 Case No. 60052

Court: District Court in and for the City and County of Denver and State of Colorado.

Decreed location of reservoir and feeder ditch: Kelly Lake Reservoir is located in the Southeast quarter of the Southeast quarter and West half of the Southeast quarter of Section 12, Township 3 South, Range 70 West of the Sixth P.M., Jefferson County, Colorado. The feeder diverts from Dry Creek, a tributary of Ralston Creek, at a point approximately 2,275 feet southwesterly of Kelly Lake Reservoir.

Source: Dry Creek, (a.k.a. Van Bibber Creek), Tributary to Ralston Creek and Clear Creek.

Appropriation date: July 3, 1863, Amount: 3,343,120 cubic feet or 76.75 acre feet.

Historical use: Domestic use, stock watering and irrigation of the lands shown on parcel location map (Figure 1) attached to this application. A table also attached to this application shows estimated Van Bibber Creek flows historically available for diversion to Kelly Lake Reservoir (Table 1).

4. Proposed Changes:

A. Change in type of use: Kelly Lake Reservoir storage right from irrigation, stock watering and domestic uses to municipal use, including, but not limited to, domestic, mechanical, manufacturing, industrial, fire protection, sewage treatment, street sprinkling, irrigation of parks, lawns and grounds; recreational, piscatorial and agricultural uses; preservation of wildlife and aesthetic values within The Consolidated Mutual Water Company's present and future service area; for maintenance, replacement, adjustment and regulation within The Consolidated Mutual Water Company's present or future raw water supply system; for subsequent recapture, storage, reuse, successive use and disposal, by sale, exchange or use to extinction for any of the foregoing uses; and for augmentation and exchange within said system and with other water users.

B. Change in place of storage: To alternate places of storage in Applicant's Maple Grove Reservoir, Fairmount Reservoir and Fortune Reservoir, as well as in Kelly Lake Reservoir.

C. Change in place of use: To within Applicants present and future service area and by augmentation and exchange, to the usage areas of other water systems.

D. The locations of the structures in which the water right may be stored:

1. Maple Grove Reservoir:

In the SW1/4 SE1/4 and SE1/4 SW1/4, Section 29, and the NW1/4 NE1/4, NE1/4 NW1/4, SW1/4 NE1/4, and the SE1/4 NW1/4, Section 32, all in Township 3 South, Range 69 West of the Sixth P.M., Jefferson County, Colorado

2. Fairmount Reservoir:

In the NE1/4, Section 24, Township 3 South, Range 70 West of the Sixth P.M., Jefferson County, Colorado

3. Fortune Reservoir:

In the South 1/2 of Section 24 and the North 1/2 of Section 25, Township 2 South, Range 70 West of the Sixth P.M., Jefferson County, Colorado.

4. Names and address of owners of land on which structures are located:

All structures are located on lands owned by applicant. (3 Pages; attachments 2 pages)

99CW209 Application for Underground Water Rights from the Not Nontributary Lower Dawson and the Nontributary Denver Aquifers of Shriners Hospitals for Children in Elbert County, Shriners Hospitals for Children, Attention: Charlene S. Haynes, Esq., Office of General Counsel, P.O. Box 31356, Tampa, Florida 33631-3356 (c/o Gary L. Greer/Doran L. Matzke, Sherman & Howard L.L.C., 633 17th Street, Suite 3000, Denver, CO 80202)

PRIVATE

2. Applicant requests a decree confirming and awarding to it water rights in the not nontributary Lower Dawson aquifer and the nontributary Denver aquifer as more fully set forth herein.
3. Well Permits: Well permits will be applied for when Applicant is ready to drill the wells.
4. Legal Description of Wells and Subject Property: The wells which will withdraw groundwater from the not nontributary Lower Dawson and the nontributary Denver aquifers will be located at any location on a 2,045 acre parcel located in portions of Sections 2, 3, 4, 9, 10, and 11, Township 6 South, Range 64 West. A legal description of these parcels (the "Subject Property") is set forth in Attachment A-1 to the Application.
5. Source of Water: The source of groundwater to be withdrawn from the Lower Dawson aquifer is not nontributary as defined in 37-90-103(10.7) and 37-90-137(9)(c), C.R.S. The groundwater to be withdrawn from the Denver aquifer is nontributary groundwater as defined in 37-90-103(10.5), C.R.S. Applicants will make no use of the not nontributary Lower Dawson aquifer water prior to the issuance of a judicially-approved plan for augmentation.
6. Estimated Amounts and Rates of Withdrawal: The wells will withdraw the estimated amounts of groundwater at rates of flow necessary to efficiently withdraw the entire amounts decreed to be available. Applicant waives the 600 foot spacing rule as described in Section 37-90-137(2), C.R.S. for wells located on the Subject Property. Applicant estimates the following annual amounts are available for withdrawal from the Lower Dawson and Denver aquifers underlying the Subject Property:

Aquifer	Estimated Annual Amount (af/yr)	
Dawson	102	Not Nontributary
Denver	956	Nontributary
TOTAL	1,058	

The average annual amounts available for withdrawal from the subject aquifers will depend on hydrogeology and the legal entitlement of Applicant and represents a claim to all nontributary and not nontributary groundwater underlying the Subject Property. The amounts may be amended in any decree issued herein to conform to the State Engineer's Determination of Facts and the Water Court will be asked to retain jurisdiction to adjust the amounts to conform to actual local aquifer characteristics based on well logs or test holes. In addition, Applicant claims the right to withdraw more than the average annual amounts estimated above pursuant to Rule 8 A of the Statewide Rules, 2 C.C.R. 402-7.

7. Well Fields: Applicant requests that this Court determine that Applicant has the right to withdraw all of the legally available groundwater underlying the Subject Property through the wells requested herein, which may be located anywhere on the Subject Property, and any additional wells which may be completed in the future, through any two or more wells producing groundwater from the same aquifer as Applicant's well fields. As additional wells are constructed, applications will be filed in accordance with 37-90-137(10), C.R.S.
8. Proposed Use: Applicant will use all water withdrawn from the subject aquifers in a water system to be used, reused, successively used, and after use, leased, sold, or otherwise disposed of for the following beneficial uses: municipal, domestic, industrial, commercial, irrigation, livestock watering, recreational, fish and wildlife, fire protection and any other beneficial uses. Said water will be produced for immediate application to said uses, both on and off the Subject Property, for storage and subsequent application to beneficial uses, for exchange purposes, for replacement of depletions resulting from the use of water from other sources and for augmentation purposes.
9. Jurisdiction: No part of the Subject Property is within the boundaries of any designated groundwater basin and the Water Court has jurisdiction over the subject matter of this Application pursuant to 37-92-302(2) and 37-90-137(6), C.R.S.
10. Name and Address of Owners of Land on Which Wells Are to Be Located: Same as Applicant's.
11. Remarks: The Subject Property is not subject to any lien, mortgage or deed of trust, therefore notice pursuant to C.R.S. 37-92-302(2)(b) is not required.

WHEREFORE, Applicant requests that the Court enter a decree granting the application, confirming the water rights claimed herein, and determining specifically:

- (1) That Applicant has complied with 37-90-137(4), C.R.S., that as a matter of hydrological and geological fact, the water claimed herein is legally available for withdrawal and that the vested rights of others will not be materially injured by such withdrawal;
- (2) That the groundwater underlying the Subject Property in the Lower Dawson aquifer is not nontributary and in the Denver aquifer is nontributary.
- (3) That Applicant is entitled to annual withdrawals of the amounts estimated herein, but that

jurisdiction will be retained with respect to the average annual amounts of withdrawal to provide for the adjustment of such amounts to conform to actual local aquifer characteristics from adequate information obtained from wells or test holes drilled on or near Applicant's Subject Property pursuant to 37-92-305(11), C.R.S.

(4) Further, Applicant requests that the Court grant such other and further relief as Applicant may be entitled to.

99CW210 Application for Underground Water Rights from the Not Nontributary Lower Dawson and the Nontributary Denver Aquifers of Shriners Hospitals for Children IN ELBERT COUNTY, Shriners Hospitals for Children, Attention: Charlene S. Haynes, Esq., Office of General Counsel, P.O. Box 31356, Tampa, Florida 33631-3356 (c/o Gary L. Greer/Doran L. Matzke, Sherman & Howard L.L.C., 633 17th Street, Suite 3000, Denver, CO 80202)

PRIVATE

2. Applicant requests a decree confirming and awarding to it water rights in the not nontributary Lower Dawson aquifer and the nontributary Denver aquifer as more fully set forth herein.
3. Well Permits: Well permits will be applied for when Applicant is ready to drill the wells.
4. Legal Description of Wells and Subject Property: The wells which will withdraw groundwater from the not nontributary Lower Dawson and the nontributary Denver aquifers will be located at any location on a 320 acre parcel, the legal description of which is the East 1/2 of Section 20, Township 6 South, Range 64 West of the 6th P.M. (the "Subject Property").
5. Source of Water: The source of groundwater to be withdrawn from the Lower Dawson aquifer is not nontributary as defined in 37-90-103(10.7) and 37-90-137(9)(c), C.R.S. The groundwater to be withdrawn from the Denver aquifer is nontributary groundwater as defined in 37-90-103(10.5), C.R.S. Applicants will make no use of the not nontributary Lower Dawson aquifer water prior to the issuance of a judicially-approved plan for augmentation.
6. Estimated Amounts and Rates of Withdrawal: The wells will withdraw the estimated amounts of groundwater at rates of flow necessary to efficiently withdraw the entire amounts decreed to be available. Applicant waives the 600 foot spacing rule as described in Section 37-90-137(2), C.R.S. for wells located on the Subject Property. Applicant estimates the following annual amounts are available for withdrawal from the Lower Dawson and Denver aquifers underlying the Subject Property:

Aquifer	Estimated Annual Amount (af/yr)	
Lower Dawson	26	Not Nontributary
Denver	163	Nontributary
TOTAL	189	

The average annual amounts available for withdrawal from the subject aquifers will depend on hydrogeology and the legal entitlement of Applicant and represents a claim to all nontributary and not nontributary groundwater underlying the Subject Property. The amounts may be amended in any decree issued herein to conform to the State Engineer's Determination of Facts and the Water Court will be asked to retain jurisdiction to adjust the amounts to conform to actual local aquifer characteristics based on well logs or test holes. In addition, Applicant claims the right to withdraw more than the average annual amounts estimated above pursuant to Rule 8 A of the Statewide Rules, 2 C.C.R. 402-7.

7. Well Fields: Applicant requests that this Court determine that Applicant has the right to withdraw all of the legally available groundwater underlying the Subject Property through the wells requested herein, which may be located anywhere on the Subject Property, and any additional wells which may be completed in the future, through any two or more wells producing groundwater from the same aquifer as Applicant's well fields. As additional wells are constructed, applications will be filed in accordance with 37-90-137(10), C.R.S.

8. Proposed Use: Applicant will use all water withdrawn from the subject aquifers in a water system to be used, reused, successively used, and after use, leased, sold, or otherwise disposed of for the following beneficial uses: municipal, domestic, industrial, commercial, irrigation, livestock watering, recreational, fish and wildlife, fire protection and any other beneficial uses. Said water will be produced for immediate application to said uses, both on and off the Subject Property, for storage and subsequent application to beneficial uses, for exchange purposes, for replacement of depletions resulting from the use of water from other sources and for augmentation purposes.

9. Jurisdiction: No part of the Subject Property is within the boundaries of any designated groundwater basin and the Water Court has jurisdiction over the subject matter of this Application pursuant to 37-92-

302(2) and 37-90-137(6), C.R.S.

10. Name and Address of Owners of Land on Which Wells Are to Be Located: Same as Applicant's.

11. Remarks: The Subject Property is not subject to any lien, mortgage or deed of trust, therefore notice pursuant to C.R.S. 37-92-302(2)(b) is not required.

WHEREFORE, Applicant requests that the Court enter a decree granting the application, confirming the water rights claimed herein, and determining specifically:

(1) That Applicant has complied with 37-90-137(4), C.R.S., that as a matter of hydrological and geological fact, the water claimed herein is legally available for withdrawal and that the vested rights of others will not be materially injured by such withdrawal;

(2) That the groundwater underlying the Subject Property in the Lower Dawson aquifer is not nontributary and in the Denver aquifer is nontributary.

(3) That Applicant is entitled to annual withdrawals of the amounts estimated herein, but that jurisdiction will be retained with respect to the average annual amounts of withdrawal to provide for the adjustment of such amounts to conform to actual local aquifer characteristics from adequate information obtained from wells or test holes drilled on or near Applicant's Subject Property pursuant to 37-92-305(11), C.R.S.

(4) Further, Applicant requests that the Court grant such other and further relief as Applicant may be entitled to. (3 pages)

99CW211 OUR LADY OF LORETO CATHOLIC PARISH, Archdiocese of Denver, 13275 East Fremont Place, Suite 207, Englewood, Colorado 80112. APPLICATION TO ADJUDICATE RIGHTS TO GROUND WATER IN THE DAWSON, DENVER AND LARAMIE-FOX HILLS AQUIFERS IN THE DENVER BASIN, **IN ARAPAHOE COUNTY.**

2. Location of Property:

The groundwater under the Subject Property is outside of any designated groundwater basin created pursuant to the 1965 Colorado Groundwater Management Act, C.R.S. §§ 37-90-101, et seq.

3. Legal Description and Ownership of the Property:

Pursuant to C.R.S. § 37-90-137(6), Applicant seeks a determination of its right to withdraw nontributary ground water in the Laramie-Fox Hills aquifer and not nontributary ground water in the Lower Dawson and Denver aquifers under its Property. The land overlying the ground water claimed in the Application is comprised of approximately 28.5 acres of land which is located in the NE1/4, §28, T5S, R66W, 6th P.M., Arapahoe County, Colorado. The Property is more precisely described as follows: E1/2NW1/4NE1/4 and N1/2W1/2NW1/4NE1/4, §28, T5S, R66W, 6th P.M., Arapahoe County Colorado, as shown on Figure 1 attached hereto. Applicant is the owner of the Property and there are no liens, mortgages on, or deeds of trust to the Property.

4. Aquifers involved:

Lower Dawson, Denver and Laramie-Fox Hills

5. Nontributary and not Nontributary Water:

All of the water in the Laramie-Fox Hills aquifer underlying the Property is nontributary as that term is defined by C.R.S. § 37-90-103(10.5), i.e., withdrawals of the ground water will not, within one hundred years, deplete the flow of a natural stream as defined by C.R.S. §§ 37-82-101(2) and 37-92-102(1)(b), at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal.

All of the water in the Lower Dawson and Denver aquifers underlying the Property is not nontributary as that term is defined by C.R.S. § 37-90-103(10.7), i.e., withdrawals of the ground water will, within one hundred years, deplete the flow of a natural stream as defined by C.R.S. §§ 37-82-101(2) and 37-92-102(1)(b), at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal.

6. Wells:

Applicant seeks the right to locate wells to withdraw the not nontributary and nontributary ground water that is the subject of this Application at any location upon the Property. Applicant waives the 600 foot spacing requirement of C.R.S. § 37-90-137(2) within the boundaries of the Property. The Applicant anticipates that it will initially construct a single well into each of the three Aquifers on the Property as described below.

Initial Well Locations:

LP-LDaw Well No. 1: In the NW1/4NE1/4, §28, T5S, R66W, 6th P.M., 710 feet from the North line and 1600 feet from the East line of §28.

LP-Den Well No. 1: In the NW1/4NE1/4, §28, T5S, R66W of the 6th P.M., 680 feet from the North line and 1600 feet from the East line of §28.

LP-LFH Well No. 1: In the NW1/4NE1/4, §28, T5S, R66W, of the 6th P.M., 710 feet from the North line and 1630 feet from the East Line of §28.

The location of each well is approximate and may have to be changed based upon local topography, drilling conditions, water supply distribution considerations. Applicant may construct wells on the Property within 200 feet of their permitted locations without seeking to amend this decree and without filing an application for a change of water right. No well shall be located closer than 600 feet from an existing well in the same aquifer not owned by the Applicant without first complying with the requirements of C.R.S. § 37-90-137(2).

b. Depth of wells:

LP-LDaw Well No. 1: Full penetration of the Lower Dawson aquifer, estimated to be 294 feet .

LP-Den Well No. 1: Full penetration of the Denver aquifer, estimated to be 1230 feet.

LP-LFH Well No. 1: Full penetration of the Laramie-Fox Hills aquifer, estimated to be 2374 feet.

The depths of the wells may vary depending upon the local topography and the geohydrologic conditions existing at the actual site of well construction. Final well depths will be determined pursuant to Rule 9 of the Statewide Nontributary Ground Water Rules (2 CCR 402-7) from data obtained from the construction of wells or test holes.

c. Amount of Water Claimed in Gallons Per Minute of Time (gpm):

LP-LDaw Well No. 1	9 gpm
LP-Den Well No. 1	27 gpm
LP-LFH Well No. 1	21 gpm.

The rates of flow for the wells are estimates only. Provided that the allowed annual withdrawal is not exceeded and the Applicant has a well permit allowing such pumping rate, the Applicant may exceed the rates stated herein to the extent required to obtain its full entitlement of ground water from the individual aquifers.

Estimated amounts claimed in acre-feet (a/f) annually:

Lower Dawson	3.7
Denver	10.8
Laramie-Fox Hills	8.6

The Applicant claims all unappropriated ground water in the subject aquifers under the Property over the statutorily described 100 year life of the aquifer. Amounts available for withdrawal have been calculated pursuant to the Denver Basin Rules, 2 CCR 402-6. Annual allowed amounts of withdrawal are calculated based on a 100 year aquifer life.

Based on the Applicant's investigations, there is one East Cherry Creek Valley Water & Sanitation District well (7485-F) withdrawing ground water from the Laramie-Fox Hills aquifer underlying the Property. To account for the cylinder of appropriation for Wells No. 7485-F, the quantity of Laramie-Fox Hills aquifer water underlying the land claimed by the Applicant has been reduced to 8.6 acre-feet. The effect of this calculation is to reduce the land available for calculating the quantity of Laramie-Fox Hills aquifer water underlying the land claimed by the Applicant to 26.8 acres. After making these reductions, the estimated average annual amount of water in the aquifers available for withdrawal from beneath the Property is as follows:

Aquifer	Acres Available to Applicant	Specific Yield	Saturated Thickness	Volume of Water in Feet	Available in a-f/year
LowDaw	28.5	20%		65	3.7
Denver	28.5	17%		223	10.8
L-FH	26.8	15%		215	8.6

As more site-specific data on the aquifer characteristics is obtained, these values may be adjusted based on site specific data pursuant to the Denver Basin Rules under the retained jurisdiction provisions contained in the decree issued in this case. Any such revisions may be completed without the need to amend or republish this Application or reopen the decree issued in this case.

Not nontributary ground water from the Lower Dawson and Denver Aquifers and nontributary ground water from the Laramie-Fox Hills Aquifer under the Property in the average amount of 23.1 acre-feet per year is available for withdrawal by the Applicant, subject to the relinquishment and

augmentation requirements set forth in Paragraph 14, below.

7. Additional Wells:

Applicant may need to construct additional wells, as the term is currently defined by the Statewide Nontributary Ground Water Rules, or replacement wells to maintain production levels and to recover the entire amount of water decreed herein.

Additional wells may be drilled within 200 feet of their permitted locations on any portion of the Property, subject to the 600 foot spacing requirements of C.R.S. § 37-90-137(2) for wells located outside the boundaries of the Property. Exact locations have not yet been determined.

8. Well Permits:

a. Prior to drilling any well decreed in this case, the Applicant will apply to the State Engineer for well permits. The permits shall be promptly issued and shall conform to the provisions of the decree issued in this case..

b. The Applicant's rights to the ground water decreed in this case shall not be deemed extinguished by the expiration of well permits. The permits shall be issued and extended pursuant to C.R.S. §§ 37-90-137(3)(a)(II) and (4). If the Applicant desires to drill any of the wells described herein after the expiration of the permit, the Applicant will reapply to the State Engineer for a well permit, and that permit shall be reissued with restrictions no more burdensome than are found in the decree entered in this case.

c. The State Engineer shall consider the water rights granted by the decree entered in this case as vested property rights and shall consider the water decreed in this case as appropriated by the Applicant.

d. The amount of ground water found by the Court to be available beneath the Property shall control the contents of the well permits issued by the State Engineer.

e. Prior to constructing any additional wells, the Applicant will submit well permit applications to the State Engineer. In considering such permit applications, the State Engineer shall be governed by C.R.S. § 37-90-137(10) and the decree entered in this case. Any such permitting actions may be reviewed by the Water Court under C.R.S. § 37-92-305(6).

f. For the purpose of its well permit applications, the Applicant need not submit separate proof, apart from the terms of the decree issued in this case, of matters which are determined in the decree.

g. For the purposes of applying C.R.S. § 37-90-137(10), the original date of filing of the well permit application or the date of this decree, whichever occurs first, is the date which shall be used by the State Engineer when considering any future well permit applications for additional wells.

h. Any well permitted under the decree entered in this case which is drilled within 200 feet of the permitted location shall be deemed to have been drilled at the permitted well location and shall not require an application for a new or amended well permit.

i. In the event that either of the average annual amounts of ground water decreed in this case is modified under the Court's retained jurisdiction, any existing permits for wells shall be amended to reflect the modified average annual amount. Any new permits for wells shall likewise reflect any such modification to the average annual amounts contained in the original decree entered in this case.

9. Proposed Terms and Conditions for Well Construction:

For each well drilled pursuant to the decree entered in this case, the Applicant will comply with the following conditions:

a. Prior to casing, the entire length of the open bore hole, except the surface casing, shall be geophysically surveyed with the logs meeting at least the standards of the State Engineer set forth in the Statewide Nontributary Ground Water Rules, 2 CCR 402-7. The Applicant shall submit one copy of each geophysical log to the Division of Water Resources within sixty (60) days of the date of completion. The Applicant may provide geophysical logs from a "representative well," as the term is defined by Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7, in satisfaction of the above requirement.

b. The Applicant will case the well in an impervious lining at all levels except the level of the Denver Basin Aquifer that the well is permitted to withdraw from, in order to prevent the withdrawal of water from other aquifers. The Applicant will seal the well in such a way as to prevent the commingling of water from different aquifers.

c. The well permit number, the Court case number for this case and the name of the Denver Basin Aquifer that the well is permitted to withdraw from shall be permanently displayed on or near the wells at a location easily accessible to water officials.

d. The Applicant, or its well driller, as applicable, will comply with C.R.S. §§ 37-91-101 thru 112 and the Rules and Regulations promulgated thereunder and with such other requirements for constructing and equipping the well as may reasonably be required by the State Engineer.

e. Unless otherwise authorized by the State Engineer, the Applicant will install on each well a totalizing flow meter, or adopt such other measuring procedure acceptable to the State Engineer. The meter will be installed according to the manufacturer's recommendations and will be inspected at least annually, and promptly repaired or recalibrated as needed. If the Applicant's measuring device becomes inoperable, it will be repaired as soon as possible so that measurements can continue.

f. The Applicant will keep records of the amount of water pumped and perform the calculations necessary to determine whether the Applicant is in compliance with the decree entered in this case. The Applicant will supply the Division Engineer with those records at least on an annual basis and at other times upon reasonable request by the Division Engineer.

g. The Applicant has complied with the provision of C.R.S. § 37-92-304(3.6) which state that no person shall construct a well on property owned by another unless the right to construct such a well is obtained by consent of the landowner.

10. Well Fields:

Any two or more wells on the Property which are constructed into the same aquifer, including any additional or replacement wells shall constitute a "well field" as that term is defined in the Statewide Nontributary Ground Water Rules, 2 CCR 402-7. In producing water from such a well field, the Applicant may withdraw from any combination of wells within the well field the full annual amount of the Applicant's ground water for a particular aquifer provided the annual amount of withdrawal is not exceeded, except as provided by the banking provisions and each well pumps within the limits set by its permit.

11. Pumping Rates:

The Applicant has the right to withdraw and use all of the unappropriated ground water lying beneath the Property in the subject aquifer based upon its deed to the water. Each well described in this Application may withdraw all of the ground water underlying the aquifer within which such well is located. Provided that the allowed annual withdrawal is not exceeded and Applicant has a well permit allowing such pumping rate, the pumping rates for the wells on the Property may exceed the pumping rates specified in this Application or any decree issued herein, to the extent necessary to produce the Applicant's full entitlement of ground water from the each of the subject aquifers.

12. Banking:

The allowed annual amount of withdrawal from the subject aquifers may exceed the total allowed average amount of withdrawal so long as the total volume of water withdrawn through the wells does not exceed the product of the number of years since the date of issuance of the well permit or permits or the date of entry of the decree herein, whichever occurs first, times the allowed average annual amount of withdrawal.

13. Uses:

Pursuant to the provisions of C.R.S. § 37-82-106, the Applicant is entitled as a matter of law to use, reuse, successively use and dispose of all the not nontributary and nontributary ground water decreed herein, subject to the relinquishment and augmentation requirements set forth in Paragraph 14, below. This includes, but is not limited to, the use of return flows from the nontributary and not nontributary ground water to replace out-of-priority depletions under a plan of augmentation approved in another proceeding. Other uses include, but are not limited to, irrigation of a golf course, landscaping and adjacent Open Space, other irrigation uses, municipal, commercial, domestic, fire protection, industrial, stock watering, recreation, fish and wildlife, storage, stock watering, sanitary purposes exchange and augmentation. The Applicant proposes to use the nontributary and not nontributary water on its Property described in Paragraph 3, above. The Applicant may also lease, exchange or sell these water rights.

14. Relinquishment and Augmentation:

Pursuant to C.R.S. § 37-90-137(9)(b) and Rule 8 of the Denver Basin Rules, 2 CCR 402-6, the Applicant may not consume more than 98% of the annual volume of nontributary ground water it withdraws from the Laramie-Fox Hills Aquifer. The relinquishment of 2% of the annual volume of nontributary ground water withdrawn may be satisfied by any method selected by the Applicant, so long as the Applicant can demonstrate to the reasonable satisfaction of the State Engineer that an amount equal to at least 2% of such withdrawal (by volume) has been relinquished and not consumed.

Pursuant to C.R.S. § 37-90-137(9)(c), the Applicant must prior to using not nontributary water from the Lower Dawson Aquifer underlying the Property obtain judicial approval of a plan for augmentation providing for replacement of actual stream depletions to the extent necessary to prevent injury, based on the actual aquifer conditions at the time of said decree.

Pursuant to C.R.S. § 37-90-137(9)(c), the Applicant must prior to using not nontributary

water from the Denver Aquifer underlying the Property obtain judicial approval of a plan for augmentation providing for replacement of a total amount of water equal to four percent of the amount of water withdrawn on an annual basis.

15. Retained Jurisdiction for Amount of Water Available:

Pursuant to C.R.S. § 37-92-305(11), the Court shall retain jurisdiction over this matter to adjust the amount of water available for withdrawal annually to conform with actual local aquifer characteristics, including determination of actual specific yield, saturated thickness values, and well depth based upon adequate information obtained from well drilling or test holes. If the retained jurisdiction is invoked, the following procedures shall be used:

a. The Applicant shall obtain a geophysical log, and may also obtain site specific data concerning specific yield of each of the wells or of the specific aquifer from another well or test hole is located within 1,320 feet of the decreed location of the three wells. The Applicant shall submit such geophysical log(s) to the State Engineer in accordance with the Statewide Nontributary Ground Water Rules, 2 CCR 402-7. The Applicant shall also notify each party to this case of the availability of the log(s).

b. Within six (6) months after the completion of a well or at such earlier time as the Applicant may elect, if the required information for finally determining saturated sand thickness is available, the Applicant may file a petition with the Court invoking the Court's retained jurisdiction under the above caption and case number requesting a final determination of the amount of water available to that well. Only the petition needs to be filed with the Court at that time.

c. The Applicant shall serve the petition by certified mail, return receipt requested, upon each of the parties who have appeared herein and the State Engineer. If successors in interest to any party has provided the Applicant with its name and address, service shall be upon the successor in interest. Along with the petition, the Applicant shall serve a copy of the geophysical log, copies of any porosity log, specific yield test report, any well completion report, and any other site specific geophysical data obtained.

d. The State Engineer shall have four (4) months from the time the petition and the geophysical information is served upon him to use data available to him to make a Final Determination of Facts recommending to the Court the final amount of water available to the well. If at the end of the four month period the State Engineer has not filed a recommendation, the Applicant shall, based upon its consultant's interpretation of the geophysical information, within thirty (30) days, file with the Court its own request for the amount of water available to the well. Service of this request upon the parties shall be by certified mail, return receipt requested.

e. If the State Engineer files a timely recommendation, the Applicant and any other party who has appeared in this case may file a written objection to the recommendation. If the State Engineer does not file a timely recommendation and the Applicant files a written request, any party who has appeared herein may file a written objection to the Applicant's request. In either case, such objections shall set forth facts as to why the recommendation/request should not be followed and shall be filed with the Court by the last day of the second month following the month in which the recommendation or request is filed.

f. If objections are filed, the matter shall be set for hearing before the Court. If no objections are filed, the Court shall enter a final determination of the appropriation available to the well, adopting the quantity stated in the State Engineer's recommendation or in the Applicant's request, as the case may be. The Court's decision shall become a part of the decree in this case.

16. Prayers for relief.

a. The Applicant requests that this Court grant the Applicant the right to withdraw not nontributary ground water from the Lower Dawson and Denver Aquifers and nontributary ground water from the Laramie-Fox Hills Aquifer underlying the Property at the annual rates listed herein.

The Applicant further requests that this Court also grant such additional relief that it deems necessary and appropriate to further the purposes of the appropriations requested herein. (10 pages; vicinity map 1 page)

99CW212 JAMI JENSEN, P. O. Box 1330, Evergreen, Colorado 80437 (303) 679-0222. **NORTH FORK ASSOCIATES, MOUNTAIN MUTUAL RESERVOIR COMPANY**, 2525 S. Wadsworth Blvd., #306, Lakewood, CO 80227 (303)989-6932. (Holly I. Holder, P.C., 518 17th Street #1500, Denver, Colorado 80202 (303) 534-3636. APPLICATION FOR UNDERGROUND WATER RIGHTS AND APPROVAL OF A PLAN FOR AUGMENTATION AND CHANGE OF WATER RIGHTS,

INCLUDING EXCHANGE CONCERNING THE WATER RIGHTS OF JAMI JENSEN, NORTH FORK ASSOCIATES, AND MOUNTAIN MUTUAL RESERVOIR COMPANY, **IN JEFFERSON COUNTY.**

1. Name, address and phone number of Applicants: APPLICATION FOR UNDERGROUND WATER RIGHTS. 2. Name and Location of Structure: Jensen Well, located in the NW ¼SE ¼, Section 22, Township 4 South, Range 71 West, 6th P.M., at a point 1535 feet from the South Section line and 1,365 feet from the East Section line (the "Well"). The Well is completed pursuant to Well Permit No. 193277, a copy of which is attached hereto as Exhibit A. 3. Source: Groundwater tributary to Bear Creek. 4. Appropriation: a. Date of Appropriation: February 1, 1996. b. How appropriation initiated: Filing of the application for the Well Permit with the State Engineer, followed by construction of the well. c. Date water applied to beneficial use: November 18, 1997. 5. Uses: Domestic, stock watering, irrigation, commercial (conditional).6. Amount: 15 gpm 7. Names and Addresses of Owners of Land on which the Well is Located: Applicant Jami Jensen. 8. Remarks: Water for the stable is presently being supplied by a domestic well under Permit No. 193277. The land on which the stable is located can be described as being in part of Section 22, Township 4 South, Range 71 West, 6th P.M., Jefferson County, Colorado. The 44 acre parcel, being more particularly described as a tract of land which is a portion of that certain property described and recorded in Book 1178 at page 599 and 600 of Jefferson County, Colorado records and located in Section 22, Township 4 South, Range 71 West of the 6th P.M. as depicted on Exhibit B attached hereto. Water is provided by the well described above. Return flows from the in-building diversions are treated by a septic tank/non-evaporative soil absorption leach field. The water requirements are for in-building uses, turf irrigation and horse watering. The in-building uses are sanitation requirements for employees and washing of the horses. The estimated water requirements are 20 gallons per capita per day (gpcd) with an average occupancy of 7 persons per day and 20 gallons per week per horse for washing. For these two uses the consumptive use is estimated to be 10%. It is estimated that each horse will intake 10 gallons per day per horse with 100% consumptive use and the turf water application is 1.25 feet per acre with 80% consumptive use or 0.50 feet per acre of garden with 80% consumptive use. The ten percent consumptive use from the in-building use is based on subsurface discharge from a septic tank/non-evaporative soil absorption systems. The consumptive use for turf irrigation was determined using the SCS TR-21 modification to the Blaney Criddle consumptive use method with the Pochop elevation adjustment, and the Evergreen turf adjustment as outlined in a report prepared by Blatchley Associates, Inc. which is entitled "Turf Irrigation in Mountainous Areas of Evergreen, Colorado".

Table 1
Water Requirements – Crooked Willow Farm

Use	Water Requirements	Unit	Annual Quantity Ac-ft	CU Rate	Replace Require
Sanitation	20 gal/cap/dy	7	0.16	10%	0.016
Washing	20 gal/hd/wk	50	0.16	10%	0.016
Horses	10 gal/hd/dy	50	0.56	100%	0.560
Turf	1.25 ft/acre/yr	0.029	0.04	80%	0.029
Total			0.92		0.621

REQUEST FOR APPROVAL OF PLAN FOR AUGMENTATION AND CHANGE OF WATER RIGHTS, INCLUDING EXCHANGE 9. Name of Structure to be Augmented: Jensen Well described above. 10. Water rights to be used for augmentation: Return flows from in-house, commercial, and irrigation purposes on Applicant Jami Jensen's land described on Exhibit B attached hereto (the Subject Property"). Also, Applicant Jami Jensen has entered into an Agreement to purchase 19.8 shares of Mountain Mutual Reservoir Company ("MMRC") from North Fork Associates ("NFA"). The purchase of the MMRC shares will provide direct flow rights in the Harriman and Warrior Ditch Companies ("Ditch Company") and storage rights in the Soda Lakes Reservoir and Mineral Water Company ("Reservoir Company"). Water rights proposed for Applicants' plans for augmentation provided by MMRC will include portions of the yield of the shares of the Reservoir Company and the Ditch Company. a. Harriman Ditch, decreed in Civil Action No. 6832 on February 4, 1884, originally decreed for irrigation, live-stock watering, domestic and municipal uses for the following priorities:

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

The Bear Creek headgate of the Harriman Ditch is located on the South bank of Bear Creek, in the NE ¼ NE ¼ of Section 2, T-5-S, R-70-W of the 6th P.M. Jefferson County, Colorado. The Turkey Creek headgate of the Harriman Ditch is located on the South bank of Turkey Creek, near the Southwest corner of Section 6, T-5-S, R-69-W of the 6th P.M. Jefferson County, Colorado. The Ditch was originally decreed for irrigation, livestock watering, domestic and municipal purposes. In District Court, Water Division 1 Case Nos. 94CW168, 95CW196, 95CW281, 95CW291, 96CW103, 96CW1046, and 97CW091 MMRC's entitlement was decreed to use the following consumptive use rates for replacement, augmentation, exchange and storage purposes. Future diversions under the March 16, 1869 and the May 1, 1871 priorities decreed to the Ditch shall be limited as follows:

Priority Number	Appropriation Date	Diversion Rates in cfs					
		Apr.	May	Jun.	Jul.	Aug.	Sep.
23	March 16, 1869	.087	.117	.130	.078	.078	0.81
25	May 1, 1871	.098	.171	.353	.257	.187	.213

Priority Number	Appropriation Date	Maximum Monthly Ten Year Diversions in Acre-feet						Total Ten Year
		Apr.	May	Jun.	Jul.	Aug.	Sep.	
23	March 16, 1869	16.5	41.8	52.8	20.9	16.5	13.5	162
25	May 1, 1871	13.2	47.3	126.5	110.0	52.8	26.4	330

Whenever water rights within former Water District No. 9 holding priorities between May 1, 1871 and March 1, 1882 are being curtailed because of a call originating from the South Platte River, the diversion rates for the May 1, 1871 priority decreed to the Harriman Ditch (i.e. Priority No. 25), shall be reduced sixteen percent (16%), in accordance with the following schedule:

Priority Number	Appropriation Date	Diversion Rates in cfs					
		Apr.	May	Jun.	Jul.	Aug.	Sep.
25	May 1, 1871	.082	.144	.297	.216	.157	.179

The water may be stored in the Soda Lakes Reservoirs and in Meadowview Reservoir, to the extent there is space in MMRC's storage accounts. The water may also be left in the stream system to offset depletions resulting from water use by MMRC shareholders. b. Warrior Ditch. MMRC owns 2.0 shares of the 160 shares of capital stock (1.25%), issued and outstanding in the Warrior ditch Company. Said Company owns direct flow water rights decreed to the Warrior Ditch. Pursuant to the Decree entered in Civil Action No. 6832 on February 4, 1884, the Ditch was awarded the following direct flow priorities:

Appropriation Date	Priority Number	Source	Amount	MMRC Entitlement
December 1, 1861	4	Bear Creek	12.33 cfs	0.1541 cfs
April 16, 1862	8	Turkey Creek	2.86 cfs	0.0358 cfs
October 31, 1864	14	Bear Creek	25.47 cfs	0.3184 cfs
April 1, 1865	16	Bear Creek	11.49 cfs	0.1436 cfs

The headgates of the Warrior Ditch are the same as those of the Harriman Ditch, described in Paragraph 3.1. The Ditch was originally decreed for irrigation purposes. In District Court, Water Division 1, Case Nos. 94CW168 and 95CW196 MMRC's entitlement was decreed to use the following consumptive use

rates for replacement, augmentation, exchange and storage purposes. Future diversions under the December 1, 1861 and the October 31, 1864 priorities decreed to the Ditch shall be limited as follows:

Priority Number	Appropriation Date	Diversion Rate in Cfs	Time Period of Diversion	Maximum Yearly Diversion (AF)
4	December 1, 1861	0.0809	May 1 – Oct. 31	21.7
14	October 31, 1864	0.0892	Jun 1 – Aug 31	8.7

Whenever the above referenced priorities decreed to the Warrior Ditch are available during the period of May 1st through October 31st of each year, MMRC may place a call for the water, up to the diversion rates stated, for purposes of offsetting depletions resulting from water used by MMRC shareholders. Alternatively, the water may be diverted to storage in the Soda Lakes Reservoirs and in Meadowview Reservoir, to the extent there is space in MMRC's storage accounts. c. Soda Lakes Reservoir Nos. 1 and 2. MMRC owns 8.71 shares of the 400 shares of capital stock (2.18%), issued and outstanding in the Soda Lakes Reservoir and Mineral Water Company. Said company owns storage water rights decreed to the Soda Lakes Reservoir Nos. 1 and 2. Pursuant to the Decree entered in Civil Action No. 91471 on September 24, 1935, the Soda Lake Reservoir Nos. 1 and 2 were adjudicated for 1,794 acre-feet for irrigation purposes, and 598 acre-feet for municipal purposes, including the irrigation of lawns and gardens. The date of appropriation awarded the structures was February 11, 1893. The Soda Lakes Reservoirs are located in Section 1, Township 5 South, Range 70 West, 6th P.M., Jefferson County. The Reservoirs are filled through the Harriman Ditch. MMRC's full entitlement to the storage priorities decreed to the Soda Lakes Reservoir Nos. 1 and 2 will be diverted each year to the extent the storage rights are in priority. MMRC's storage account in the Soda Lakes system shall be limited to 52.09 acre-feet; provided, however, that MMRC's storage account shall further be limited to MMRC's proportionate share of the actual storage capacity of the system, if the proportionate share is less than 52.09 acre-feet. 11. Description of plan for augmentation: Applicant Jami Jensen has entered into a contract to purchase adequate water rights from North Fork Associates/MMRC. As outlined below, these water rights will provide replacement water for the future depletions by the Applicant Jami Jensen's stable. The depletions to Bear Creek, and Swede Gulch and are caused by the in-building wastewater disposal, irrigation consumptive use, and water consumed by livestock. Because the diversions by the Applicant Jami Jensen's operation will be relatively constant throughout the year, the depletive effect of the use of the tributary water on Bear Creek flows would eventually develop a constant return flow from septic systems throughout the year. Water pumped from the bedrock aquifer is water that would have naturally percolated to Bear Creek; in like manner, waste water from in-house uses and treated in septic tank-soil absorption systems, will have similar seasonal patterns of flow to the affected creek. To insure sufficient water North Fork Associates will reserve 0.00121 cubic-foot-per-second of the Warrior Ditch Priority No. 4 yielding up to 0.325 of an acre-foot from May through October and 0.296 of an acre-foot of the safe yield from the Soda Lake storage rights for the balance of the year and when the Warrior Ditch Priority No. 4 is out of priority. 12. Change of Water Rights: Applicants proposes to change the use of the Soda Lakes Reservoir and Harriman Ditch Company shares from irrigation and storage to storage in Soda Lakes for augmentation of depletions by various uses including irrigation, domestic, livestock, etc. The water stored in Soda Lakes Reservoir would be used primarily for winter replacement of upstream depletions in Bear and Turkey Creek basins, exchange water to Meadowview Reservoir and other reservoirs and Soda Lakes reservoir evaporation. Additionally, the storage pool in Soda Lakes would be built up to provide carry-over replacement water for drought years. The Warrior Ditch direct flow water rights would be changed to provide replacement water primarily for direct flow replacement during the summer irrigation season and to supplement the Harriman Ditch water rights for storage waters required. The safe yield of all the water rights in the Bear Creek system as listed above is 50.5 acre-feet. 13. Administration of the Plan: Administrative Conditions: It is proposed that replacement requirements of Applicant Jami Jensen's out-of-priority depletions will be computed as follows: 1. Depletion will be replaced at the maximum annual rate of 0.100 of an acre-foot per acre-foot of water diverted for in-building uses, 1.000 of an acre-foot per acre-foot of turf irrigation, and 0.0112 of an acre-foot per horse. 2. Monthly accounting shall be made of all in-priority and out-of-priority diversions and replacement by source and respective quantities by MMRC. The MMRC accounting forms approved by the Division Engineer will be provided. Such accounting will track direct flow and storage replacement.

Accounting shall be provided to the Division engineer or his designated representative at an agreed upon schedule. 3. Replacement releases from storage shall be made at the discretion of the Division Engineer or his designated representative in accordance with the operating criteria of Soda Lakes Reservoir and Mineral Company. 14. MMR Water Rights Allocation: Water Rights committed to this proposed plan for augmentation in Water Court are as follows:

Development	Warrior Ditch Priorities				Soda Lakes Storage (ac-ft)
	No. 4		No. 14		
	cfs	Ac-ft	cfs	Ac-ft	
Applicants	0.00121	0.325	0.0	0.0	0.296

15. Exchange: The application should include the rights of substitute supply and exchange for the Project. The reach of the exchange should extend from the confluence of the Bear Creek and the South Platte River in the NW ¼ NW ¼, Section 4, Township 5 South, Range 68 West, 6th P.M., up Bear Creek to its confluence with Swede Gulch in the NE ¼ SW ¼ of Section 36, Township 4 South, Range 71 West, 6th P.M. up Swede Gulch to the point where depletions from the Development impacts the stream in the SE ¼ SE ¼ of Section 22, Township 4 South, Range 71 West, 6th P.M. The exchange rate will be 0.005 cubic feet per second to the extent of 0.621 of an acre-foot with an appropriation date of November 1, 1999. 16. Name and address of owners of land where structures are located: a. Harriman Ditch and Warrior Ditch: Harriman Ditch Company, c/o Jerry Foster, 1600 West 12th Avenue, Denver, Colorado 80254. b. Soda Lakes Reservoirs Nos. 1 and 2: Soda Lakes Reservoir and Mineral Water Company, c/o Jerry Foster, 1600 West 12th Avenue., Denver, Colorado 80254. c. Subject Property described on Exhibit B: Applicant Jami Jensen. WHEREFORE, Applicants, Jami Jensen, North Fork Associates, and Mountain Mutual Reservoir Company request the entry of a decree approving this Application, specifically determining that the source and location of delivery of augmentation water are sufficient to eliminate material injury to vested water rights. Applicants also request a determination that the well described herein can be operated without curtailment so long as out-of-priority stream depletions are replaced as proposed herein. Applicants further request the entry of an Order directing the State Engineer to issue permits for the use of the subject well. (8 Pages; Exhibits 5 Pages)

99CW213 ABBEY OF ST. WALBURGA, 32109 North US Hwy. 287, Virginia Dale, Colorado 80536-8942 (970) 472-0612 (Holly I. Holder, P.C. 518 17th Street, #1500, Denver, Colorado 80202. APPLICATION FOR APPROVAL OF WATER STORAGE RIGHT. CONCERNING THE APPLICATION FOR WATER RIGHTS OF ABBEY OF ST. WALBURGA, IN LARIMER COUNTY. 1. Name, address, and telephone number of Applicant: REQUEST FOR WATER STORAGE RIGHT. 2. Name and location of structure: Abbey Pond, to be located in the NE¼ NE¼ of Section 8, Township 11 North, Range 71 West of the 6th P.M. at a point approximately 200 feet from the east and 1000 feet from the north section line of said Section 8, as shown on Attachment A hereto. 3. Source: Abby Spring and Fish Creek, a tributary of Dale Creek, a tributary of the Cache La Poudre River. 4. Amount: 2 acre-feet per year and refill (conditional). The surface area of the pond is estimated to be approximately 0.52 acres. 5. Date of appropriation: September 8, 1997. How appropriation initiated: Intent to appropriate water for beneficial use and completion of engineering of the reservoir site. 6. Use: Domestic, commercial, irrigation, fire protection, recreation, wildlife and fish propagation, and replacement and augmentation purposes. 7. Name and address of owner of land on which structures are located: Applicant. WHEREFORE, Applicant prays that this Court enter a decree granting the application requested herein, and for such other and further relief as this Court deems just and proper in the premises. (2 Pages; Map 1 page)

99CW214 YOUNGER FAMILY PARTNERSHIP, LTD., LLLP., NORMAN B. YOUNGER, DELORES J. YOUNGER, REX YOUNGER, AND GINA YOUNGER, as their interests may appear, 5060 Walker Road, Colorado Springs, Colorado 80908-1333, (719) 649-7775 (Holly I. Holder, P.C., 518 17th Street, #1500, Denver, Colorado 80202 (303-534-3636). APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NOT NONTRIBUTARY AND NONTRIBUTARY SOURCES CONCERNING THE APPLICATION FOR WATER RIGHTS OF YOUNGER FAMILY PARTNERSHIP, LTD., LLLP.,

NORMAN B. YOUNGER, DELORES J. YOUNGER, REX YOUNGER, AND GINA YOUNGER, IN THE NONTRIBUTARY DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AND THE NOT NONTRIBUTARY DAWSON AND DENVER AQUIFERS, **IN EL PASO COUNTY**. 1. Name, Address, Telephone Number of Applicants: 2. Well Permits: Well permits will be applied for prior to construction of the wells. 3. Legal Description of Wells and Subject Property: The property which is the subject of this application is approximately 2400 acres of land located in parts of Sections 1, 3, 4, 9, 10, 11, 12, 13, and 15, T11S, R66W of the 6th P.M., as more particularly described and shown on Attachment A hereto. The wells which will withdraw the subject groundwater will be located at any location on the Subject Property subject to Section 37-90-137(4), C.R.S. 4. Source of Water Rights: The source of the groundwater to be withdrawn from the Denver aquifer, except for approximately 80 acres in Section 15, and the Arapahoe and Laramie-Fox Hills aquifers underlying all of the Subject Property is nontributary groundwater as described in 37-90-103(10.5), C.R.S. The groundwater to be withdrawn from Denver aquifer underlying Section 15 and the Dawson aquifer underlying all the Subject Property is not nontributary as described in 37-90-137(9)(c), C.R.S. 5. Estimated Amounts: The estimated average annual amounts of withdrawal available from the subject aquifers as indicated below, are based upon the Denver Basin Rules, 2 C.C.R. 402-6. For purposes of this application, Applicants estimate that the following annual amounts are representative of the Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers underlying the Subject Property:

	Saturated	Estimated
Aquifer	Thickness	Annual Amount
Dawson	440 feet	2100 acre-feet
Denver(NT)	400 feet	1575 acre-feet
Denver(NNT)	400 feet	50 acre-feet
Arapahoe	260 feet	1060 acre-feet
Laramie-Fox Hills	200 feet	720 acre-feet

The average annual amounts available for withdrawal from the subject aquifers will depend on the hydrogeology and the legal entitlement of the Applicants and represents a claim to all not nontributary and nontributary groundwater underlying the Subject Property. Applicants will reserve part of the Dawson and Denver aquifer water which may be available underlying the Subject Property for use through exempt wells pursuant to Section 37-92-602, C.R.S. 6. Well Fields: Applicants request that this Court determine that Applicants have the right to withdraw all of the legally available groundwater lying below the Subject Property, through the wells requested herein and any additional wells which may be completed in the future as Applicants well fields. As additional wells are constructed, applications will be filed in accordance with 37-90-137(10), C.R.S. 7. Proposed Use: The water will be used, reused, successively used, leased, sold, or otherwise disposed of for the following beneficial purposes: municipal, domestic, industrial, commercial, irrigation, livestock watering, recreational, and fish and wildlife. Said water will be produced for immediate application to said uses, both on and off the Subject Property, for storage and subsequent application to said uses, for exchange purposes, for replacement of depletions resulting from the use of water from other sources, and for augmentation purposes. 8. Jurisdiction: The Water Court has jurisdiction over the subject matter of this application pursuant to 37-92-302(2), and 37-90-137(6), C.R.S. 9. Remarks: A. Applicants claim the right to withdraw more than the average annual amounts estimated in paragraph 5 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. B. Although Applicants have estimated the amounts of water available for withdrawal from the subject aquifers based on estimates of relative values for specific yield and saturated thicknesses, Applicants request the right to revise the estimates upward or downward, based on better or revised data, without the necessity of amending this application or republishing the same. WHEREFORE, Applicants pray that this Court enter a Decree: 10. Granting the application herein and awarding the water rights claimed herein as final water rights, except as to those issues for which jurisdiction of the Court will be specifically retained; 11. Specifically determining that: A. Applicants have complied with 37-90-137(4), C.R.S., and water is legally available for withdrawal by the wells proposed herein, but that jurisdiction will be retained with respect to the average annual amounts of withdrawal specified herein to provide for the adjustment of such amounts to conform to actual local aquifer characteristics from adequate information obtained from wells or test holes drilled on or near the Subject Property, pursuant to 37-92-305(11), C.R.S. and Denver Basin Rule 9.A.; B. The groundwater in the parts of the Denver and all of the Arapahoe and Laramie-Fox Hills aquifers is nontributary groundwater. The groundwater in part of the Denver aquifer and all of the Dawson aquifer is not nontributary and that water will not be withdrawn until a plan for augmentation is approved by the Court; C. Vested or conditionally decreed water rights of others will not be materially injured by the withdrawals

of groundwater proposed herein and no findings of diligence are required to maintain these water rights. FURTHER, Applicants pray that this Court grant such other relief as seems proper in the premises.

99CW215 CHURCH RANCH LAND COMPANY, LLC, 10050 Wadsworth Blvd. Westminster, Colorado 80021 (303) 469-2534 APPLICATION FOR APPROVAL OF WATER RIGHT. CONCERNING THE APPLICATION FOR WATER RIGHTS OF CHURCH RANCH LAND COMPANY, LLC, IN JEFFERSON COUNTY. 1. Name, address, and telephone number of Applicant: (Holly I. Holder, P.C. 518 17th Street, #1500, Denver, Colorado 80202 (303-534-3636). 2. Name and location of structure: Walnut Creek Diversion First Enlargement, located in the NE1/4NE1/4 of Section 14, T2S, R69W of the 6th P.M., at a point approximately 40 feet south and 20 feet west of the NE corner of said Section 14, as shown on Attachment A hereto. 3. Source: Walnut Creek, a tributary of the South Platte River. 4. Rate of flow: 3 cfs (conditional) Date of appropriation: December 30, 1999. How appropriation initiated: Intent to appropriate water for beneficial use and filing of this application. 5. Uses: Livestock watering, domestic, irrigation, commercial, recreation, piscatorial, augmentation and replacement, including storage (conditional). 6. Name of owner of land on which the point of diversion is located: Applicant. WHEREFORE, Applicant prays that this Court enter a decree granting the application requested herein and for such other and further relief as this Court deems just and proper in the premises.

99CW216 CASTLE VISTA, LLC, 234 Lead King Drive, Castle Rock, Colorado 80104, (303) 660-0333 (Holly I. Holder, P.C., 518 17th Street, #1500, Denver, Colorado APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION. CONCERNING THE APPLICATION FOR WATER RIGHTS OF CASTLE VISTA, LLC, IN DOUGLAS COUNTY. 1. Name, Address, Telephone Number of Applicant: 80202. 2. Description of plan for augmentation: A. Groundwater to be augmented: 35 acre-feet per year of not nontributary Denver aquifer groundwater as decreed in Case No. 99CW076, District Court, Water Division 1. Applicant is the owner of the water rights decreed in that case, underlying and associated with approximately 72 acres of land, located in parts of the SW1/4 of Section 13 and the NW1/4 of Section 24, T7S, R68W, 6th P.M., as more particularly described and shown on Attachment A hereto ("Subject Property"). B. Water rights to be used for augmentation: Return flows from the use of not nontributary Denver aquifer water and return flows and direct discharge of nontributary groundwater underlying the Subject Property as also decreed in Case No. 99CW076. C. Statement of plan for augmentation: The subject Denver aquifer groundwater may be used for inhouse, commercial, stockwatering, irrigation, and commercial use on a tree farm on the Subject Property, and for replacement purposes. It is estimated that inhouse use will require 0.3 acre-feet per residence, irrigation will require approximately 0.057 acre-feet per year for irrigation of every 1000 square-feet of lawn, garden, and/or tree farm, and stockwatering will require 0.05 acre-feet for every 4 large domestic animals. Applicant reserves the right to amend these values and uses based on final planning of the Subject Property. Sewage treatment for inhouse and commercial use will be provided by non-evaporative septic systems. Consumptive use associated with inhouse and commercial use will be approximately 10% of water used and it is estimated that approximately 10% of water used for irrigation will be returned to the stream system. Stockwatering and replacement purposes are 100% consumed. Before any other type of sewage treatment is proposed in the future, including incorporation of the lots into a central sewage collection and treatment system, Applicant, or successors and assigns, will amend this decree prior to such change and thereby provide notice of the proposed change to other water users by publication procedures in use at that time. D. During pumping Applicant will replace actual depletions to the affected stream system pursuant to Section 37-90-137(9)(c), C.R.S. Applicant estimates that depletions occur to the Plum Creek stream system. Return flows from use of the subject water rights from inhouse and commercial use through nonevaporative septic systems and from irrigation use, will accrue to the South Platte River system and those return flows are sufficient to replace actual depletions while the subject groundwater is being pumped. E. After the 100th year, after all the Denver water is withdrawn, or after pumping ceases, Applicant will demonstrate that any depletions which may occur to the stream systems are non-injurious and need not be replaced. However, if the Court finds that such depletions need to be replaced, Applicant will reserve an adequate amount of nontributary groundwater underlying the Subject Property to meet augmentation requirements. 3. Remarks: Applicant will withdraw the not nontributary Denver aquifer water underlying the Subject Property under the plan of augmentation requested herein pursuant to Section 37-90-137(9)(c), C.R.S. WHEREFORE, Applicant prays that this Court enter a Decree: 4. 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; FURTHER, Applicant prays that this Court grant such other relief as seems proper in the premises.

99CW217 CITY OF BOULDER, P. O. Box 791, Boulder, Colorado 80306. APPLICATION FOR WATER STORAGE RIGHT, **IN BOULDER COUNTY**. (Veronica A. Sperling, Moses, Wittemyer, Harrison and Woodruff, P.C., P.O. Box 1440, Boulder, CO 80306. Name of reservoir: Barker Meadow Reservoir is located on Middle Boulder Creek, in the West ½, Section 17, and in Section 18, Township 1 South, Range 72 West of the 6th P.M., and in the East ½ of Section 13, Township 1 South, Range 73 West of the 6th P.M., Boulder County, Colorado. A map showing the approximate location of Barker Meadow Reservoir is attached to the application as Appendix 1. Source: Middle Boulder Creek, a tributary of Boulder Creek. Date of appropriation: November 17, 1999. How appropriation was initiated: By formation of intent to appropriate and signing of Term Sheet for purchase of all remaining interest in Barker Meadow Reservoir from Public Service Company of Colorado. Date water applied to beneficial use: No water has been applied to beneficial use as of the date of the application. Amount claimed: 3,687 acre-feet per year fill, CONDITIONAL; 11,687 acre-feet per year refill, CONDITIONAL. Use: All municipal purposes including, without limitation, domestic, irrigation, commercial, industrial, power generation, fire protection, recreation, fish and wildlife preservation and propagation, exchange, substitution, augmentation, replacement and recharge, and all other beneficial uses, within the Boulder service area and outside the Boulder service area for such extra-territorial customers as Boulder may serve from time to time pursuant to City Charter and contracts. Such use shall include the right to make a fully consumptive first use of the water and to use, reuse and successively use the water to extinction. Surface area of high water line: 202 acres. Maximum height of dam in feet: 175 feet. Length of dam in feet: 720 feet. Total capacity of reservoir in acre-feet: 11,767 acre-feet. Active capacity: 11,687 acre-feet. Dead storage: 80 acre-feet. Name and address of owner of land on which structure for the water right is located (land where dam is located and land within high water line): Public Service Company of Colorado, 550 15th Street, Suite 900, Denver, Colorado 80202-5533. Remarks or any other pertinent information: These water storage rights are in addition to the existing decreed water storage rights for Barker Meadow Reservoir, including but not limited to the water storage rights decreed to Barker Meadow Reservoir in Civil Action No. 14622, Boulder District Court, on March 4, 1964, and in Case No. W-2361-72, District Court, Water Division No. 1, on December 30, 1975.

99CW218 LEO J. AND DEBORAH D. HINDERY, THE LAZY H RANCH, 9663 East Palmer Divide Road, Larkspur, Colorado 80118 (c/o Gary L. Greer/Doran L. Matzke, Sherman & Howard L.L.C., 633 Seventeenth Street, Suite 3000, Denver, CO 80202). APPLICATION FOR UNDERGROUND WATER RIGHTS FROM THE NOT NONTRIBUTARY UPPER DAWSON AND THE NONTRIBUTARY DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS AND FOR ADJUDICATION OF WATER RIGHTS FOR EXEMPT WELLS, **IN DOUGLAS AND EL PASO COUNTIES**, CO. FIRST CLAIM FOR RELIEF (Quantification of Amounts of Groundwater for Withdrawal from Denver Basin Aquifers). 2. Applicants request a decree confirming and awarding to them water rights in the not nontributary Upper Dawson aquifer and the nontributary Denver, Arapahoe, and Laramie Fox Hills aquifers as more fully set forth herein. 3. Well Permits: Well permits will be applied for when Applicants are ready to drill the wells. 4. Legal Description of Wells and Subject Property: The wells which will withdraw groundwater from the not nontributary Upper Dawson and nontributary Denver, Arapahoe and Laramie-Fox Hills aquifers will be located at any location on contiguous parcels of land containing in aggregate approximately 1,240 acres located in portions of: (i) Sections 29, 30, 31 and 32 of Township 10 South, Range 65 West of the 6th P.M., and (ii) Sections 5 and 6, Township 11 South, Range 65 West. The legal descriptions of these parcels (the "Subject Property") are set forth in Attachment A to the Application. [Attachment A is on file with the Application and may be examined in the office of the Water Clerk for Water Division No. 1.] 5. Source of Water: The source of groundwater to be withdrawn from the Upper Dawson aquifer is not nontributary as defined in 37-90-103(10.7) and 37-90-137(9)(c), C.R.S. The groundwater to be withdrawn from the Denver, Arapahoe, and Laramie-Fox Hills aquifers is nontributary groundwater as defined in 37-90-103(10.5), C.R.S. With the exception of the exempt wells described in the Second Claim for Relief, Applicants will make no use of the not nontributary Upper Dawson aquifer water prior to the issuance of a judicially-approved plan for augmentation. 6. Estimated Amounts and Rates of Withdrawal: The wells will withdraw the estimated amounts of groundwater at rates of flow necessary to efficiently withdraw the entire amounts decreed to be

available. Applicant waives the 600 foot spacing rule as described in Section 37-90-137(2), C.R.S. for wells located on the Subject Property. The estimated annual average amounts of withdrawal available from the subject aquifers as indicated below, are based on the Denver Basin Rules, 2 C.C.R. 402-6. Applicant estimates the following annual amounts are representative of the Upper Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Subject Property:

PRIVATE

Aquifer	Amount (af-yr)			Estimated Annual
	Upper Dawson	1,099	N-NT	
	Denver	835	NT	
	Arapahoe	592	NT	
	Laramie-Fox Hills		376	NT
	TOTAL	2,902		

The average annual amounts available for withdrawal from the subject aquifers will depend on hydrogeology and the legal entitlement of Applicants and represent a claim to all nontributary and not nontributary groundwater underlying the Subject Property. The amounts may be amended in any decree issued herein to conform to the State Engineer's Determination of Facts and the Water Court will be asked to retain jurisdiction to adjust the amounts to conform to actual local aquifer characteristics based on well logs or test holes. In addition, Applicant claims the right to withdraw more than the average annual amounts estimated above pursuant to Rule 8 A of the Statewide Rules, 2 C.C.R. 402-7. Applicant reserves the right to reduce the final amount of Upper Dawson aquifer groundwater to be decreed herein for use through the existing exempt wells described below, if necessary.

7. Well Fields: Applicant requests that this Court determine that Applicant has the right to withdraw all of the legally available groundwater underlying the Subject Property through the wells requested herein, which may be located anywhere on the Subject Property, and any additional wells which may be completed in the future, through any two or more wells producing ground water from the same aquifer as Applicant's well fields. As additional wells are constructed, applications will be filed in accordance with 37-90-137(10), C.R.S.

8. Proposed Use: Applicant will use all water withdrawn from the subject aquifers in a water system to be used, reused, successively used, and after use, leased, sold, or otherwise disposed of for the following beneficial uses: municipal, domestic, industrial, commercial, irrigation, livestock watering, recreational, fish and wildlife, fire protection and any other beneficial uses. Said water will be produced for immediate application to said uses, both on and off the Subject Property, for storage and subsequent application to beneficial uses, for exchange purposes, for replacement of depletions resulting from the use of water from other sources and for augmentation purposes.

9. Jurisdiction: No part of the Subject Land is within the boundaries of any designated groundwater basin and the Water Court has jurisdiction over the subject matter of Applicants' Claim for Relief pursuant to 37-92-302(2) and 37-90-137(6), C.R.S.

10. Name and Address of Owners of Land on Which Wells Are to Be Located: Same as applicants.

11. Remarks: The Subject Property is not subject to any lien, mortgage or deed of trust, therefore notice pursuant to C.R.S. 37-92-302(2)(b) is not required.

SECOND CLAIM FOR RELIEF (Application for Adjudication of Exempt Wells)

12. Applicants are the owners of two exempt wells permitted under 37-92-602, C.R.S., as follows:

Well No. 30050A

Permit No. 30050A

Location: Within the SE¹/₄ of the SW¹/₄ of Section 31, T. 10 S., R. 65 W., 6th P.M., 220 feet from the South section line and 2390 feet from the East section line.

Source: Not nontributary Upper Dawson aquifer.

Depth: 280 feet.

Pumping Rate: 15 g.p.m.

Use: Domestic, livestock, irrigation, and fire protection.

Date of Appropriation: December 1, 1998

Well No. 212164

Permit No. 212164

Location: Within the SW¹/₄ of the SE¹/₄ of Section 31, T. 10, S., R. 65 W., 6th P.M., 400 feet from the South section line and 1990 feet from the East section line.

Source: Not nontributary Upper Dawson aquifer.

Depth: 358 feet.

Pumping Rate: 15 g.p.m.

Use: Domestic, livestock, irrigation and fire protection.

Date of Appropriation: June 4, 1998

13. No portion of the lands within which the wells are located lie within the boundaries of any designated groundwater basin and the Water Court has jurisdiction over the subject matter of Applicants' Second Claim in the application.

14. Pursuant to 37-92-602, C.R.S., Applicants claim the original priority dates for the two exempt Upper Dawson wells. WHEREFORE, Applicants request that the Court enter a decree granting the application, confirming the water rights claimed herein, and determining specifically: 1. That Applicants have complied with 37-90-137(4), C.R.S., that as a matter of hydrological and geological fact, the water claimed herein is legally available for withdrawal by the wells set forth and that the vested rights of others will not be materially injured by such withdrawal. 2. That the appropriation date of Well No. 30050A is December 1, 1998, and the appropriation date of Well No. 212164 is June 4, 1998. 3. That the groundwater in the Upper Dawson aquifer is not nontributary and that the groundwater in the Denver aquifer, the Arapahoe aquifer and the Laramie-Fox Hills aquifer underlying the Subject Property is nontributary. 4. That Applicants are entitled to annual withdrawals of the amounts estimated herein for wells described in the First Claim for Relief, but that jurisdiction will be retained with respect to the average annual amounts of withdrawal to provide for the adjustment of such amounts to conform to actual local aquifer characteristics from adequate information obtained from wells or test holes drilled on or near Applicants' Subject Property pursuant to 37-92-305(11), C.R.S. 5. That the exempt wells described herein in the Second Claim for Relief may be pumped in the amounts and for the purposes described and are exempt from administration and enforcement within the priority system. Further, Applicants request that the Court grant such other and further relief as Applicants may be entitled to. (5 Pages; attachments 3 pages)

99CW219 LEO J. HINDERY AND DEVORAH D. HINDERY, The Lazy H Ranch, 9663 East Palmer Divide Road, Larkspur, Colorado 80118 (c/o Gary L. Greer/Doran L. Matzke, Sherman & Howard L.L.C., 633 Seventeenth Street, Suite 3000, Denver, CO 80202). APPLICATION FOR CONDITIONAL WATER RIGHTS (SURFACE) IN IRON GULCH, TRIBUTARY TO CHERRY CREEK **IN DOUGLAS COUNTY, CO.** 2. Name of Structure: Hindery Ditch No. 1.

3. Legal Description of each Point of Diversion: Diversion Point No. 1: SE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 31, Township 10 South, Range 65 West, 420 feet from the South Section Line and 2480 feet from the West Section Line. Diversion Point No. 2: SW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 31, Township 10 South, Range 65 West, 1050 feet from the South Section Line and 2130 feet from the East Section Line. 4. Source: Iron Gulch, tributary to Cherry Creek. 5. A. Date of initiation of appropriation: December 27, 1999. B. How appropriation was initiated: By surveying and locating the two alternate points of diversion, Diversion Point No. 1 and Diversion Point No. 2. 6. Amount claimed: A maximum rate of 5 c.f.s., conditional, which may be diverted at either point of diversion, or in combination, at both points of diversion, but not to exceed an aggregate of 5 c.f.s. 7. Use or proposed use: Irrigation and stock watering. 8. Acres to be irrigated: Approximately 120 acres on either or both sides of Iron Gulch, comprised of portions of the S $\frac{1}{2}$ of the NE $\frac{1}{4}$; SE $\frac{1}{4}$; and SE $\frac{1}{4}$ of the SW $\frac{1}{4}$; all in Section 31, Township 10 South, Range 65 West, 6th P.M., Douglas County, Colorado. 9. Name and address of owner of land on which points of diversion and place of uses are located: Same as applicants.

99CW220 JOSEPH T. AND MAUREEN M. RULAN, 7439 Queen Circle, Arvada, CO 80005. (Michael D. Shimmin, VRANESH & RAISCH, LLP, POB 871, Boulder, CO 80306-0871). RIVERSIDE RESERVOIR AND LAND COMPANY AND RIVERSIDE IRRIGATION DISTRICT, POB 455, Fort Morgan, CO 80701. (Mark Wagner, HILL & ROBBINS, 1441 - 18th St., Suite 100, Denver, CO 80202). APPLICATION FOR SURFACE WATER RIGHTS, WATER STORAGE RIGHTS, AND PLAN FOR AUGMENTATION, **IN WELD AND MORGAN COUNTIES.**

2. Description of Surface Water Rights:

A. Name of Structure: Riverside Canal.

B. Legal Description of Point of Diversion:

The Riverside Canal point of diversion is located on the north bank of the South Platte River near Kuner, Colorado, in the SW 1/4 SW 1/4 of Section 20, T5N, R63W, 6th P.M., Weld County, Colorado.

C. Source of Water: South Platte River.

D. Date of Appropriation:

December 10, 1999. The appropriation was initiated by forming intent to appropriate, joint planning between Co-Applicants, and filing this Application with the Water Court.

E. Amount of Water: 25 cfs, conditional.

F. Proposed Uses:

By Ruland:

Irrigation of approximately 546 acres of land located in Section 29, the N 1/2 of Section 30, and Section 32, all in T5N, R60W, 6th P.M.; domestic, livestock, piscatorial, wildlife, and recreational uses on the same land; and augmentation and exchange.

By Riverside:

Wildlife, piscatorial, aquifer recharge, and irrigation of land within the Riverside Irrigation District, either directly or by exchange or by replacement of well depletions pursuant to a plan for augmentation approved by the court or a substitute supply plan approved by the State Engineer.

Description of Water Storage Rights:

A. Riverside Reservoir:

i. Legal Description:

The dam of Riverside Reservoir is located in Sections 5, 7, and 8, T4N, R61W, 6th P.M., and Sections 12, 13, and 14, T4N, R62W, 6th P.M. The Riverside Reservoir is filled by the Riverside Canal. The legal description of the point of diversion for the Riverside Canal is given in Paragraph 2.B, above.

ii. Source: South Platte River.

iii. Date of Appropriation:

December 10, 1999. This appropriation was initiated at the same time and in the same manner as the appropriation for the Riverside Canal, described in Paragraph 2 above.

iv. Amount:

3,000 acre feet, including the right to fill and refill, conditional. The filling rate for this water right through the Riverside Canal is 25 cfs, as described in Paragraph 2 above.

v. Uses:

By Ruland:

Irrigation of approximately 546 acres of land located in Section 29, the N 1/2 of Section 30, and Section 32, all in T5N, R60W, 6th P.M.; domestic, livestock, piscatorial, wildlife, and recreational uses on the same land; and augmentation and exchange.

By Riverside:

Wildlife, piscatorial, aquifer recharge, and irrigation of land within the Riverside Irrigation District, either directly or by exchange or by replacement of well depletions pursuant to a plan for augmentation approved by the court or a substitute supply plan approved by the State Engineer.

vi. Size:

Surface Area of High Water Line is 3790 acres. The maximum height of the dam is 41.55 feet and the length of the dam is 18,800 feet.

vii. Capacity:

Total Capacity of Riverside Reservoir claimed under this application is 3000 acre feet, of which all is active capacity.

B. Ruland Recharge Ponds.

There are 15 ponds in which water will be stored on the Ruland property. Their names, legal descriptions, storage capacities, and approximate surface acres are as follows:

POND NAME	LEGAL DESCRIPTION	STORAGE CAPACITY	APPROXIMATE SURFACE AREA
Oilwell Pond	NE 1/4 NE 1/4 Sec. 29	6.9 acre feet	2.3
Quail Pond	Center NE 1/4 Sec. 29	13.5 acre feet	2.7
Catfish Pond	SW 1/4 NE 1/4 Sec. 29	25.2 acre feet	4.2
Decoy Pond	SE 1/4 NE 1/4 Sec. 29	33.0 acre feet	5.5
Willoughby Pond	SE 1/4 NE 1/4 and NE 1/4 SW 1/4 Sec. 29	61.8 acre feet	10.3
Ringneck Pond	NW 1/4 SE 1/4 Sec. 29	23.6 acre feet	5.9
Carp Pond	NE 1/4 SE 1/4 Sec. 29	23.5 acre feet	4.7
Pump Pond	Center SE 1/4 Sec. 29	37.8 acre feet	6.3
Pike Pond	NW 1/4 SE 1/4 Sec. 29	50.5 acre feet	10.1
High Pond	NW 1/4 NE 1/4 Sec. 32	15.0 acre feet	2.5
3 Island Pond	SW 1/4 NE 1/4 Sec. 32	70.0 acre feet	11.7
1 Island Pond	SW 1/4 NE 1/4, NE 1/4, SW 1/4, and SE 1/4 NW 1/4 Sec. 32	50.0 acre feet	12.5
Cook Pond	SE 1/4 NW 1/4 Sec. 32	13.5 acre feet	2.7
Marsh Pond	NE 1/4 NW 1/4 Sec. 32	3.2 acre feet	1.6
40-Acre Pond	NE 1/4 SW 1/4 Sec.32	19.5 acre feet	6.5

i. Source: South Platte River.

ii. Date of Appropriation:

December 10, 1999. This appropriation was initiated at the same time and in the same manner as the appropriation for the Riverside Canal, described in Paragraph 2 above.

iii. Uses:

By Ruland:

Irrigation of approximately 546 acres of land located in Section 29, the N 1/2 of Section 30, and Section 32, all in T5N, R60W, 6th P.M.; domestic, livestock, piscatorial, wildlife, and recreational uses on the same land; and augmentation and exchange.

By Riverside:

Wildlife, piscatorial, aquifer recharge, and irrigation of land within the Riverside Irrigation District, either directly or by exchange or by replacement of well depletions pursuant to a plan for augmentation approved by the court or a substitute supply plan approved by the State Engineer.

Description of Plan for Augmentation:

A. Applicants Joseph T. and Maureen M. Ruland (“Ruland”) are the current owners of approximately 1,050 acres of land located in Sections 29, 30, and 32, T5N, R60W, 6th P.M. The lands owned by Ruland are a portion of lands included in an augmentation plan previously decreed by the Water Court in Case No. W-2919 (Area III) on April 1, 1986. When Ruland purchased this property, it believed it was acquiring an interest in the water rights and augmentation plan decreed in Case No. W-2919 (Area III), but a dispute over title to those water rights has caused Ruland to separately initiate its own water rights and augmentation plan described in this application. The structures to be augmented under this application are those structures listed in Case No. W-2919 (Area III) that are located on the Ruland property, and are described as follows:

i. Ruland Well 1—Proposed to be located in the NE 1/4 SW 1/4, Section 32, T5N, R60W, 6th P.M. at a point approximately 1320 feet from the south line and 3960 feet from the east line of said Section 32. The proposed depth is 60 feet. The proposed pumping rate is 900 g.p.m., and the proposed annual diversion is 300 acre feet. The SDF value for this well is 3,067 days.

ii. Ruland Well 2—Proposed to be located in the SE 1/4 NE 1/4, Section 32, T5N, R60W, 6th P.M. at a point approximately 2382 feet from the north line and 515 feet from the east line of said Section 32. The proposed depth is 60 feet. The proposed pumping rate is 900 g.p.m. and the proposed annual volume is 300 acre feet. The SDF value for this well is 2,430 days.

Well permit applications for both of these wells were filed with the State Engineer and denied on April 16, 1984.

iii. Storage and recharge ponds described in Paragraph 3.B. above have been constructed on the Ruland property. These ponds are structures included in the augmentation plan for replacement of evaporation.

B. Previous decrees for water rights to be used for augmentation:

Although the Ruland property and the structures to be augmented under this plan were included in the previous decree entered in Case No. W-2919 (Area III), Applicants do not seek to use those water rights for augmentation under this plan. The water rights to be used for augmentation under this plan are those described in Paragraphs 2 and 3, above, and have not been previously decreed. Therefore, there is no information to provide about previous decrees or historic use of said rights.

C. Statement of plan for augmentation:

Ruland and Riverside are negotiating an agreement to carry the water needed for this augmentation plan through the Riverside Canal and Reservoir System and deliver it to the Ruland property (“Riverside Agreement”). One primary purpose of this plan is to provide sufficient water to irrigate the Ruland property, either by direct irrigation, supplementation of Riverside rights already used on the property, or by augmentation of well pumping. Another primary purpose of the plan is to provide water to Riverside for the uses described above. Although many of the ponds and other structures that will be operated as part of this augmentation plan have been constructed and used in the past, such use was done pursuant to the decree entered in Case No. W-2919 (Area III) and Ruland does not claim any credit for such past use. Applicants do not propose to change the previously decreed SDF factors, replacement obligations, or accounting provisions for the structures located on the Ruland property, with one exception. The method for calculating evaporation from the Ruland Recharge Ponds will be changed to allow for a more simplified

method for such calculations.

Name and Address of Owner of Land on which Points of Diversion and Place of Use are Located: The Applicants are the owners of the land and facilities involved in this application.

99CW221 COLONY INVESTMENTS, INC., c/o Coventry Development Corporation, 1041 Third Avenue, New York, New York 10021 (Stephen H. Leonhardt, Attorney for Applicant, Fairfield & Woods, P.C., 1700 Lincoln Street, Suite 2400, Denver, Colorado 80203). APPLICATION FOR CHANGE OF NONTRIBUTARY GROUND WATER RIGHT AND FOR APPROVAL OF ALTERNATE POINTS OF DIVERSION FOR WITHDRAWAL OF NONTRIBUTARY DENVER AQUIFER GROUND WATER, in DOUGLAS COUNTY.

1. Applicant seeks approval of a change of location for Elysian Well DE-3, and to withdraw up to 63 acre-feet annually of nontributary Denver aquifer ground water currently decreed to Elysian Well DE-3 from Elysian Wells DE-2, DE-4, and DE-7 as alternate points of diversion at times when the water is not withdrawn from Well DE-3. Well DE-3 was decreed in Case No. 81CW403 to withdraw up to 63 acre-feet annually of nontributary ground water from the Denver aquifer underlying certain property located in Douglas County, Colorado. Well DE-3 has not yet been constructed. Applicant owns the wells and the water rights by 1988 deed from Elysian Corporation. Applicant owns the land where Wells DE-2, DE-4, and DE-7 are located, and the land at the proposed new location of Well DE-3. On information and belief, the land surrounding the currently decreed location of Well DE-3 is owned by Meridian Associates West, c/o TCD North, Inc., 8350 E. Crescent Parkway, Suite 100, Englewood, CO 80111.
2. Description of Wells: (a) Decreed locations (per Case No. 81CW403): Elysian Well DE-2: 1400 feet from N section line and 2200 feet from E section line in SW 1/4 of NE 1/4 of Section 14, T 6 S, R 67 W, 6th P.M., Douglas County. Elysian Well DE-3: 1850 feet from N section line and 1450 feet from W section line in SE 1/4 of NW 1/4 of Section 13, T 6 S, R 67 W, 6th P.M., Douglas County. Elysian Well DE-4: 1000 feet from S section line and 2450 feet from E section line in SW 1/4 of SE 1/4 of Section 14, T 6 S, R 67 W, 6th P.M., Douglas County. Elysian Well DE-7: 400 feet from N section line and 400 feet from W section line in NW 1/4 of NW 1/4 of Section 24, T 6 S, R 67 W, 6th P.M., Douglas County. (b) Decreed amounts: All wells were decreed in Case No. 81CW403 for withdrawal of nontributary ground water from the Denver Formation in the following amounts: Well DE-2: 61 AF/yr, with a maximum pumping rate of 100 gpm. Well DE-3: 63 AF/yr, with a maximum pumping rate of 100 gpm. Well DE-4: 61 AF/yr, with a maximum pumping rate of 100 gpm. Well DE-7: 55 AF/yr, with a maximum pumping rate of 100 gpm. (c) Decreed uses: Wells DE-2, DE-3, DE-4, and DE-7 were decreed in Case No. 81CW403 for municipal purposes including domestic, industrial, agricultural, commercial, irrigation, stock watering, recreation, and fire protection within the South Platte River drainage in Water Division No. 1, and may be used for immediate application to beneficial uses, for storage and replacement of depletions resulting from use of water from other sources, and for augmentation purposes. These purposes will not be changed by this application. (d) Well Permits: The well permits initially issued for Wells DE-2 (No. 26541), DE-3 (No. 26542-F), DE-4 (No. 26543-F), and DE-7 (No. 26546-F) have expired. Applicant will apply to the Office of the State Engineer for new well permits prior to constructing Wells DE-2, DE-3, DE-4, and DE-7 at or within 200 feet of their decreed locations (including the new decreed location for Well DE-3).
3. New Location Claimed: Applicant seeks to change the decreed location of Well DE-3 to the following: 2550 feet from N section line and 2150 feet from E section line in SW 1/4 of NE 1/4 of Section 13, T 6 S, R 67 W, 6th P.M., Douglas County.
4. Amounts Claimed: The annual amounts claimed for Wells DE-2, DE-4, and DE-7 are enlargements to the currently decreed amounts; each enlargement is equal to the amount decreed to Well DE-3. Pursuant to the decree in Case No. 81CW403 and Statewide Nontributary Rule 14, 2 C.C.R. 402-7, the total amount of water diverted under this application through the four wells described herein will not exceed and shall be limited to 240 AF/yr, which is the total annual amount of ground water previously decreed to Wells DE-2 (61 AF), DE-3 (63 AF), DE-4 (61 AF) and DE-7 (55 AF). Diversions also will be subject to the allowed annual withdrawals from each well: DE-2: 124 AF/yr (61 AF/yr previously decreed, plus 63 AF/yr under this Application); DE-3: 63 AF/yr; DE-4: 124 AF/yr (61 AF/yr previously decreed, plus 63 AF/yr under this Application); DE-7: 118 AF/yr (55 AF/yr previously decreed, plus 63 AF/yr under this Application).
5. The waters of the four wells described herein were decreed in Case No. 81CW403 to be utilized

for a single water system to be constructed over several years, with the period of time during which the system will be constructed on the subject property to be controlled by the rate at which residential, commercial, and/or industrial uses of the water may be required. 240 AF/yr under the rights previously decreed to the wells described herein may be withdrawn through those four wells and through such additional wells as may be required in order to maintain the decreed annual appropriation. Applicant seeks to operate Wells DE-2, DE-4, and DE-7 as alternate points of diversion for Well DE-3, in order to withdraw the 63 AF/yr decreed to Well DE-3. Any well drilled within 200 feet of the decreed location will be deemed to be constructed at the decreed well location pursuant to the permit and this decree. In addition to the wells described above, Applicant or its successor may construct additional and replacement wells for Wells DE-2, DE-3, DE-4, and DE-7 in conformance with C.R.S. § 37-90-137(10) and Statewide Nontributary Rule 12, 2 C.C.R. 402-7, in order to maintain levels of production, to meet municipal water supply system demands, or to recover the entire amount of Denver aquifer water decreed to the described wells. Applicant will apply to the State Engineer for permits for such wells, and will apply to the Water Court for an appropriate decree for any additional wells. Applicant claims the right to withdraw more than the average annual amounts estimated in paragraphs 3(b) and 5, in accordance with Rule 8A of the Statewide Nontributary Ground Water Rules, 2 C.C.R. 402-7.

99CW222 WILLIAM R. HIATT, M.D., 385 Dexter Street, Denver, CO 80220. (Monte Pascoe, Esq., Christopher Hayes, Esq., Ireland, Stapleton, Pryor & Pascoe, P.C., 1675 Broadway, Suite 2600, Denver, CO 80202. DR. ROY C. LININGER, , 8030 E. Girard Ave., #602, Denver, CO 80231 (John L. Wheeler, Esq., Antonio Bates Bernard, P.C., 3200 Cherry Creek South Drive., Suite 380, Denver, CO 80209; Timothy R. Buchanan, Esq., Timothy Buchanan, P.C., 1470 W. 66TH Place, Suite 6, Arvada, CO 80004). Application for Water Storage Rights, Confirmation of Feeder Ditch Point of Diversion; Application for Alternate Point of Diversion, **IN PARK COUNTY**. 2. The water rights that are the subject of this application are described in paragraphs 4 and 5 below. Dr. Lininger is the owner of a 100% undivided interest in the decreed Debill Lake storage right, Case No. W-8468-77, and in the RoyL Lake storage right being applied for. 3. Drs. Hiatt and Lininger seek a decree for storage rights for RoyL Lake. The applicants also seek confirmation of the point of diversion of the decreed water storage right for Debill Lake. Finally, the applicants seek an alternate point of diversion for the decreed storage right for Debill Lake. 4. Description of new water rights being applied for: (a) Name of structure: RoyL Lake. (b) Legal description of the structure: RoyL Lake is located in the S1/2SW1/4, S34, T6S, R75W, 6th P.M., approximately 1,200' E of the W line and 200' N of the S line of said S34 in Park County. (c) Source: Beaver Creek, a tributary to the North Fork of the South Platte River. (d) Date of appropriation: 1 June 1967 (e) Amount of water being claimed: 15 acre feet. (f) Use of the water: recreation, fish propagation, domestic. 5. Description of water rights for which confirmation of water rights and alternate point of diversion are sought. (a) Debill Lake (i) Decree information: The Debill Lake storage right was decreed by District 1 of the Water Court on 1/10/1978, Case No. W-8468-77. The State Engineer's number for Debill Lake is #22264. (ii) Decreed point of Diversion: The point of diversion for Debill Lake is on the North Fork of the South Platte River, in the NE1/4SE1/4, S33, T6S, R75W, 6th P.M., at a point approximately 1,500' from the W line and 1,900' from the S line of said S33, Park County. (iii) Source: North Fork of the South Platte. (iv) Appropriation: 6/1/1962. (v) Amount: 8.62 acre feet. (vi) Use: recreation, fish propagation, domestic. (6) Action sought by the Applicants in relation to the Debill Lake water right: Confirmation of the water right in a point of diversion 200 feet upstream from the legal description given in Section 4.(a).(ii) above. (a) Confirmation is necessitated by the fact that changes have occurred in the river channel and water elevation at the original headgate location. (b) Approval of an alternate point of diversion, described as the Debill Lake Pump and Pipeline, to be located on the south (right) bank of the North Fork of the South Platte River, in the NW1/4SE1/4, S33, T6S, R75W, 6th P.M., at a point approximately 2,100' from the East line and 1,600' from the South line of S33 in Park County. (3 pages)

99CW223 HARMONY LAND & CATTLE, LLC, 12750 North Pine Drive, Parker, Colorado 80134 (c/o Gary L. Greer/Doran L. Matzke, Sherman & Howard L.L.C., 633 Seveteenth Street, Suite 3000, Denver, CO 80202. APPLICATION FOR UNDERGROUND WATER RIGHTS FROM THE NOT NONTRIBUTARY UPPER DAWSON AND THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS **IN ELBERT COUNTY**. CLAIM FOR RELIEF (Quantification of Amounts of Groundwater for Withdrawal from Denver Basin Aquifers). 1. Applicant requests a decree confirming and awarding to it water rights in the not nontributary Upper

Dawson aquifer and the nontributary Lower Dawson, Denver, Arapahoe, and Laramie Fox Hills aquifers as more fully set forth herein. 2. Well Permits: Well permits will be applied for when Applicant is ready to drill the wells. 3. Legal Description of Wells and Subject Property: The wells which will withdraw groundwater from the not nontributary Upper Dawson and nontributary Lower Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers will be located at any location on a parcel of land containing in aggregate approximately 320 acres located in Section 9, Township 9 South, Range 64 West, of the 6th P.M. The legal description and a map of this parcel (the "Subject Property") are included in Attachment A to the Application. [Attachment A is on file with the Application and may be examined in the office of the Water Clerk for Water Division No. 1.] 4. A. Source of Water: The source of groundwater to be withdrawn from the Upper Dawson aquifer is not nontributary as defined in 37-90-103(10.7) and 37-90-137(9)(c), C.R.S. The groundwater to be withdrawn from the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers is nontributary groundwater as defined in 37-90-103(10.5), C.R.S. B. Depths (to base of aquifer):

Upper Dawson Wells	to 555 feet.
PRIVATE	
Lower Dawson Wells	to 855 feet.
Denver Wells	to 1,660 feet.
Arapahoe Wells	to 2,235 feet.
Laramie-Fox Hills Wells	to 2,770 feet.

5. Estimated Amounts and Rates of Withdrawal: The wells will withdraw the estimated amounts of groundwater at rates of flow necessary to efficiently withdraw the entire amounts decreed to be available. Applicant waives the 600 foot spacing rule as described in Section 37-90-137(2), C.R.S. for wells located on the Subject Property. The estimated annual average amounts of withdrawal available from the subject aquifers as indicated below, are based on the Denver Basin Rules, 2 C.C.R. 402-6. Applicant estimates the following annual amounts are representative of the Upper and Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the 320 acres of the Subject Property:

	Estimated Annual
Aquifer	Amount (af-yr)
Upper Dawson	102.4 N-NT
Lower Dawson	57.6 NT
Denver	136.0 NT
Arapahoe	111.5 NT
Laramie-Fox Hills	93.6 NT
TOTAL	501.1

The average annual amounts available for withdrawal from the subject aquifers will depend on hydrogeology and the legal entitlement of Applicant and represents a claim to all nontributary and not nontributary groundwater underlying the Subject Property. The amounts may be amended in any decree issued herein to conform to the State Engineer's Determination of Facts and the Water Court will be asked to retain jurisdiction to adjust the amounts to conform to actual local aquifer characteristics based on well logs or test holes. In addition, Applicant claims the right to withdraw more than the average annual amounts estimated above pursuant to Rule 8 A of the Statewide Rules, 2 C.C.R. 402-7. 6. Well Fields: Applicant requests that this Court determine that Applicant has the right to withdraw all of the legally available groundwater underlying the Subject Property through the wells requested herein, which may be located anywhere on the Subject Property, and any additional wells which may be completed in the future, as Applicant's well fields. As additional wells are constructed, well permit applications will be filed in accordance with 37-90-137 (10), C.R.S. 7. Proposed Use: Applicant will use all water withdrawn from the subject aquifers in a water system to be used, reused, successively used, and after use, leased, sold, or otherwise disposed of for the following beneficial uses: municipal, domestic, industrial, commercial, irrigation, livestock watering, recreational, fish and wildlife, fire protection and any other beneficial uses. Said water will be produced for immediate application to said uses, both on and off the Subject Property, for storage and subsequent application to beneficial uses, for exchange purposes, for replacement of depletions resulting from the use of water from other sources and for augmentation purposes. Applicant will make no use of the not nontributary Upper Dawson aquifer water prior to the issuance of a judicially approved plan for augmentation. 8. Jurisdiction: No part of the Subject Land is within the boundaries of any designated groundwater basin and the Water Court has jurisdiction over the subject matter of Applicant's First Claim for Relief pursuant to 37-92-202(2) and 37-90-137(6), C.R.S. 9. Name and

Address of Owners of Land on Which Wells Are to Be Located: Same as Applicant. 10. Remarks: The Subject Property is not subject to any lien, mortgage or deed of trust, therefore notice pursuant to C.R.S. § 37-92-202(2) (b) is not required. WHEREFORE, Applicant requests that the Court enter a decree granting the application, confirming the water rights claimed herein, and determining specifically: 1. That Applicant has complied with 37-90-137(4), C.R.S., that as a matter of hydrological and geological fact, the water claimed herein is legally available for withdrawal by wells and that the vested rights of others will not be materially injured by such withdrawal. 2. That the groundwater in the Upper Dawson aquifer is not nontributary and that the groundwater in the Lower Dawson aquifer, the Denver aquifer, the Arapahoe aquifer and the Laramie-Fox Hills aquifer underlying the Subject Property is nontributary. 3. That Applicant is entitled to annual withdrawals of the amounts estimated herein for wells described in the Claim for Relief, but that jurisdiction will be retained with respect to the average annual amounts of withdrawal to provide for the adjustment of such amounts to conform to actual local aquifer characteristics from adequate information obtained from wells or test holes drilled on or near Applicant's Subject Property pursuant to 37-92-305(11), C.R.S. Further, Applicant requests that the Court grant such other and further relief as Applicant may be entitled to.

99CW224 HARMONY LAND & CATTLE, LLC, 12750 North Pine Drive, Parker, Colorado 80134 (c/o Gary L. Greer/Doran L. Matzke, Sherman & Howard L.L.C., 633 Seventeenth Street, Suite 3000, Denver, CO 80202). APPLICATION FOR UNDERGROUND WATER RIGHTS FROM THE NOT NONTRIBUTARY UPPER DAWSON AND THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS IN ELBERT COUNTY, COLORADO.

CLAIM FOR RELIEF (Quantification of Amounts of Groundwater for Withdrawal from Denver Basin Aquifers). 1. Applicant requests a decree confirming and awarding to it water rights in the not nontributary Upper Dawson aquifer and the nontributary Lower Dawson, Denver, Arapahoe, and Laramie Fox Hills aquifers as more fully set forth herein. 2. Well Permits: Well permits will be applied for when Applicant is ready to drill the wells. 3. Legal Description of Wells and Subject Property: The wells which will withdraw groundwater from the not nontributary Upper Dawson and nontributary Lower Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers will be located at any location on a parcel of land containing in aggregate approximately 110 acres located in Section 5, Township 10 South, Range 64 West, of the 6th P.M. The legal description and a map of this parcel (the "Subject Property") are included in Attachment A to the Application. [Attachment A is on file with the Application and may be examined in the office of the Water Clerk for Water Division No. 1.] 4. A. Source of Water: The source of groundwater to be withdrawn from the Upper Dawson aquifer is not nontributary as defined in 37-90-103(10.7) and 37-90-137(9)(c), C.R.S. The groundwater to be withdrawn from the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers is nontributary groundwater as defined in 37-90-103(10.5), C.R.S. B. Depths (to base of aquifer):

PRIVATE

Upper Dawson Wells	to 540 feet.
Lower Dawson Wells	to 765 feet.
Denver Wells	to 1,685 feet.
Arapahoe Wells	to 2,075 feet.
Laramie-Fox Hills Wells	to 2,865 feet.

5. Estimated Amounts and Rates of Withdrawal: The wells will withdraw the estimated amounts of groundwater at rates of flow necessary to efficiently withdraw the entire amounts decreed to be available. Applicant waives the 600 foot spacing rule as described in Section 37-90-137(2), C.R.S. for wells located on the Subject Property. The estimated annual average amounts of withdrawal available from the subject aquifers as indicated below, are based on the Denver Basin Rules, 2 C.C.R. 402-6. Applicant estimates the following annual amounts are representative of the Upper and Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the 110 acres of the Subject Property:

Aquifer	Estimated Annual Amount (af-yr)
Upper Dawson	49.5 N-NT
Lower Dawson	23.1 NT
Denver	43.9 NT
Arapahoe	46.8 NT
Laramie-Fox Hills	34.7 NT

TOTAL 197.9

The average annual amounts available for withdrawal from the subject aquifers will depend on hydrogeology and the legal entitlement of Applicant and represents a claim to all nontributary and not nontributary groundwater underlying the Subject Property. The amounts may be amended in any decree issued herein to conform to the State Engineer's Determination of Facts and the Water Court will be asked to retain jurisdiction to adjust the amounts to conform to actual local aquifer characteristics based on well logs or test holes. In addition, Applicant claims the right to withdraw more than the average annual amounts estimated above pursuant to Rule 8 A of the Statewide Rules, 2 C.C.R. 402-7. 6. Well Fields: Applicant requests that this Court determine that Applicant has the right to withdraw all of the legally available groundwater underlying the Subject Property through the wells requested herein, which may be located anywhere on the Subject Property, and any additional wells which may be completed in the future, as Applicant's well fields. As additional wells are constructed, well permit applications will be filed in accordance with 37-90-137 (10), C.R.S. 7. Proposed Use: Applicant will use all water withdrawn from the subject aquifers in a water system to be used, reused, successively used, and after use, leased, sold, or otherwise disposed of for the following beneficial uses: municipal, domestic, industrial, commercial, irrigation, livestock watering, recreational, fish and wildlife, fire protection and any other beneficial uses. Said water will be produced for immediate application to said uses, both on and off the Subject Property, for storage and subsequent application to beneficial uses, for exchange purposes, for replacement of depletions resulting from the use of water from other sources and for augmentation purposes. Applicant will make no use of the not nontributary Upper Dawson aquifer water prior to the issuance of a judicially approved plan for augmentation. 8. Jurisdiction: No part of the Subject Land is within the boundaries of any designated groundwater basin and the Water Court has jurisdiction over the subject matter of Applicant's First Claim for Relief pursuant to 37-92-202(2) and 37-90-137(6), C.R.S. 9. Name and Address of Owners of Land on Which Wells Are to Be Located: Same as Applicant. 10. Remarks: The Subject Property is not subject to any lien, mortgage or deed of trust, therefore notice pursuant to C.R.S. § 37-92-202(2) (b) is not required. WHEREFORE, Applicant requests that the Court enter a decree granting the application, confirming the water rights claimed herein, and determining specifically: 1. That Applicant has complied with 37-90-137(4), C.R.S., that as a matter of hydrological and geological fact, the water claimed herein is legally available for withdrawal by wells and that the vested rights of others will not be materially injured by such withdrawal. 2. That the groundwater in the Upper Dawson aquifer is not nontributary and that the groundwater in the Lower Dawson aquifer, the Denver aquifer, the Arapahoe aquifer and the Laramie-Fox Hills aquifer underlying the Subject Property is nontributary. 3. That Applicant is entitled to annual withdrawals of the amounts estimated herein for wells described in the Claim for Relief, but that jurisdiction will be retained with respect to the average annual amounts of withdrawal to provide for the adjustment of such amounts to conform to actual local aquifer characteristics from adequate information obtained from wells or test holes drilled on or near Applicant's Subject Property pursuant to 37-92-305(11), C.R.S. 4. Further, Applicant requests that the Court grant such other and further relief as Applicant may be entitled to.

99CW225 Town of Morrison, c/o David Clyne, Town Administrator, P.O. Box 5, Morrison, CO. 80465. (Cynthia F. Covell, Esq., Alperstein & Covell, P.C., Denver, CO 80202). CAMAS Colorado Inc., c/o Richard Mergens, Vice President, 3605 South Teller St., Lakewood, CO 80235 1600 Broadway, Suite 2350, Denver, CO 80202 Timothy J. Flanagan, Esq., Fowler, Schimberg & Flanagan, P.C., 1640 Grant St., Suite 300, Denver, CO 80203. APPLICATION FOR CONDITIONAL WATER RIGHTS, INCLUDING CONDITIONAL STORAGE RIGHT, **IN JEFFERSON COUNTY**, COLORADO.

FIRST CLAIM: SURFACE WATER RIGHT

Names of Structures:

Morrison Quarry Pipeline No. 2

Legal Description of Point of Diversion:

The Morrison Quarry Pipeline No. 2 is located at a point lying in the SE ¼ of the NE ¼ of Section

10, Township 5 South, Range 70 West of the 6th P.M. from which the NE Corner of said Section 10 bears N 33°15'07" E a distance of 1835.66' and from which NE Corner the North ¼ Corner of said Section 10 bears S 89°40'25" W a distance of 2580.59' and from which North ¼ Corner the point lies S 45°59'33" E a distance of 2188.41', Town of Morrison, County of Jefferson, State of Colorado, as shown on Exhibit A.

Source:

Strain Gulch, tributary to Bear Creek, tributary to the South Platte River.

Date of Initiation of Appropriation:

December 27, 1999

How Appropriation was Initiated.

Morrison Quarry Pipeline No. 2: Appropriation was initiated by field investigation, determination by Applicants' consultants that water is available for diversion into the Morrison Quarry Reservoir No. 1 and the Morrison Quarry Reservoir No. 2 via the Morrison Quarry Pipeline No. 2, posting of notices, surveying of location of diversion, and formation by the Applicants of an intent to appropriate water for beneficial use from Strain Gulch via the Morrison Quarry Pipeline No. 2.

Date Water Applied to Beneficial Use:

Not applicable since these facilities have not yet been constructed.

Amount Claimed:

20 cfs conditional

Proposed Use:

The Morrison Quarry Pipeline No. 2 will be used when in priority to divert water from Strain Gulch to fill and refill the Morrison Quarry Reservoir No. 1 and the Morrison Quarry Reservoir No. 2, and the water so diverted will be used, directly or by exchange, for irrigation, agricultural, commercial, industrial, and all municipal uses, including, but not limited to, domestic, mechanical, manufacturing, industrial, power generation, fire protection, sewage treatment, street sprinkling, irrigation of parks, lawns and grounds, recreational, piscatorial, maintenance and preservation of wildlife and esthetics values, lake and reservoir evaporation, augmentation and replacement, adjustment and regulation of municipal water systems, including further exchange with municipal or industrial water systems, and such other water uses.
SECOND CLAIM: STORAGE RIGHTS

Names of Reservoirs:

Morrison Quarry Reservoir No. 1 (A/K/A Central Quarry)

Morrison Quarry Reservoir No. 2 (A/K/A North Quarry)

The Morrison Quarry Reservoirs No. 1 and No. 2 were conditionally decreed in Case No. 95CW126 for storage of 650 acre-feet and 3,000 acre-feet respectively. The decreed source of water for these reservoirs is direct diversions from Bear Creek and diversion from Strain Gulch via the previously-decreed 1.0 cfs Cooley Morrison Quarry Pipeline. Applicants here seek to store water in the Morrison Quarry Reservoir No. 1 and No. 2 via the Morrison Quarry Pipeline No. 2, in addition to storage from other points of diversion decreed in Case No. 95CW126. The maximum amount of water to be stored in Morrison Quarry Reservoir No.1 pursuant to the decree in Case No. 95CW126 and any decree entered upon this application will not exceed 650 acre-feet, and the maximum amount of water to be stored in Morrison Quarry Reservoir No.2 pursuant to the decree in Case No. 95CW126 and any decree entered on

this application will not exceed 3,000 acre-feet. The intent of this application is to provide another location from which water may be diverted from Strain Gulch into the Morrison Quarry Reservoir No. 1 and No. 2. The reservoirs are shown on Exhibit B.

Legal Descriptions:

Morrison Quarry Reservoir No. 1 will be located in the NE and SE Quarter Sections of Section 10, Township 5 South, Range 70 West, 6th P.M., Jefferson County, Colorado, and will be an off-channel reservoir.

Morrison Quarry Reservoir No. 2 will be located in the NE Quarter Section of Section 10, Township 5 South, Range 70 West, 6th P.M., Jefferson County, Colorado, and will be an off-channel reservoir.

Source:

Strain Gulch, which is tributary to Bear Creek, via the Morrison Quarry Pipeline No. 2 as applied for in the First Claim herein. The water will be diverted through the Morrison Quarry Pipeline No. 2 from Strain Gulch, tributary to Bear Creek, tributary to the South Platte River.

Dates of Appropriation:

The Morrison Quarry Reservoir No. 1 and Morrison Quarry Reservoir No. 2 were decreed in Case No. 95CW126 with appropriation dates of October 31, 1994, the date of the annexation agreement between Morrison and the predecessor to CAMAS Colorado Inc., Cooley Gravel Company, relating to the construction, operation and use of the reservoirs.

How Appropriation was Initiated:

Both of the reservoirs are the result of mining activities approved by the Jefferson County Board of Adjustment, and, as provided in the decree in Case No. 95CW126, appropriation was initiated by completion of an annexation agreement between Morrison and Cooley Gravel Company, predecessor to CAMAS Colorado Inc., which related to the construction, operation and use of the reservoirs. Since that decree, additional excavation has been completed, and preliminary design of the reservoirs and pipelines has been undertaken.

Date Water Applied to Beneficial Use:

Not applicable since these facilities have not yet been constructed.

Amount Claimed:

Morrison Quarry Reservoir No. 1: 650 AF conditional.

Morrison Quarry Reservoir No. 2: 3,000 AF conditional.

Proposed Use:

The water stored in the Morrison Quarry Reservoir No. 1 and the Morrison Quarry Reservoir No. 2 via the Morrison Quarry Pipeline No. 2 will be used, directly or by exchange, for irrigation, agricultural, commercial, industrial, and all municipal uses, including, but not limited to, domestic, mechanical, manufacturing, industrial, power generation, fire protection, sewage treatment, street sprinkling, irrigation of parks, lawns and grounds, recreational, piscatorial, maintenance and preservation of wildlife and esthetics values, lake and reservoir evaporation, augmentation and replacement, adjustment and regulation of municipal water systems, including further exchange with municipal or industrial water systems, and

such other water uses.

Surface Area:

High Water Line:

Morrison Quarry Reservoir No. 1. 7.4 acres at elevation 6,485 ft.

Morrison Quarry Reservoir No. 2. 30.4 acres at elevation 6,450 ft.

Reclaimed stone quarry; nonjurisdictional dam.

Total Capacity of Reservoirs:

Active Capacity:

Morrison Quarry Reservoir No. 1: 650 AF

Morrison Quarry Reservoir No. 2: 3,000 AF

Dead Storage:

0 AF

Name and Address of Owner of Land on Which Structures for Water Rights Are Located:

Applicant CAMAS Colorado Inc. owns the property upon which Morrison Quarry Reservoir No. 1, Morrison Quarry Reservoir No. 2, and the Morrison Quarry Pipeline No. 2 are located.

Remarks:

Morrison Quarry Reservoir No. 1 and Morrison Quarry Reservoir No. 2, the Morrison Quarry Pipeline No. 2 and the Cooley Morrison Quarry Pipeline will be operated in conjunction with each other as an integrated water storage and supply system so that work performed to develop one feature of the system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the system.

99CW226 **PARKER WATER AND SANITATION DISTRICT**, Attn: Frank P. Jaeger, Manager, 19801 E. Main St., Parker, CO 80138. Robert F. T. Krassa, KRASSA, MADSEN & MILLER, 1680-38th St., Suite 800, Boulder, CO 80301-2611. Application for Change of Water Right, **IN DOUGLAS COUNTY. 2.** Decreed name of structure for which change is sought: Newlin Gulch Aqueduct No. 2. 3. From previous decree: A. Dated entered: 6/12/1996, in Case 85CW448(A), District Court, Water Division 1. Recorded 7/5/1996 at Reception No. 9636472, Book 1353, page 1792, Douglas County records. B. Decreed Point of Diversion (see also map attached as Exhibit A): The diversion dam will intersect the thread of Cherry Creek at a point on the south section line of S34, T6S, R66W, 6th P.M., in Douglas County, approximately 1700 feet east of the SW corner of said S34. C. Sources of Water: Cherry Creek and its tributaries. D. Appropriation date: 3/20/1985. E. Amount: 150 cfs. F. Historic use: Not applicable (CONDITIONAL) 4. Proposed change: Newlin Gulch Aqueduct No. 2 supplies water to the Newlin Gulch Reservoir adjudicated in said decree in Case 85CW448(A), which is now known as Rueter-Hess Reservoir. Applicant proposes to add an alternate point of diversion for Newlin Gulch Aqueduct No. 2, using a low diversion dam or weir located in the SE1/4NW1/4, S3, T7S, R66W, 6th P.M., in Douglas County. Said diversion dam will intersect the thread of Cherry Creek at a point 2000 feet south of the north line of S3 and 1950" E of W line of Said S3, all as shown on map attached hereto as Ex. A. The aqueduct from said alternate point will connect with the alignment of Newlin Gulch Aqueduct No. 2 described in said decree in case 85CW448(A) at a point on the S section line of S34, T6S, R66W, of the 6th P.M. 5. No other changes are requested. 6. Applicants propose that all terms and conditions of the said decree which are applicable to the originally decreed point of division. 7. Said Decree in Case 85CW448(A) is res judicata as to all matters concerning Newlin Gulch Aqueduct No. 2 Except any

provisions which maybe necessary to prevent injury due to the change here requested. 8. The proposed alternate point of diversion will be on land presently believed to be owned by:

Melvin H. Mandel and
Gwendolyn P. Mandel
6490 E. Stroh Avenue
Parker, CO 80134

Deauville Restaurant, Inc.
201 Moreno Drive
Beverly Hills, CO 90212

Carolyn L. Mahoney
5506 Fir Ave., R.R. #1
Erie, CO 80516

Michael J. Mahoney
5506 Fir Ave., R.R. #1
Erie, CO 80516

Carolyn L. Mahoney as custodian
For Jennifer L. Mahoney
5506 Fir Ave., R.R. #1
Erie, CO 80516

Michael J. Mahoney as custodian
for Melanie A. Mahoney
5506 Fir Ave., R.R. #1
Erie, CO 80516

Wherefore, Applicants pray that this Court enter a decree:

(a) Allowing Applicant to divert water to storage in said Reuter Hess Reservoir, using said alternate point of diversion for Newlin Gulch Aqueduct No. 2, as described herein. (b) Determining that the change of Applicant's water rights, will not injuriously affect the owner of or persons entitled to use water under a vested water right or a decreed conditional water right. (c) For such further and additional relief as the Court may deem proper. (3 pages)

99CW227 PUBLIC SERVICE COMPANY OF COLORADO, Water Resources Department, 550 15th Street, Suite 900, Denver, Colorado 80202. Application For Conditional Appropriative Rights of Exchange Concerning Water Rights of Public Service Company of Colorado on Boulder Creek and South Boulder Creek IN BOULDER COUNTY, COLORADO. (Attorneys for Applicant: Brian M. Nazareus and Carolyn F. Burr, FRIEDLOB SANDERSON RASKIN PAULSON & TOURTILLOTT, LLC, 1400 Glenarm Place, Suite 300, Denver, Colorado 80202, (303) 571-1400).

2. Structures Involved in Exchanges: A general location map depicting the structures and reaches of the exchanges is attached as Exhibit A.

a. Wellman Canal Headgate No. 1.

The Wellman Canal (a/k/a/ the Big Wellman Ditch) diverts water from Boulder Creek and its tributaries through eleven (11) headgates. Only Headgate No. 1 is involved in this application for conditional appropriative rights of exchange. Headgate No. 1 is located on the south bank of Boulder Creek at a point which bears South 46 15' East a distance of 1888.9 feet from the Northwest Corner of Section 32, Township 1 North, Range 70 West of the 6th P.M., Boulder County, Colorado. Water diverted into the Wellman Canal through Headgate No. 1 is carried southeasterly and discharged in to South Boulder Creek from whence it is diverted through the Leggett Inlet and delivered to Valmont Lake Reservoir where it is stored and beneficially used for industrial cooling, irrigation, power, and domestic purposes.

The capacity of the Wellman Canal Headgate No. 1 is 430 c.f.s.

b. Leggett Inlet.

i. The Leggett Inlet (a/k/a/ the Hillcrest Inlet Ditch) is located at a point on the east bank of South Boulder Creek, whence the South quarter-corner of Section 27, Township 1 North, Range 70 West of the 6th P.M., bears South 51 21' West a distance of 562.8 feet.

ii. The carrying capacity of the Leggett Inlet is 1,000 cfs.

c. Boulder Creek Supply Canal. The Boulder Creek Supply Canal ("Supply Canal") delivers C-BT water from Boulder Reservoir

to Boulder Creek at a point located 200 feet east of the West section line and 2,500 feet north of the South section line, of Section 13, Township 1 North, Range 70 West of the 6th P.M.

d. City of Boulder Water Treatment Plant Outfall. The outfall for the City of Boulder Water Treatment Plant ("Outfall") delivers water to Boulder Creek at a point located at the intersection of 75th

Street and Boulder Creek.

3. Description of Exchanges.

Sources of Substitute Supply.

PSCo owns 9,997 “acre-foot” units (C-BT units) pursuant to Water Allotment contracts between the Northern Colorado Water Conservancy District and PSCo which are available for use as a source of substitute supply for the Supply Canal to Wellman Canal Exchange and the Supply Canal to Leggett Inlet Exchange.

Pursuant to contractual agreements with the City of Boulder, PSCo may use raw water delivered by the City of Boulder to Boulder Creek as a source of substitute supply for the proposed exchanges (“Contract Water”). The City of Boulder shall retain any reuse rights associated with the Contract Water after its first use by PSCo.

Exchange Reaches

Supply Canal to Wellman Canal Exchange. PSCo seeks a conditional appropriative right of exchange from the point the Supply Canal discharges into Boulder Creek upstream to the Wellman Canal Headgate No. 1. Simultaneously with its otherwise out-of-priority diversions from Boulder Creek into the Wellman Canal, PSCo shall deliver equal amounts of C-BT water to Boulder Creek at the Supply Canal.

Supply Canal to Leggett Inlet. PSCo seeks a conditional appropriative right of exchange from the point the Supply Canal discharges into Boulder Creek upstream to the Leggett Inlet. Simultaneously with its otherwise out-of-priority diversions from South Boulder Creek into the Leggett Inlet, PSCo shall deliver equal amounts of C-BT water to Boulder Creek at the Supply Canal.

Outfall to Wellman Canal Exchange. PSCo seeks a conditional appropriative right of exchange from the point the Outfall discharges into Boulder Creek upstream to the Wellman Canal Headgate No. 1. Simultaneously with its otherwise out-of-priority diversions from Boulder Creek into the Wellman Canal, PSCo shall instruct the City of Boulder to deliver equal amounts of Contract Water to Boulder Creek at the Outfall.

Outfall to Leggett Inlet Exchange. PSCo seeks a conditional appropriative right of exchange from the point the Outfall discharges into Boulder Creek upstream to the Leggett Canal. Simultaneously with its otherwise out-of-priority diversions from South Boulder Creek into the Leggett Inlet, PSCo shall instruct the City of Boulder to deliver equal amounts of Contract Water to Boulder Creek at the Outfall.

Amounts of Exchanges

The amount of the exchange from the Supply Canal to the Wellman Canal Headgate No. 1 shall not exceed 30.00 cfs.

The amount of the exchange from the Supply Canal to the Leggett Inlet shall not exceed 30.00 cfs.

If both the Supply Canal to Wellman Canal Exchange and the Supply Canal to Leggett Inlet Exchange are run simultaneously, the cumulative amount of exchange shall not exceed 60.00 cfs.

The amount of exchange from the Outfall to either the Wellman Canal or the Leggett Inlet, individually or concurrently, shall not exceed 30.00 cfs.

Use of Exchanged Water. The exchanged water will be used for all industrial uses associated with the generation of electrical energy at Valmont, including, without limitation: industrial cooling, dust suppression, irrigation of lawns, trees, and gardens adjacent to Valmont, domestic and sanitary purposes, and fire protection. The exchanged water may also be used to irrigate lands downstream of Valmont Reservoir. The use of C-BT water by exchange at the Valmont Station or for any of the other listed beneficial uses will be a “one use” diversion. PSCo shall not use any C-BT water, including return flows, for successive uses after beneficial use in Valmont Station.

Date of Appropriation: September 17, 1999.

4. Owners of Facilities:

- a. The Wellman Canal Headgate No. 1 and the Leggett Inlet are owned and operated by Public Service Company of Colorado.
- b. The Boulder Supply Canal. The Boulder Supply Canal is owned by the United States Bureau of Reclamation and operated by the Northern Colorado Water Conservancy District.
- c. The City of Boulder Water Treatment Plant Outfall. The Outfall is owned by the City of Boulder. ACCORDINGLY, Public Service Company of Colorado requests that the Court grant its application for conditional appropriative rights of exchange as requested herein.

99CW228 Philip and Elaine Mueller, 4990 South Highway 83, Franktown, CO 80016. Peggy E. Montaña, BALLARD SPAHR ANDREWS & INGERSOLL, LLP, 1225 - 17th Street, Suite 2300, Denver,

Colorado 80202-5596. APPLICATION FOR AUGMENTATION PLAN AND STORAGE RIGHT, **IN DOUGLAS COUNTY.**

Structure to be augmented:

Mueller Pond located: SW/4 of the SE/4 and SE/4 of the SE/4, Section 1, Township 9 South, Range 66 W, Douglas County, Colorado. (See Figure 1 attached).

The pond has 4.8 acres of water surface which, using the Blaney Criddle method, evaporates 10.43 acre feet a year . (See attached Table 1).

Sources of Augmentation: The Applicant will use one of the following sources depending on annual availability and expense.

FIRST SOURCE

Cherry Creek Water Users Association (CCWUA)

The following water rights are used as replacement sources in CCWUA's plan:

Cleona Ditch

NENE Section 32, T.5S., R.66W.

Adjudication Date: December 10, 1883

Appropriation Date: June 30, 1875

Decreed Rate: 2.0 c.f.s.

Cleona 1st Enlargement

NENE Section 32, T.5S., R.66W.

Adjudication Date: December 10, 1883

Appropriation Date: October 30, 1878

Decreed Rate: 2.0 c.f.s.

John Jones Ditch

NWNW Section 15, T.8s., R.66W.

Adjudication Date: December 10, 1883

Appropriation Date: May 31, 1866

Decreed Rate: 1.31 c.f.s.

Pioneer Ditch

SEnw Section 4, T.6S., R.66W.

Adjudication Date: December 10, 1883

Appropriation Date: March 9, 1876

Decreed Rate: 5.83 c.f.s.

Pioneer Ditch 1st Enlargement

SWNW Section 4, T.6S., R.66W.

Adjudication Date: December 10, 1883

Appropriation Date: June 30, 1879

Decreed Rate: 1.17 c.f.s.

Welsh Ditch

NENE Section 13, T.5S, R.67W.

Adjudication Date: March 31, 1890

Appropriation Date: April 28, 1886

Decreed Rate: 14.25 c.f.s.

City of Aurora

Metro waste water outfall

700 acre feet per year

The Applicant will contract for 10.43 acre feet of augmentation water from CCWUA on an annual basis as water is available.

SECOND SOURCE

Non-tributary Denver aquifer Well No. 31769F

Location: 1,500 feet from the north line, 2,250 feet from the east line, SW/4 of the NE/4, Section 12 T.9 S., R.66 W.

This well is owned by the Applicant and located on the same property as the Mueller Pond. If necessary, Applicant will pump 10.43 acre feet of augmentation water to Cherry Creek.

THIRD SOURCE

The Necessity Ditch.

Decreed Point of Diversion: Westside of West Cherry Creek in Section 19, T9S, R65W.

Amount: 6.6 c.f.s.

Priority No. 138

Appropriation Date: June 26, 1882

FOURTH SOURCE

The Conehay Ditch.

Decreed Points of Diversion from Decree, W-8293-76: Lininger Sumps Nos. 1 and 2, Section 36, T8S, R66W and Section 1, T9S, R66W

Amount: 2.85 c.f.s.

Adjudication Date: November 28, 1898

Appropriation Date: August 19, 1892

Dry up necessary to meet the 10.43 acre foot requirement under the Necessity or the Conehay Ditches, using the Blaney Criddle method, is approximately 8 acres. Should other sources be unavailable, the Applicant may dry up approximately 8 acres of irrigated ground and leave the water in Cherry Creek under the Necessity or the Conehay Ditch decrees.

Applicant will operate this Augmentation Plan using measuring devices required by the Division of Water Resources and under the control of the water commissioner. No injury to senior water rights will result from this augmentation plan.

Mueller Pond Storage Right:

Applicant seeks the right to store up to 24 acre feet of water under a 1999 priority. Applicant will install measuring devices to measure the inflow and outflow of Mueller Pond as necessary to pass flows when Cherry Creek is calling below Mueller Pond.

99CW229 Philip and Elaine Mueller, 4990 South Highway 83, Franktown, CO 80016. Peggy E. Montano, BA;;ARD S[AJR AMDREWS & INGERSOLL, LLP, 1225 - 17th St., #2300, Denver, CO 80202-5596). APPLICATION FOR CHANGES IN POINTS OF DIVERSION OF PHILIP AND ELAINE MUELLER, IN DOUGLAS COUNTY.

Water Rights for Which Diversion Points Are to Be Changed:

A. The Necessity Ditch. Originally decreed on the Westside of West Cherry Creek in Section 19, T9S, R6S W in the amount of 6.6 c.f.s. with priority no. 138, 26 June 1882 for irrigation.

B. The Conehay Ditch. The original point of diversion was the SW corner of Section 6, running on said section line due east 600 feet to a point: thence running due north 100 feet to the location of the headgate. 4.25 c.f.s. original adjudication. The above location was not as set forth in the

adjudication decree because of an error. The error was noted in Case No. W-8293-76 by the Water Court Decree granting alternate points of diversion to the Lininger Sump No. 1 and No. 2. Reduced to 2.85 c.f.s. in 1988 in Case No. 84-CW-204. Of the 2.85 c.f.s., 0.969 c.f.s. is owned by the applicant.

Changed Points of Diversion:

A. The Necessity Ditch. Commencing at the SW corner of Section 18, T9S, R6S W of the 6th P.M., Douglas County, going thence due east 1,630 feet to a point; then going due north to a point 2,440 feet to the point of diversion (see map attached as Exhibit 1).

B. The Conehay Ditch. Commencing at the SE corner of Section 1, T9S, R66 W of the 6th P.M., Douglas County, going thence due west 1,700 feet to a point; then going due north to a point 1,160 feet to the point of diversion (see map attached as Exhibit 2).

Reason for Changes:

A. The Necessity Ditch. The changes in diversion points is done at the request of the water commissioner to confirm a longstanding historic practice of irrigation with The Necessity Ditch. No change in type, place or season of use will be made. Applicants have historically used water for irrigation from this point of diversion.

No intervening water rights exist between the two points.

B. The Conehay Ditch. The change in points of diversion is filed at the request of the water commissioner to confirm a longstanding historic practice of diversion at this location. Applicants have not used and do not intend to use Lininger Sump No. 1 and No. 2 points of diversion as they are not located on Applicants' property. Applicants are the owners of 34% of the original decree and will continue to irrigate 34% of the decreed acreage or 57 acres. The new point of diversion is closer to the original point of diversion than the Lininger sumps and will cause no injury to any water right. No water rights are decreed between the original point of diversion and the point of diversion sought in this Decree. (2 pages; Exhibits 2 pages)

99CW230 CITY OF LOUISVILLE, c/o Tom Phare, Director of Public Works, 749 Main Street, Louisville, CO 80027. Michael D. Shimmin, VRANESH AND RAISCH, LLP, P.O. Box 871, Boulder, CO 80306-0871. APPLICATION FOR CHANGE OF WATER RIGHTS, **IN BOULDER COUNTY**.

Decreed Name of Structures for Which Changes Are Sought:

- A. Howard Ditch.
- B. Dry Creek No. 2 Ditch.
- C. Cottonwood No. 2 Ditch.

Information from Previous Decrees:

A. Howard Ditch: The original decree for the Howard Ditch was entered on June 2, 1882, in Civil Action No. 1282, Boulder County District Court, which was the original adjudication of water rights in former Water District No. 6. The Howard Ditch diverts from the west bank of South Boulder Creek in the SW 1/4 of Section 3, Township 1 South, Range 70 West, 6th P.M., Boulder County, Colorado. The appropriation date is April 1, 1860, in the amount of 36 cfs. Previous change of use decrees have been entered by the Boulder County District Court in Civil Action No. 8960 on July 7, 1930; Civil Action 10904 on May 27, 1946; Civil Action No. 14025, on January 24, 1959; and Civil Action No. 21299 on September 10, 1970. Previous change of water right decrees have been entered by the Water Court for Water Division No. 1 in Case Nos. W-7320-73 on July 30, 1973; W-7786-74 on February 1, 1977; W-8346-A-76 on August 28, 1979; 82CW337 on March 21, 1986; and W-8500-77 on April 21,

1987. The Howard Ditch has been historically used to provide irrigation water to a gross acreage of 926.6 acres of land generally situated in Sections 3 and 4, Township 1 South, Range 70 West, 6th P.M., and Sections 27, 28, 33, and 34, Township 1 North, Range 70 West, 6th P.M. The land historically irrigated under the Howard Ditch is shown on the map attached and incorporated as Exhibit A. The net acreage historically irrigated under the Howard Ditch was 871 acres. The historic average annual consumptive use of water on lands irrigated under the Howard Ditch has been 2.15 acre feet per acre or a total of 1873 acre feet per year for the ditch as a whole. Summaries of records of actual diversions for the Howard Ditch water right are attached and incorporated as Exhibit B. The Howard Ditch Company has a total of 100 shares of stock issued and outstanding. In 1989, Louisville purchased one share of Howard Ditch Company stock from Joseph and Mary Beth Kent. That one share is the subject of this change of use and will be used by Louisville under this decree, in addition to the 36.744 shares of Howard Ditch Company stock previously acquired and changed to municipal use by Louisville in prior cases. By virtue of its ownership of this one additional share, Louisville is entitled to a pro rata portion of the decreed direct flow right in the amount of 0.36 cfs and 18.73 acre feet per year of historic consumptive use. The changes of water rights sought in this case by Louisville are to be done using similar methodologies, and including similar protective terms and conditions, as those contained in previous decrees, and specifically Louisville's last prior decree entered in Case No. W-8500-77.

B. Dry Creek No. 2 Ditch: The original decree for the Dry Creek No. 2 Ditch was entered on June 2, 1882, in Civil Action No. 1282, Boulder County District Court, which was the original adjudication of water rights in former Water District No. 6. The Dry Creek No. 2 Ditch diverts from the west bank of South Boulder Creek in the NW 1/4 NW 1/4 of Section 21, Township 1 South, Range 70 West, 6th P.M., at a point approximately 900 feet east and 600 feet south of the northwest corner of said Section 21. The appropriation date is May 1, 1864 in the amount of 69 cfs. A previous change of use decree was entered by the Boulder County District Court in Civil Action No. 21299 on September 10, 1970. Previous change of water right decrees have been entered by the Water Court for Water Division No. 1 in Case Nos. W-8346-B(1)-76, W-8346-B(2)-76, and W-8348(2)-76 on August 28, 1979, W-8500-77 on April 21, 1987, and 85CW133 on December 28, 1988. The Dry Creek No. 2 Ditch has been historically used to provide irrigation water to land generally situated in Sections 3, 4, 9, 10, and 16 of Township 1 South, Range 70 West, 6th P.M., and Sections 27, 28, 33, and 34 of Township 1 North, Range 70 West, 6th P.M. The land historically irrigated under the Dry Creek No. 2 Ditch is shown on the map attached and incorporated as Exhibit C. The acreage historically irrigated under the Dry Creek No. 2 Ditch was 1050 acres. Summaries of records of actual diversions for the Dry Creek No. 2 Ditch water right are attached and incorporated as Exhibit D. The Dry Creek No. 2 Ditch Company has a total of 300 shares of stock issued and outstanding. In 1983, Louisville purchased 1.875 shares of Dry Creek No. 2 Ditch Company stock from Mary Hogan Clyncke; in 1989, Louisville purchased 2.0 shares of Dry Creek No. 2 stock from Keith and Beverly Cowan; and in 1985 Louisville purchased 1.6 shares of the Dry Creek No. 2 stock from Milton Etter. These 5.475 shares are the subject of this change of use and will be used by Louisville under this decree, in addition to the 50.4 shares of Dry Creek No. 2 Ditch Company stock previously acquired and changed to municipal use by Louisville in prior cases. In its last prior change of use in Case No. W-8500-77, Louisville determined that the land irrigated by some of its shares was also irrigated with water from the Howard Ditch. Louisville deleted those shares under common irrigation with the Howard Ditch from its Dry Creek No. 2 Ditch yields in that case. However, a review of the lands historically irrigated with the additional shares now owned by Louisville has shown that all of Louisville's additional shares were used on lands outside the area served in common with the Howard Ditch and were served exclusively with the Dry Creek No. 2 Ditch. This situation is identical to that presented in Case No. 85CW133. Therefore, this application is patterned after Case No. 85CW133. By virtue of its ownership of these 5.475 additional shares, Louisville is entitled to a pro rata portion of the decreed direct flow right in the amount of 1.26 cfs and a maximum of 29.3 acre feet per year of historic consumptive use. The changes of water rights sought in this case by Louisville are to be done using similar methodologies, and including similar protective terms and conditions, as those contained in previous decrees, and specifically the last prior decree entered in Case No. 85CW133.

C. Cottonwood No. 2 Ditch:

The original decree for the Cottonwood No. 2 Ditch was entered on June 2, 1882, in Civil Action No. 1282, Boulder County District Court, which was the original adjudication of

water rights in former Water District No. 6. The Cottonwood No. 2 Ditch diverts South Boulder Creek water, which is delivered through an old natural stream channel that has become known as the New Dry Creek Ditch. Said ditch is essentially a common carrier for several ditches diverting below Baseline Reservoir on priorities supplied from South Boulder Creek. The New Dry Creek Ditch diverts from the east bank of South Boulder Creek in the SW 1/4 SW 1/4 of Section 3, Township 1 South, Range 70 West, 6th P.M., Boulder County, Colorado. The headgate for the Cottonwood No. 2 Ditch is located on the north bank of the New Dry Creek Ditch in the N 1/2 N 1/2 of Section 2, Township 1 South, Range 70 West, 6th P.M., Boulder County, Colorado. The appropriation date is April 15, 1863 in the amount of 33.7 cfs. A previous change of use decree was entered by the Water Court for Water Division No. 1 in Case No. W-9193-78 on October 9, 1979. The Cottonwood No. 2 Ditch has been historically used to provide irrigation water to lands located east of the City of Boulder and lying generally east of Baseline and Valmont Reservoirs. Summaries of records of actual diversions for the Cottonwood No. 2 Ditch water right are attached and incorporated as Exhibit E. The Cottonwood No. 2 Ditch Company has a total of 20 shares of stock issued and outstanding. In 1990, Louisville purchased 1.0 share of Cottonwood No. 2 Ditch Company stock from Hubert Bell. This 1.0 share is the subject of this change of use and will be used by Louisville under this decree, in addition to the 0.8 share of Cottonwood No. 2 Ditch Company stock previously acquired and changed to municipal use by Louisville in W-9193-78. A ditchwide analysis of the Cottonwood No. 2 Ditch has not been conducted. Therefore, Louisville's engineers conducted a parcel-specific analysis of the historic use of this 1.0 share, which was historically used to irrigate approximately 25 acres on a tract of land located in Sections 19 and 20, Township 1 North, Range 69 West, 6th P.M., and known as the Bell Tract, the location of which is shown on the map attached as Exhibit F. By virtue of its ownership of this 1.0 additional share, Louisville is entitled to a pro rata portion of the decreed direct flow right in the amount of 1.685 cfs and a maximum of 49.7 acre feet per year of historic consumptive use. The changes of water rights sought in this case by Louisville are to be done using similar methodologies and including similar protective terms and conditions and those contained in the previous decree entered in W-9193-78.

Proposed Changes of Use:

A. Howard Ditch: Louisville proposes changes in points of diversion, type, place, and manner of use. This includes a change from direct flow use to both direct flow and storage, change of use from irrigation to all municipal purposes within Louisville's present and future service area, including irrigation and exchange, determination of historic consumptive use, and determination of Louisville's right to use, reuse, make successive uses, and dispose of, by exchange or otherwise, the full quantity of water allowed to be diverted from South Boulder Creek pursuant to this one share of Howard Ditch Company stock. The amount and timing of said reuse rights are to be determined using the same methodology and monthly schedule of municipal return flows as was previously decreed in Case No. 92CW079 and other cases. Changes in point of diversion for Louisville's one share are proposed for any combination of the following three alternate points of diversion:

i. The Community Ditch, which diverts from a point on the south bank of South Boulder Creek in the NE 1/4 SE 1/4 of Section 25, Township 1 South, Range 71 West, 6th P.M., Boulder County, Colorado, approximately 1150 feet west and 1550 feet north of the southeast of corner of said Section 25.

ii. The City of Lafayette Pipeline with intake located on the north bank of South Boulder Creek near the northeast corner of the SW 1/4 SE 1/4 of Section 25, Township 1 South, Range 71 West, 6th P.M., Boulder County, Colorado.

iii. The City of Louisville Pipeline with intake located on the south bank of South Boulder Creek at a point derived by beginning at the southeast corner of Section 25, Township 1 South, Range 71 West, 6th P.M., Boulder County, Colorado, and running thence north along the east line of said Section 25 a distance of 1264.5 feet and thence westerly at an angle of 90 degrees a distance of 1515 feet.

Louisville also requests the right to divert on a direct flow basis at any combination of the three alternate points of diversion listed above, and in addition, to store this water in

Louisville Reservoir No. 1 through the City of Louisville Pipeline and/or in Marshall Lake through the Community Ditch, and/or in Harper Reservoir through either the Community Ditch or the Louisville Pipeline. Louisville Reservoir No. 1 is located in the E 1/2 SW 1/4 and W 1/2 SE 1/4 of Section 6, Township 1 South, Range 69 West, 6th P.M. Marshall Lake is located in Sections 22 and 27, Township 1 South, Range 70 West, 6th P.M., all in Boulder County, Colorado. Harper Reservoir is located near the center of Section 7, Township 1 South, Range 69 West, 6th P.M., Boulder County, Colorado.

B. Dry Creek No. 2 Ditch: Louisville proposes all of the same changes for the Dry Creek No. 2 Ditch rights as those described in Paragraph 4.A for the Howard Ditch rights.

C. Cottonwood No. 2 Ditch: Louisville proposes all of the same changes for the Cottonwood No. 2 Ditch rights as those described in Paragraph 4.A for the Howard Ditch rights.

Name and Address of Owners of Land on Which Structures Are Located:

A. Howard Ditch:

- i. Howard Ditch Company
c/o Robert V. Pherson
7350 Goodhue Boulevard
Boulder, CO 80303-4600
- ii. City of Louisville
- iii. City of Lafayette
c/o David C. Lindholm, Esq.
4450 Arapahoe Ave., Suite 100
P. O. Box 18903
Boulder, CO 80308-1903
- iv. The Farmers Reservoir and Irrigation Company
c/o John Akolt, III, Esq.
80 South 27th Avenue
Brighton, CO 80601

B. Dry Creek No. 2 Ditch:

- i. Dry Creek No. 2 Ditch Company
City of Boulder
c/o Mr. Bob Crifassi, Dry Creek No. 2 Director
P.O. Box 471
Boulder, CO 80306
- ii. City of Louisville
- iii. City of Lafayette
c/o David C. Lindholm, Esq.
4450 Arapahoe Ave., Suite 100
P. O. Box 18903
Boulder, CO 80308-1903
- iv. The Farmers Reservoir and Irrigation Company
c/o John Akolt, III, Esq.
80 South 27th Avenue
Brighton, CO 80601

- C. Cottonwood No. 2 Ditch:
- i. Cottonwood No. 2 Ditch Company
1771 N. 75th Street
Boulder, CO 80301
 - ii. City of Louisville
 - iii. City of Lafayette
c/o David C. Lindholm, Esq.
4450 Arapahoe Ave., Suite 100
P. O. Box 18903
Boulder, CO 80308-1903
 - iv. The Farmers Reservoir and Irrigation Company
c/o John Akolt, III, Esq.
80 South 27th Avenue
Brighton, CO 80601 (8 Pages; Exhibits 6 Pages)

Coors Brewing Company ("Coors")
c/o Neil G. Jaquet
Director of Water Resources and Real Estate
P.O. Box 4030
Mail No. CC370
Golden, Colorado 80401-1295

99CW233 CITY OF GREELEY; City of Greeley, Water and Sewer Board, (Greeley) 1100 10th Street, Greeley, Colorado 80631. JAMES S. WITWER, CHRISTOPHER H. OLDHAM, 1775 Sherman Street, Suite 1300, Denver, Colorado 80203. APPLICATION FOR FINDING OF REASONABLE DILIGENCE, IN LARIMER COUNTY.

2. Name of Structure:
Milton Seaman Reservoir Enlargement
3. Describe conditional water right (as to each structure), giving the following from the Referee's Ruling and Judgment and Decree:
 - A. Date of Original Decree: December 27, 1993, Case No. 90CW226, District Court, Water Division No. 1.
 - B. Location: Milton Seaman Dam is located in the SW 1/4, NE 1/4 and SE 1/4, NW 1/4 of Section 33, Township 9 North, Range 70 West of the 6th P.M. in Larimer County. The initial point of survey was made at a point mid-length along the crest of the dam whence the center of said Section 33, Township 9 North, Range 70 West of the 6th P.M. bears South 15 degrees 40 minutes West 295 feet. The reservoir is located in Sections 33 and 28, Township 9 North, Range 70 West of the 6th P.M.
 - C. Source: The waters of the North Fork of the Cache la Poudre River and its tributaries originating upstream of Milton Seaman Dam.
 - D. Appropriation Date: March 1, 1980; Amount: 9,982 acre feet.
 - E. Use: All municipal uses, including domestic; industrial; commercial; manufacturing; recreation; fire protection; power generation; replacement; augmentation; exchange; irrigation of lawns, gardens, parks, and city property; storage for later use; and other beneficial uses relating to the operation of Greeley's municipal water system.
4. Provide a detailed outline of what has been done toward completion or for completion of appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: A detailed outline of Greeley's activities constituting reasonable diligence toward completion of the appropriation and application of water to beneficial use is attached hereto as Exhibit 1 and is incorporated herein by reference.

WHEREFORE, Greeley requests that this Court enter an Order finding that reasonable diligence has been

exercised in the development of the conditional water right herein, for its decreed uses. (2 pages; Exhibits 5 pages)

99CW234 **CITY OF GREELEY**, acting by and through its Water and Sewer Board (Greeley), 1100 10th Street, Greeley, Colorado 80631. James S. Witwer, Christopher H. Oldham, 1775 Sherman Street, Suite 1300, Denver, Colorado 80203.

APPLICATION FOR WATER STORAGE RIGHTS AND RIGHTS OF SUBSTITUTION AND EXCHANGE, INCLUDING STORAGE, IN WELD COUNTY.

B. General Description of Application: This application seeks confirmation of appropriations, both directly and by exchange, that comprise a portion of Greeley's Lower Cache La Poudre River Water Stewardship Project (the Project). The Project will meet some of the City's needs for additional water supplies and improved water management through, among other methods, exchanges of water legally and physically available to Greeley for such purposes at the City's wastewater treatment plant outfall, located on the Cache la Poudre River, and at other locations for diversion further upstream on said river; storage of water in lined gravel pit reservoirs for later release to meet any obligations to maintain historical return flows above downstream water rights that may now or hereafter be imposed upon the City as part of the City's changes of use of existing water rights, or to augment out-of-priority uses of water for irrigation, industrial, or other beneficial purposes.

II. Application for Water Storage Rights.

A. Name of Reservoirs: East 8th Street Reservoir, Flatiron Reservoir Nos. 1-5, and F Street Reservoir.

B. Legal Description (all descriptions are from 6th P.M., Weld County, Colorado)

1. East 8th Street Reservoir: to be constructed in parts of the N1/2 of the SE 1/4 of the SW1/4, the S1/2 of the NE1/4 of the SW1/4, the N1/2 of the SW1/4 of the SE1/4 and the S1/2 of the NW1/4 of the SE1/4 all in Section 4, Township 5 North, Range 65 West.

2. Flatiron Reservoir Nos. 1-5: to be constructed in parts of Section 36, Township 6 North, Range 66 West, that lie south of the centerline of the Cache la Poudre River, west of 25th Avenue, north of F Street, and east of 35th Avenue.

3. F Street Reservoir: to be constructed in parts of the NE1/4 of the SE1/4 and the portion of land lying South of railroad in the SE1/4 of the NE1/4 all in Section 34, Township 6 North, Range 66 West.

4. Water will be diverted into the reservoirs by and through the following facilities: Greeley Canal No. 3, the headgate for which is decreed to be located in the NW1/4 of the SW1/4, Section 32, T6N, R66W, at a point approximately 1,900 feet West of the East Section Line and 2,200 feet North of the South Section Line of said section 32; Boyd and Freeman Ditch, the headgate for which is decreed to be located on the South side of the Cache la Poudre River on Section 34, T6N, R66W; and wells, infiltration galleries, or other diversion structures to be constructed in or adjacent to the alluvial aquifer tributary to the Cache la Poudre River and located within 1000 feet of any or all of the reservoirs described in this paragraph, including, without limitation, at the following locations: East 8th Street Reservoir Infiltration Gallery/Well No. 1: Located adjacent to the Cache la Poudre River at a point approximately 2,300 feet East of the West Section line and 500 feet North of the South Section line of Section 4, Township 5 North, Range 66 West; Flatiron Reservoir Infiltration Gallery/Well No. 1: Located adjacent to the Cache la Poudre River at a point approximately 2,400 feet West of the East Section line and 800 feet South of the North Section line of Section 36, Township 6 North, Range 66 West; Flatiron Reservoir Infiltration Gallery/Well No. 2: Located adjacent to the Cache la Poudre River at a point approximately 950 feet East of the West Section line and 1,050 feet South of the North Section line of Section 36, Township 6 North, Range 66 West; and F Street Reservoir Infiltration Gallery/Well No. 1: Located adjacent to the Cache la Poudre River at a point approximately 1,200 feet West of the East Section Line and 2,300 feet South of the North Section Line of Section 34, Township 6 North, Range 66 West.

C. Source: Cache la Poudre River and surface and ground water tributary thereto.

D. Date of Appropriation: On or before December 14, 1999. How Appropriation was Initiated: Formation of intent to appropriate together with overt acts evincing a first step toward completion of the appropriation, including but not limited to field investigations, posting of signs at and near diversion and storage points, and passage and publication of resolution confirming intent to appropriate. Date Water Applied to Beneficial Use: Not applicable.

E. Amount Claimed:

1. East 8th Street Reservoir: 1,500 acre-feet, conditional, with a right to refill the reservoir

repeatedly. Active capacity: same.

2. Flatiron Reservoir Nos. 1-5: 4,500 acre-feet, conditional, with a right to refill the reservoirs repeatedly. Active capacity: same.

3. F Street Reservoir: 2,000 acre-feet, conditional, with a right to refill the reservoir repeatedly. Active capacity: same.

4. The combined rate of diversion of water pursuant to these water storage rights into the reservoirs through the facilities described in Paragraph II.B.4 hereof shall be 225 c.f.s.

F. Use: All municipal purposes, including, but not limited to, domestic, irrigation, watering of lawns, parks and grounds, commercial, industrial, mechanical, manufacturing, fire protection, sewage treatment, power generation, street sprinkling, recreational, fish and wildlife propagation, lake and reservoir evaporation, exchange (including further exchange within Greeley's system and with other water users), maintenance of adequate storage reserves, maintenance of operating detention, maintenance of historical return flows as required by judicial or administrative order, and replacement, augmentation or substitution. Greeley seeks the right to fully consume such water, whether by direct use, storage and subsequent release, reuse, successive use, further exchange or disposition.

G. Surface area of high water line: East 8th Street Reservoir: approximately 40 acres; Flatiron Reservoir Nos. 1-5: approximately 140 acres; F Street Reservoir: approximately 55 acres. Maximum height and length of dam in feet: Not applicable (gravel pit reservoirs).

H. Name(s) and address(es) of owner(s) of land on which structure(s) for the water right is located:

1. East 8th Street Reservoir, outlet and well: Greeley Urban Renewal Authority, 1100 10th Street, Suite 201, Greeley, CO 80631.

2. Flatiron Reservoir Nos. 1-5, outlet(s) and well(s): Flatiron Sand and Gravel Company and/or Double SM Farms, P.O. Box 229, Boulder, CO 80306.

3. F Street Reservoir, outlet and well: Applicant.

4. Greeley Canal No. 3: Applicant and Greeley Irrigation Company, 1025 9th Avenue, Suite 309, Greeley, CO 80631.

5. Boyd and Freeman Ditch: Boyd Irrigation Company, 1800 North Taft Hill Road, Fort Collins, CO 80521.

III. Application for Rights of Substitution and Exchange, Including Storage.

A. Name of Rights Claimed: Greeley's Lower Cache la Poudre Exchanges

B. Exchange-from Points (Points of Substitution and Exchange) (all locations described from 6th P.M., Weld County, Colorado):

1. Greeley Wastewater Treatment Plant Outfall, the approximate location of which is on the North bank of the Cache la Poudre River, approximately 620 feet East of the West Section line and 360 feet North of the South Section line of Section 4, Township 5 North, Range 66 West.

2. ConAgra/Monfort Industrial Wastewater Treatment Outfall, located on Lone Tree Creek approximately 1 mile upstream of the confluence of that creek and the South Platte River in Section 31, Township 6 North, Range 64 West.

3. East 8th Street Reservoir outlet, to be constructed in Section 4, Township 5 North, Range 66 West.

4. Outlet(s) for Flatiron Reservoir Nos. 1-5, to be constructed in Section 36, Township 6 North, Range 66 West.

5. F Street Reservoir outlet, to be constructed in Section 34, Township 6 North, Range 66 West.

6. 35th Avenue Reservoir outlet(s), to be constructed in Sections 34 and/or 35, Township 6 North, Range 66 West.

7. Release Structures for Greeley Canal No. 3 including, but not limited to:

a. 23rd Avenue Spillway, which is located in the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of Section One (1), Township Five (5) North, Range Sixty-Six (66) West, at a point approximately 1,050 feet West of the East section line and 2,450 feet North of the South section line of said Section Thirty-One (31) and which discharges into the Cache la Poudre River in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of said Section Thirty-One (31) at a point approximately 400 feet East of the West section line and 2,750 feet North of the South section line of said Section Thirty-One (31).

b. 16th Street Release Structure, which is located in the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of Section Ten (10), Township Five (5) North, Range Sixty-Five (65) West, at a point approximately 1,950 feet West of the East section line and 2,600 feet South of the North section line of said Section Ten (10) and which discharges into the Cache la Poudre River in the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of said Section Ten (10) at a point approximately 50 feet West of the

East section line and 1,100 feet South of the North section line of said Section Ten (10).

8. Lawn Irrigation Return Flow Sectors accruing to stream segments on the Big Thompson River, Cache la Poudre River and South Platte River as designated in the decree entered by the District Court for Water Division No. 1 on February 6, 1990 in Case No. 87CW329 as follows:

a. Return Flow Sector 7: Big Thompson River and South Platte River downstream of the headgate of the Evans Town Ditch, located on the North side of the Big Thompson River in the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section Four (4), Township Four (4) North, Range Sixty-Six (66) West, to a point at the confluence of the Cache la Poudre River and the South Platte River, located in the Southwest Quarter of the Southwest Quarter of Section 6, Township 5 North, Range 64 West.

b. Return Flow Sector 8: Cache la Poudre River downstream of the headgate of the W. R. Jones Ditch, located on the South side of the Cache la Poudre River in Section Thirty-Six (36), Township Six (6) North, Range 67 West, to a point located at the Boyd and Freeman Ditch headgate, the decreed location of which is on the South side of the Cache la Poudre River on Section Thirty-Four (34), Township Six (6) North, Range Sixty-Six (66) West.

c. Return Flow Sector 9: Cache la Poudre River downstream of the headgate of the Boyd and Freeman Ditch headgate, the decreed location of which is on the South side of the Cache la Poudre River on Section Thirty-Four (34), Township Six (6) North, Range Sixty-Six (66) West, to a point at the confluence of the Cache la Poudre River and the South Platte River, located in the Southwest Quarter of the Southwest Quarter of Section 6, Township 5 North, Range 64 West.

9. 35th Avenue Drainage Ditch, which is located in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section Thirty-Six (36), Township Six (6) North, Range Sixty-Six (66) West at a point approximately 50 feet East of the West Section line and 50 feet North of the South Section line of said Section Thirty-Six (36) and which discharges into the Cache la Poudre River in the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of said Section Thirty-Six (36) at a point approximately 50 feet East of the West section line and 600 feet South of the North section line of said Section Thirty-Six (36).

10. WW Farm Lake Nos. 1-4 outlet(s), to be constructed in Sections 32 and/or 33, Township 6 North, Range 66 West.

The combined rate of release of substitute supplies from these points of substitution and exchange will be 225 c.f.s.

C. Exchange-to Points (Points of Diversion by Exchange)(all locations described from 6th P.M., Weld County, Colorado):

1. Greeley Canal No. 3 headgate, the decreed location for which is in the NW1/4 of the SW1/4, Section 32, T6N, R66W, at a point approximately 1,900 feet West of the East section line and 2,200 feet North of the South section line of said Section 32.

2. Boyd and Freeman Ditch headgate, the decreed location for which is on the South side of the Cache la Poudre River on Section 34, T6N, R66W.

3. Wells, infiltration galleries, or other diversion structures to be constructed in or adjacent to the alluvial aquifer tributary to the Cache la Poudre River and located within 1000 feet of any or all of the proposed reservoirs described in Paragraphs II.B and III. D hereof, including, without limitation, at the following locations: East 8th Street Reservoir Infiltration Gallery/Well No. 1: Located adjacent to the Cache la Poudre River at a point approximately 2,300 feet East of the West Section line and 500 feet North of the South Section line of Section 4, Township 5 North, Range 66 West; Flatiron Reservoir Infiltration Gallery/Well No. 1: Located adjacent to the Cache la Poudre River at a point approximately 2,400 feet West of the East Section line and 800 feet South of the North Section line of Section 36, Township 6 North, Range 66 West; Flatiron Reservoir Infiltration Gallery/Well No. 2: Located adjacent to the Cache la Poudre River at a point approximately 950 feet East of the West section line and 1,050 feet South of the North section line of Section 36, Township 6 North, Range 66 West; F Street Reservoir Infiltration Gallery/Well No. 1: Located adjacent to the Cache la Poudre River at a point approximately 1,200 feet West of the East Section Line and 2,300 feet South of the North Section Line of Section 34, Township 6 North, Range 66 West; 35th Avenue Reservoir Infiltration Gallery No. 1: to be located on the south or east bank of the Cache la Poudre River in the SE 1/4 NE1/4, Section 34, Township 6 North, Range 66 West; 35th Avenue Reservoir Infiltration Gallery No. 2: to be located on the south bank of the Cache la Poudre River in the NW 1/4 NW1/4, Section 35, Township 6 North, Range 66 West; 35th Avenue Reservoir Infiltration Gallery No. 3: to be located on the south bank of the Cache la Poudre River in the NE 1/4 NW1/4, Section 35, Township 6 North, Range 66 West; 35th Avenue Reservoir Infiltration Gallery No. 4: to be located on the south bank of the Cache la Poudre River in the NW 1/4 NE1/4, Section 35, Township 6 North, Range

66 West; 35th Avenue Reservoir Infiltration Gallery No. 5: to be located on the south bank of the Cache la Poudre River in the NE 1/4 NE1/4, Section 35, Township 6 North, Range 66 West; 35th Avenue Reservoir Infiltration Gallery No. 6: to be located on the south or east bank of the Cache la Poudre River in the NE 1/4 NE1/4, Section 34, Township 6 North, Range 66 West; WW Farm Infiltration Gallery No. 1: Located adjacent to the Cache la Poudre River at a point whence the Northwest corner of Section 32, Township 6 North, Range 66 West, bears North 38 degrees 25 minutes West a distance of 3,180 feet; and WW Farm Infiltration Gallery No. 2: Located adjacent to the Cache la Poudre River at a point whence the Northwest corner of Section 32, Township 6 North, Range 66 West, bears North 54 degrees 46 minutes West a distance of 4,960 feet.

The combined rate of diversion of water diverted by exchange through such points of diversion will be 225 cubic feet per second.

D. Places of Storage Following Exchange: Following the City's diversion of water by exchange as outlined herein, up to 24,924 acre-feet of water will be stored simultaneously in the places of storage described in Paragraph II.B hereof and/or such other places of storage to be constructed in Sections 32, 33, 34, and/or 35, T6N, R66W, 6th P.M., Weld County, in which Greeley may acquire a right to store water, including without limitation WW Farm Lake Nos. 1-4, more particularly described in the application pending in Case No. 90CW23, and 35th Avenue Reservoir, more particularly described in the application pending in Case No. 98CW476, both before the District Court for Water Division No. 1. The City intends to fill and repeatedly refill these reservoirs, whether with water diverted by exchange, with water diverted pursuant to the water rights described in Part II hereof, with water otherwise legally and physically available for such purposes, or by a combination thereof.

E. Water Rights to Be Used for Substitute Supply: The sources of substitute supply for these exchanges include: A) Water owned or controlled by the City in, or naturally tributary to, the Cache la Poudre River, including but not limited to water available pursuant to 1) water rights decreed to Greeley Canal No. 3, which water rights are more particularly described in the decree entered by the District Court for Water Division No. 1 on June 15, 1998 in Case No. 96CW658, and 2) water rights decreed to the Milton Seaman Reservoir Enlargements, which water rights are more particularly described in the decrees entered by the District Court for Water Division No. 1 on June 25, 1992 in Case No. 87CW42 and on December 27, 1993 in Case No. 90CW226, and 3) the water storage rights described in Part II of this application; B) Water owned, to be owned or controlled by the City in, or naturally tributary to, the Big Thompson River, including but not limited to water available pursuant to direct flow and storage water rights decreed for diversion at the Loveland and Greeley Canal and Barnes Ditch and owned, controlled or operated by the Greeley and Loveland Irrigation Company, Seven Lakes Reservoir Company, or their shareholders (including but not limited to water rights decreed to Loveland and Greeley Reservoir a/k/a Lake Loveland), which water rights are more particularly described in the decree entered by the District Court for Water Division No. 1 on February 6, 1990 in Case No. 87CW329; C) Water owned, to be owned, or controlled by the City in, or naturally tributary to, Sand Creek and/or the Laramie River in former Water Districts 48 or 76, including but not limited to water available pursuant to the water right originally decreed to the Sand Creek Ditch, which water right is more particularly described in the decree entered by the District Court for Water Division No. 1 on May 22, 1990 in Case No. 89CW071; D) Water owned, to be owned, or controlled by the City in, or naturally tributary to, the Colorado River, including but not limited to water available pursuant to water rights decreed to the Windy Gap Project, a transmountain water diversion project that delivers water from the Colorado River Basin to the South Platte River Basin (and a portion of the yield from which the City is entitled pursuant to allotment contracts with the Municipal Subdistrict of the Northern Colorado Water Conservancy District), which water rights are more particularly described in the decrees entered by the District Court for Water Division No. 5 on October 27, 1980 in Civil Action No. 1768 and Case Nos. W-4001 and 80CW108, and/or on July 19, 1990 in Case No. 89CW298; E) the wastewater effluent and non-sewered (lawn irrigation) return flows generated by the use of the foregoing water rights; and F) any water rights or rights to water acquired by the City in the future to the extent they are or become decreed for such use. The water rights enumerated in Parts A through E of this paragraph are more particularly described on the attached Exhibit A.

F. Date of Appropriation of Exchange Rights: On or before December 14, 1999. How Appropriation was Initiated: Formation of intent to appropriate together with overt acts evincing a first step toward completion of the appropriation, including but not limited to field investigations, posting of signs at and near diversion and storage points, and passage and publication of resolution confirming intent to appropriate. Date Water applied to beneficial use: Not applicable.

G. Use: Water diverted under these rights of exchange will be used, directly or by exchange, for all municipal purposes, including, but not limited to, domestic, irrigation, watering of lawns, parks and grounds, commercial, industrial, mechanical, manufacturing, fire protection, sewage treatment, power generation, street sprinkling, recreational, fish and wildlife propagation, lake and reservoir evaporation, exchange (including further exchange within Greeley's system and with other water users), maintenance of adequate storage reserves, maintenance of operating detention, maintenance of historical return flows as required by judicial or administrative order, and replacement, augmentation or substitution. Greeley seeks the right to fully consume such water to the same extent as is permitted for the sources of substitute supply provided in exchange, whether by direct use, storage and subsequent release, reuse, successive use, further exchange or disposition.

H. Description of Proposed Exchanges: Greeley seeks confirmation of appropriative rights of exchange that will allow Greeley to move water downstream on the Big Thompson and South Platte Rivers to the confluence of the Cache la Poudre and South Platte Rivers, and upstream from the South Platte and lower Cache la Poudre Rivers to points of diversion on or adjacent to the Cache la Poudre River. The water so diverted by exchange will be used within Greeley's existing and future service area, and by other water users in the South Platte River basin to whom (or for whom) Greeley may release such water to satisfy replacement obligations.

I. Name(s) and address(es) of owner(s) of land on which structures for the water rights are located:

1. East 8th Street Reservoir, outlet and infiltration gallery/well: Greeley Urban Renewal Authority, 1100 10th Street, Suite 201, Greeley, CO 80631.
2. Flatiron Reservoir Nos. 1-5, outlet(s) and infiltration galler(ies)/well(s): Flatiron Sand and Gravel Company and/or Double SM Farms, P.O. Box 229, Boulder, CO 80306.
3. F Street Reservoir, outlet and infiltration gallery/well: Applicant.
4. Greeley Canal No. 3: Applicant and Greeley Irrigation Company, 1025 9th Avenue, Suite 309, Greeley, CO 80631.
5. Boyd and Freeman Ditch: Boyd Irrigation Company, 1800 North Taft Hill Road, Fort Collins, CO 80521.
6. Greeley Wastewater Treatment Plant Outfall: Applicant.
7. ConAgra/Monfort Industrial Wastewater Treatment Outfall: ConAgra/Monfort Industrial Wastewater Treatment Outfall: Monfort Inc., c/o ConAgra (Packing Lonetree Sewage), One ConAgra Drive CC362-2191, Omaha, NE 68102.
8. 35th Avenue Reservoir, outlet(s) and infiltration galleries: Western Mobile Northern, Inc., a subsidiary of Lafarge Corporation, 1800 N. Taft Hill Road, P.O. Box 2187, Fort Collins, CO 80522; Robert Henry Brown, 257 Mary Beth Road, Evergreen, CO 80439; Betty D. Devee, 257 Mary Beth Road Evergreen, CO 80439 and 6624 Kendall Street, Arvada, CO 80003.
9. 35th Avenue Drainage Ditch: Applicant.
10. WW Farm Lake Nos. 1-4, outlet(s) and infiltration galleries: CAMAS Colorado, Inc., 3605 South Teller Street, Lakewood, CO 80235.

WHEREFORE, Greeley requests a decree from this Court:

1. Confirming the water storage rights claimed in Part II hereof;
2. Confirming the appropriative rights of exchange claimed in Part III and determining that operation of such exchange rights may occur consistent with the applicable requirements of C.R.S. " 37-80-120, 37-83-104, and/or 37-92-305; and
3. For such other and further relief as the Court deems just. (11 Pages; Exhibits 10 Pages)

99CW235 (87CW329) CITY OF GREELEY, acting by and through its Water Board ("Greeley"), 1100 - 10th Street, Greeley, CO 80631. (James S. Witwer, Christopher H. Oldham , TROUT & RALEY, P.C., 1775 Sherman Street, Suite 1300, Denver, Colorado 80203.)

APPLICATION FOR CHANGE OF WATER RIGHTS AND FOR APPROPRIATIVE RIGHT OF EXCHANGE, IN LARIMER AND WELD COUNTIES.

B. General Description of Application: This application seeks judicial approval of Greeley's proposed change of water rights represented by shares of stock in the Greeley and Loveland Irrigation Company and the Seven Lakes Reservoir Company, and by rights and interests in the Loveland and Greeley Reservoir (a/k/a Lake Loveland) (hereinafter collectively referred to as AGLIC System Water Rights@). In the Findings of Fact, Conclusions of Law, Judgment and Decree entered in Case No.

87CW329 on February 6, 1990, the District Court for Water Division No. 1 approved Greeley's application to change the use of a portion of its GLIC System Water Rights. That decree provided further that Greeley may change additional GLIC System Water Rights upon the terms and conditions of that Decree upon filing an application under the Court's retained jurisdiction in that case. The present application proposes to change the use of additional water rights in generally the same manner as in Case No. 87CW329. As in that case, Greeley seeks herein judicial confirmation of a right to exchange municipal return flows that are produced from use of the changed water rights so as to allow the diversion of additional water upstream at GLIC System diversion facilities. Use of the subject water rights in this manner is part of Greeley's Lower Cache la Poudre River Water Stewardship Project.

II. Decreed Name of Structures for which Change is Sought/From Previous Decree: The water rights that are the subject of this application are represented by Greeley's ownership or control of 52.0 shares in the Seven Lakes Reservoir Company; 207.84 shares in the Greeley and Loveland Irrigation Company; and 36.50 rights in the Loveland and Greeley Reservoir. The GLIC System Water Rights are more fully described as follows:

1. Barnes Ditch

a) Decree Information:

Amount	Appropriation Date	Adjudication Date	Court
18.56 cfs	10/20/1865	05/28/1883	Boulder District Ct.
12.06 cfs	06/01/1867	05/28/1883	Boulder District Ct.
19.93 cfs	06/23/1873	05/28/1883	Boulder District Ct.

b) Point of Diversion:

The originally decreed point of diversion is in the NW 1/4 of the SE 1/4 of Section 17, Township 5 North, Range 69 West, on the north side of the Big Thompson Creek, in Larimer County. The Barnes Ditch has an alternate point of diversion in Section 15, Township 5 North, Range 69 West.

c) Source: Big Thompson River

d) Use: Irrigation

2. Larimer County Irrigation and Manufacturing Ditch, a/k/a Chubbuck Ditch or the Chubbuck Ditch

a) Decree Information:

Amount	Appropriation Date	Adjudication Date	Court
8.36 cfs	11/01/1865	05/28/1883	Boulder District Ct.
39.04 cfs	10/20/1870	05/28/1883	Boulder District Ct.
35.50 cfs	10/25/1873	05/28/1883	Boulder District Ct.
15.20 cfs	11/01/1878	05/28/1883	Boulder District Ct.

b) Point of Diversion:

Diverts from the Big Thompson River through the headgate(s) of the Loveland and Greeley Canal (see below).

c) Source: Big Thompson River

d) Use: Irrigation

3. Loveland and Greeley Canal

a) Decree Information:

Amount	Appropriation Date	Adjudication Date	Court
297.44 cfs	04/01/1881	05/28/1883	Boulder District Ct.

b) Point of Diversion:

Located in Section 15, Township 5 North, Range 69 West of the 6th P.M. Decreed with two separate and distinct headgates, one located Section 15 and one in Section 17, each in Township 5 North, Range 69 West of the 6th P.M. The actual point of diversion of the Loveland and Greeley Canal is at a dam constructed approximately northerly and southerly across the Big Thompson River through a point 1905 feet due north of the quarter section corner on the south boundary line of Section 15, T.5N., R.69W., 6th P.M.

c) Source: Big Thompson River

d) Use: Irrigation

4. Seven Lakes Reservoir System

a) Decree Information:

Amount	Appropriation Date	Adjudication Date	Court
8,432 AF	04/28/1902	06/29/1916	
8,432 AF	04/28/1902	06/09/1978	District Court, Water

Case No. W-8664-77

b) Location of Storage:

The Seven Lakes Reservoir System consists of Horseshoe Reservoir, Westerdoll Lake, Heinrich Lake, Upper Hoffman Lake, Lower Hoffman Lake, Boyd Lake, and Equalizer and Houts Reservoirs. These lakes are interconnected. The decrees describe the location of storage as being in Sections 30 and 31, Township 6 North, Range 68 West of the 6th P.M.; Section 36, Township 6 North, Range 69 West of the 6th P.M.; Section 1, Township 5 North, Range 69 West of the 6th P.M.; and Sections 6 and 7, Township 5 North, Range 68 West of the 6th P.M., Larimer County, Colorado, the outlet of which is decreed as being located in the NW 1/4 of the SE 1/4, Section 6, Township 5 North, Range 68 West of the 6th P.M., at a point 1300 feet East and 850 feet South of the center of said Section 6, Larimer County, Colorado.

c) Source:

Big Thompson River Drainage. The lakes may be supplied by the Barnes Ditch, Lake Loveland, Little Barnes Ditch, Chubbuck Ditch, Loudon Ditch, and the Greeley and Loveland Canal, as well as by the local drainages.

d) The Seven Lakes Reservoir Company also owns 26 2 shares of the 600 shares in the Loudon Irrigation Canal Company, and the water produced by these shares is used within the Seven Lakes Reservoir Company System. The decree information on the rights of the Loudon Ditch is as follows:

Amount	Appropriation Date	Adjudication Date	Court
7.0 cfs	11/10/1861	05/28/1883	Boulder District Ct.
40.0 cfs	10/01/1871	05/28/1883	Boulder District Ct.
123.0 cfs	11/01/1877	05/28/1883	Boulder District Ct.
0.008 cfs	09/17/1883	05/29/1884	Boulder District Ct.

The historical place of diversion of the Loudon Ditch from the Big Thompson River is in the SW 1/4 of the NW 1/4 of Section 12, Township 5 North, Range 70 West of the 6th P.M.

e) Use:

Irrigation, industrial, domestic, and recreational.

5. Boyd Lake

a) Decree Information:

Amount	Appropriation Date	Adjudication Date	Court
48,564 AF	04/28/1902	06/29/1916	
44,031 AF	04/28/1902	06/27/1978	District Court,

Water Division No. 1

Case No. W-8665-77

b) Location of Storage:

In Section 5, the SE 1/4 of Section 6, the E 2 of the E 2 of Section 7, and Section 8, all in Township 5 North, Range 68 West of the 6th P.M.; Section 29, the E 2 of the E 2 of Section 30, the E 2 of the E 2 of Section 31, and Section 32, all in Township 6 North, Range 68 West of the 6th P.M. in Larimer County, Colorado.

c) Source:

Boyd Lake is supplied by waters from the Big Thompson River, diverted by the Barnes Ditch and delivered to Boyd Lake through Lake Loveland and Horseshoe Reservoir, or diverted and delivered by the Loudon Ditch or by the Loveland and Greeley Canal. In addition, Boyd Lake is supplied by storm and flood waters arising in the Dry Creek drainage basin and in the areas naturally sloping toward the lake.

d) Use:

Agricultural purposes, domestic uses, recreation and industrial uses for lands and users under Greeley and Loveland Irrigation Company System.

6. Loveland and Greeley Reservoir (Lake Loveland)

a) Decree Information:

Amount	Appropriation Date	Adjudication Date	Court
14,238.7 AF	01/14/1893	06/29/1916	
14,239 AF	01/14/1893	06/27/1978	District Court,

Water Division No. 1

Case No. W-8665-77

b) Reservoir Location:

Located in the NE 1/4 of Section 10, Section 11, and the N 2 of Section 14, all in Township 5 North, Range 69 West of the 6th P.M., Larimer County, Colorado.

c) Source: Lake Loveland is supplied by diversions from the Big Thompson River through the Barnes Ditch or the Loudon Ditch. In addition, Lake Loveland is supplied by storm and flood waters arising in the drainage basin into the reservoir.

d) Use:

Irrigation, domestic uses, recreational and industrial use for lands and users under the Greeley and Loveland Irrigation Company system.

III. Proposed Change: Greeley proposes herein to change additional GLIC System Water Rights upon the terms and conditions imposed by the Court to prevent injury in the Decree entered in Case No. 87CW329, District Court, Water Division No. 1, on February 6, 1990, which includes adding alternate types of uses and places of use, including use of the subject water rights throughout the Greeley water service area as it exists and may be expanded in the future and irrigation of lands not historically irrigated by such rights; storage in the Companies reservoirs and elsewhere for later use; taking the subject water rights into the Greeley Water System without a change in point of diversion; and using that water for all municipal purposes, including, but not limited to, domestic, irrigation, watering of lawns, parks and grounds, commercial, industrial, mechanical, manufacturing, fire protection, sewage treatment, power generation, street sprinkling, recreational, fish and wildlife propagation, lake and reservoir evaporation, exchange (including further exchange within Greeley's system and with other water users), maintenance of adequate storage reserves, maintenance of operating detention, maintenance of historical return flows as required by judicial or administrative order, and replacement, augmentation or substitution. Greeley seeks confirmation of the right to fully consume such water, whether by direct use, storage and subsequent release, reuse, successive use, further exchange or disposition, or a combination thereof.

Exhibit A to the Application, which is incorporated herein by reference, is a map showing the approximate location of historical use of the GLIC System Water Rights. Exhibit B to the Application, which is incorporated herein by reference, is a summary of diversion records, showing diversions under the GLIC System Water Rights. Exhibit C to the Application, which is incorporated by reference, is a listing of the shares and rights that are the subject of this Application by type and return flow sector as designated in the Decree in Case No. 87CW329.

Return flows to prevent injury to other water rights will be maintained in accordance with the formula and accounting as set forth in the Decree in Case No. 87CW329.

To the extent that the return flows attributable to the new use of the subject water rights exceed the historical return flows therefrom which, pursuant to the Decree in Case No. 87CW329, must be maintained to the extent necessary to prevent injury, Greeley seeks confirmation of the right fully to consume that incremental amount, whether by reuse, successive use, exchange, sale, or otherwise, including without limitation consumption by any such methods after discharge of such excess return flows from one or more of the following wastewater treatment plant outfalls (all in 6th P.M., Weld County):

1. Greeley Wastewater Treatment Plant Outfall, the approximate location of which is on the North bank of the Cache la Poudre River, approximately 620 feet East of the West Section line and 360 feet North of the South Section line of Section 4, Township 5 North, Range 66 West;
2. ConAgra/Monfort Industrial Wastewater Treatment Plant Outfall, located on Lone Tree Creek approximately 1 mile upstream of the confluence of that creek and the South Platte River in Section 31, Township 6 North, Range 64 West;
3. City of Evans Wastewater Treatment Plant Outfall, which discharges to the South Platte River in the SW 1/4 of Section 21, Township 5 North, Range 65 West;
4. Kodak Industrial Wastewater Treatment Plant Outfall, which discharges to the Cache la Poudre River in the NE 1/4 of the SE 1/4 of Section 34 or the W 2 of the SW 1/4 of Section 35, Township 6 North, Range 67 West;
5. Town of Milliken Wastewater Plant Outfall, which discharges to the Big Thompson River in the S 2 of the SE 1/4 of Section 1, Township 4 North, Range 67 West;
6. Town of Windsor Wastewater Plant Outfall, which discharges to the Cache la Poudre River in the SE 1/4 of the SE 1/4 of Section 34, Township 6 North, Range 67 West.

Without limiting the scope of its claim, Greeley specifically requests a decree recognizing its right to exchange the incremental amount of municipal return flows not so required to be maintained from the ConAgra/Monfort Industrial Wastewater Treatment Plant Outfall and Greeley Wastewater Treatment Plant Outfall located on Lone Tree Creek and the Cache la Poudre River, respectively, downstream to their

confluence with the South Platte River, and thence upstream up the South Platte and Big Thompson Rivers to any one or more of the Companies canals described in Part II hereof, for diversion for direct use or for storage and subsequent use, with an appropriation date of June 2, 1969.

IV. Name(s) and Address(es) of Owner(s) of Land on Which Structures for the Water Rights Are Located:

- A. Greeley Wastewater Treatment Plant Outfall: Applicant.
- B. ConAgra/Monfort Industrial Wastewater Treatment Outfall: Monfort Inc., c/o ConAgra (Packing Lonetree Sewage), One ConAgra Drive CC362-2191, Omaha, NE 68102
- C. Greeley Irrigation Company Facilities and Loveland and Greeley Reservoir/Lake Loveland: Greeley and Loveland Irrigation Company, 808 23rd Avenue, Greeley, CO 80631.
- D. Seven Lakes Reservoir Company Facilities: Seven Lakes Reservoir Company, 808 23rd Avenue, Greeley, CO 80631.
- E. City of Evans Wastewater Treatment Plant Outfall: City of Evans, 1100 37th Street, Evans, CO 80620-2036.
- F. Kodak Industrial Wastewater Treatment Plant Outfall: Eastman Kodak Company, 9952 Eastman Park Drive, Windsor, CO 80551-1338.
- G. Town of Milliken Wastewater Plant Outfall: 1101 Broad Street, Drawer 290, Milliken, CO 80543.

WHEREFORE, Greeley requests a decree from this Court:

1. Approving the changes of water rights requested herein and determining pursuant to C.R.S.' 37-92-305(3) that the changes will not injuriously affect the owner of or persons entitled to use water under a vested water right or a decreed conditional water right
2. Confirming the appropriative rights of exchange claimed herein and determining that operation of such exchange rights may occur consistent with the applicable requirements of C.R.S." 37-80-120, 37-83-104, and/or 37-92-305; and
3. For such other and further relief as the Court deems just. (9 pages; Exhibits 6 pages)

99CW236 COORS BREWING COMPANY ("Coors"), c/o Neil G. Jaquet, Director of Water Resources and Real Estate, P.O. Box 4030, Mail No. CC370, Golden, Colorado 80401-1295. Jack F. Ross, Esq., Joanne Herlihy, Esq., Dufford & Brown, P.C., 1700 Broadway, Suite 1700, Denver, CO 80290-1701. **APPLICATION FOR APPROVAL OF PLAN OF AUGMENTATION AND CHANGES OF WATER RIGHTS AND ABSOLUTE AND CONDITIONAL APPROPRIATIVE RIGHT OF EXCHANGE, IN PARK, CLEAR CREEK AND JEFFERSON COUNTIES.**

Please forward all correspondence or inquiries regarding this Application to attorneys for Applicant:

II. **THE APPLICATION**

Coors Brewing Company ("Coors" or "Applicant") is a Colorado corporation which owns and operates a large industrial complex near the City of Golden, Colorado. In the operation of that complex, Coors diverts water from Clear Creek through operation of Coors' Underground Springs, the Jefferson Storage System, and the Coors' Industries Ditch. In order to make essentially continuous diversions from Clear Creek and its tributary alluvium, Coors replaces out-of-priority depletions to Clear Creek and the South Platte River which result from Coors' beneficial use of water diverted under its junior water rights. Presently the provision of augmenting supplies to replace depletions caused by out-of-priority diversions through Coors' Underground Springs, the Jefferson Storage System, and the Coors' Industries Ditch (Case No. W-224) are managed through the operation of Decrees approving plans for augmentation including exchanges and changes of water rights in Consolidated Cases Nos. W-8036(75) and W-8256(76) (commonly referred to as the "Coors Augmentation I Plan"); Case No. 89CW234 (commonly referred to as the "Coors Augmentation II Plan"); and, as applicable, in accordance with terms and conditions of the Decrees entered in Cases Nos. 88CW268 and 88CW272 (commonly referred to as the "Cosmic Exchange") and Cases Nos. 90CW064 and 91CW122.

The Application seeks approval for the incorporation and utilization of certain additional water rights which Coors owns or has the right to use into a supplemental integrated plan for augmentation including exchange and changes of water rights. The application is commonly referred to as the “Coors Augmentation III Plan.” This Application does not waive any priorities created by either the Coors Augmentation I or Coors Augmentation II plans.

III. FIRST CLAIM FOR RELIEF: CHANGES OF WATER RIGHTS

A. Decreed names of structures for which changes are sought.

1. Farmers High Line Canal
2. Wannamaker Ditch
3. Church Ditch (a.k.a. the Golden City and Ralston Creek Ditch)
4. Croke Canal
5. Standley Lake
6. Agricultural Ditch (including the following structures)
 - a. Main Reservoir.
 - b. East Reservoir.
 - c. Smith Reservoir.
 - d. Loch Lomond Group of Reservoirs.
 - e. Fall River Group of Reservoirs.
 - f. Long Lake Reservoir No. 1 (or Campbell Reservoir No. 1)
 - g. Long Lake Reservoir No. 2 (or Campbell Reservoir No. 2)
7. Welch Ditch (a.k.a. the Golden Canal and as the Golden Ditch)
- 8.

B. From previous Decrees.

1. Farmers High Line Canal

2.
 - a. Date decree entered, Case No, Court, Amount, Appropriation Date:

Adjudication Date	Case No.	Court	Amount Available in (cfs)	Priority	Appropriation Date
10/04/1884	6963	Arapahoe	0.276	1	2-25-1860 ¹
10/04/1884	6963	Arapahoe	1.00	3	5-16-1860
10/04/1884	6963	Arapahoe	3.281	5	5-31-1860
10/04/1884	6963	Arapahoe	39.80	9	7-1-1860
10/04/1884	6963	Arapahoe	1.61	30	5-28-1863
10/04/1884	6963	Arapahoe	2.75	32	6-20-1863
10/04/1884	6963	Arapahoe	2.89	42	4-23-1865
10/04/1884	6963	Arapahoe	0.808	48	11-2-1865
10/04/1884	6963	Arapahoe	0.33	54	5-24-1870

¹ No *pro rata* interest because the priorities are the HR Brown contract held entirely by Westminster, and changed to municipal use in W-8743.

10/04/1884	6963	Arapahoe	154.00	57	4-1-1872	
10/09/1895	21886	Arapahoe	191.00	68	4-1-1886	
10/09/1895	21886	Arapahoe	335.86	69	4-23-1895	

	<u>Priority</u>	<u>Date of Appropriation</u>	<u>Total Decreed Amount</u>
Little Dry Creek (Kelly Creek)	1	4-1-1872	193.800 ²
Ralston Creek	21	4-1-1872	60.000
Leyden Creek	4	7-12-1905	465.00

- a. Type of water right: Surface, direct flow.
- a. Decreed point of diversion: On the North bank of Clear Creek in the SW1/4 of Section 27, T 3 S., R 70 W., of the 6th P.M., a short distance below the Ford Street Bridge across Clear Creek in the City of Golden, Jefferson County, Colorado.
- a. Source: Clear Creek
- a. Historic use: Irrigation
- a. Remarks: There are 4.5 shares of Farmers High Line water in this Application.

1. Wannamaker Ditch.
- 2.

- a. Date decree entered, Amount, Appropriation Date:

Adjudication Date	Priority No.	Amount Available in (cfs)	Date of Appropriation
10-04-1884	6	8.00	6-1-1860
10-04-1884	52	13.00	11-5-1868

² Because Coors cannot demonstrate any historical diversions by the Farmers High Line Canal from Little Dry Creek, Ralston Creek or Leyden Creek, it does not claim the right to divert or take delivery of any Ralston Creek water on its Farmers High Line stock that is the subject of this case.

- a. Type of water right: Surface, direct flow.
- a. Decreed point of diversion: On the North bank of Clear Creek in the NE1/4 of Section 27, T 3 S., R 70 W., of the 6th P.M., whence the NE corner of said Section 27 bears North 38° 17.5' East, 2099.64 feet, Jefferson County, Colorado.

- a. Source: Clear Creek
- a. Historic use: Irrigation
- a. Remarks: There are 43.25 inches of Wannamaker Ditch water in this Application.

1. Church Ditch (a.k.a. Golden City and Ralston Creek Ditch).

2.

- a. Date decree entered, Case No, Court, Amount, Appropriation Date:

Adjudication Date	Case No.	Court	Amount Available in (cfs)	Priority	Appropriation Date
10-04-1884	6963	Arapahoe	0.90	21	6-1-1862
10-04-1884	6963	Arapahoe	41.43	40	2-28-1865
10-04-1884	6963	Arapahoe	1.25	44	5-16-1865
10-04-1884	6963	Arapahoe	18.26	62	11-18-1877
10-04-1884	6963	Arapahoe	18.85	65	11-15-1878
10-04-1884	6963	Arapahoe	32.34	66	11-20-1881
5-13-1936	60052	Denver	100.12	74	3-16-1886
5-13-1936	60052	Denver	185.00		11-18-1877

- a. Type of water right: Surface, direct flow.
- a. Decreed point of diversion: On the North bank of Clear Creek in the NW1/4 of the NE1/4 of Section 32, T 3 S., R 70 W., of the 6th P.M., at a point which is approximately 1,800 feet East and 1,000 feet South of the NE corner of said section, Jefferson County, Colorado.

- a. Source: Clear Creek
- a. Historic use: Irrigation
- a. Remarks: There are 6 inches of Church Ditch water in this Application.

1. 96CW1117 Deliveries.

2.

3. Pursuant to a contract with the City of Thornton dated May 23, 1988 and the First Amendment to that Agreement dated December 23, 1998 between Thornton and Coors and to the Decree in Case No. 96CW1117 Coors is entitled to the delivery of 2100 acre-feet³ of fully consumable water

³ By Agreement between Coors and the City of Golden dated May 23, 1988, Golden has an option to have Coors assign to Golden up to 900 acre-feet of Coors' right to receive the 2100 acre-feet of water deliveries from Thornton. That Agreement and the Decree in

produced in the exercise, under the various provisions of that Decree, by that City and Coors of the Thornton interests in the water rights decreed to Farmers High Line, Church Ditch, Croke Canal and Standley Reservoir described in that Decree as follows:

4.

- a. Thornton's Portion of the Water Rights Decreed to the Church Ditch (a.k.a. Golden City and Ralston Creek Ditch) consisting of approximately 7% of the water rights decreed to the Church Ditch as described in paragraph III.B.3. above.
- a. Thornton's Portion of the Water Rights Decreed to the Farmers High Line Canal consisting of approximately 15.5% of the water rights decreed to the Farmers High Line Canal as described in paragraph III.B.1. above.
- a. Thornton's Portion of the Water Rights Decreed to the Farmers Reservoir and Irrigation Company's Croke Canal and Standley Lake consisting of approximately 13.73% of the water rights decreed to the Croke Canal and Standley Lake of the Farmers Reservoir and Irrigation Company as described below.

(1) Date decree entered, Case No, Court, Amount, Appropriation Date:

Structure	Adjudication Date	Case No.	Court	Amount Available in (cfs)	Appropriation Date
Croke Canal	5-13-1936	60052	Denver	944.00 cfs	3-04-1902
Standley Lake	5-13-1936	60052	Denver	32,361 acre-feet	3-04-1902
Standley Lake	5-13-1936	60052	Denver	16,699 acre-feet©	3-04-1902

(1) Type of water right: Surface, Croke Canal-direct flow; Standley Lake-storage.

(1) Decreed points of diversion and place of storage:

- (a) Croke Canal. Point of diversion located on the North bank of Clear Creek in the NW1/4 of the NE1/4 of Section 26, T 3 S., R 70 W., of the 6th P.M., at a point which is approximately 2,700 feet East and 250 feet South of the NW corner of said section, Jefferson County, Colorado.
- (a) Standley Lake. Located in Sections 16, 17, 20, 21, 22, 27, 28 and 29, Township 2 South, R 69 W., of the 6th P.M., in Jefferson County, Colorado.

96CW1117 also provide that Coors retains the right to the reuse and successive use of those water rights after the first use thereof by Golden. To date Golden has exercised 150 acre-feet of this option. This Application seeks to change all of the 2100 acre-feet to the additional use for augmentation purposes by Coors since Coors will continue to own 1200 acre-feet of this water right and the Golden option portion unless and until Golden exercises its option on additional water. In addition, Coors will continue to retain the right to the reuse and successive use of those water rights after the first use thereof by Golden.

- (1) Source: Clear Creek
- (1) Historic use: Pursuant to the Decree in Case No. 96CW1117 the 2100 acre-feet of fully consumable water is decreed for all the purposes permitted by the Decrees of this Court in its Cases Nos. W-8036(75), W-8256(76), 89CW234 and 91CW122 within Applicant's industrial complex and may be used, reused and successively used to extinction or Coors may dispose of the right to reuse and may reuse and successively use or dispose of the right to reuse the water after the first use thereof by Golden.

- 1.
- 2.

The Agricultural Ditch and Reservoir Company.

- a. Date decree entered, Court, Amount, Appropriation Date:

Adjudication Date	Court	Priority No.	Amount Available in (cfs)	Date of Appropriation
10-04-1884	Arapahoe	2	1.64	5-15-1860
10-04-1884	Arapahoe	4	0.675	5-19-1860
10-04-1884	Arapahoe	5	3.83	5-31-1860
10-04-1884	Arapahoe	7	1.12	6-14-1860
10-04-1884	Arapahoe	13	0.098	5-14-1861
10-04-1884	Arapahoe	14	1.12	6-2-1861
10-04-1884	Arapahoe	15	0.39	6-11-1861
10-04-1884	Arapahoe	21	0.15	6-1-1862
10-04-1884	Arapahoe	44	0.163	5-16-1865
10-04-1884	Arapahoe	61	101.54	12-21-1874
10-04-1884	Arapahoe	67	48.46	3-24-1883
5-13-1936		75	55.00	3-27-1888

- a. Type of water right: Surface, direct flow.
- a. Decreed point of diversion: On the South bank of Clear Creek in the SW1/4 of Section 27, T 3 S., R 70 W., of the 6th P.M., Jefferson County, Colorado.
- a. Source: Clear Creek
- a. Historic use: Irrigation, Domestic
- a. Remarks: There are 165 inches of Agricultural Ditch water in this Application

- 1.
- 2.

The Midway Reservoirs of The Agricultural Ditch and Reservoir Company

- a. Remarks: By agreement with The Agricultural Ditch and Reservoir Company and The Golden Canal and Reservoir Company dated October 9, 1997, Coors, at its discretion, is entitled to withdraw up to 45% of whatever water is being diverted into the Agricultural Ditch on the water rights now or hereafter decreed thereto, or in the receipt of previously stored water by direct delivery or by exchange and to use such water for cooling purposes in Coors' industrial complex upon the terms and conditions contained in that agreement. The water rights available to the Agricultural Ditch in addition to those set forth above in paragraph III.B.5 are set forth in paragraphs III.B.6 through III.B.9 below.
- a. Date decree entered, Amount, Appropriation Date:

Structure	Adjudication Date	Amount Available in AF	Priority	Appropriation Date
Main	5-13-1936	606.51	70	2/01/1901
East	5-13-1936	102.02	71	2/01/1901
Smith	5-13-1936	93.25	71	2/01/1901
	5-13-1936	292.79	86	9/29/1906
	2-04-1884	68.54 (cfs)	9 (Bear Cr)	12/6/1882 ⁴
	12-31-1978	182.92		9/16/1940 ⁵

- a. Type of water right: Surface, direct flow and storage.
- a. Decreed places of storage:
- (1) Main Reservoir. Main Reservoir is located in Sections 16 and 21, T 4 S., R 69 W., of the 6th P.M., Jefferson County, Colorado. The feeder ditch or supply ditch from Clear Creek, by means of which this reservoir is filled, is the Welch Ditch, also known as the Golden Canal or the Golden Ditch, with point of diversion located on the South bank of Clear Creek at a point whence the South quarter corner of Section 32, T 3 S., R 70 W., 6th P.M., bears South 28° East 900 feet, Jefferson County, Colorado and the Agricultural Reservoir Ditch (which is an extension and enlargement of the Welch Ditch).
 - (1) East Reservoir. East Reservoir is located in Jefferson County, Colorado, in Sections 21 and 22, T 4 S., R 69 W., of the 6th P.M. The feeder ditch or supply ditch from Clear Creek, by means of which this reservoir is filled, is the Welch Ditch, and the Agricultural Reservoir Ditch (point of diversion described in paragraph III.B.6.d.(1) above).
 - (1) Smith Reservoir. Smith Reservoir is located in Section 21, T 4 S., R 69 W., of the 6th P.M., Jefferson County, Colorado. The feeder ditch or supply ditch from Clear Creek, by means of

⁴ Decreed for Irrigation, recreation.

⁵ Decreed for Irrigation, domestic, municipal

which this reservoir is filled, is the Welch Ditch, and the Agricultural Reservoir Ditch (point of diversion described in paragraph III.B.6.d.(1) above).

- a. Source: Clear Creek
- a. Historic use: Irrigation

1. The Mountain Reservoirs of The Agricultural Ditch and Reservoir Company

- a. Date decree entered, Amount, Appropriation Date:

Structure	Adjudication Date	Amount Available in AF	Priority	Appropriation Date
Loch Lomond Group	5-13-1936	596.9	1	9/21/1900
	5-13-1936	499.6	1a	9/21/1900
	5-13-1936	206.8	3	7/16/1906
	12-31-1983	304 ⁶		4/01/1974
Fall River Group	5-13-1936	127.1	3	9/21/1900
	5-13-1936	304	3	7/16/1906
	5-13-1936	44.81	4	9/21/1900
	5-13-1936	112.81	4	9/21/1900
	5-13-1936	101.8	81	8/01/1905 ⁷
	5-13-1936	262.98	3a	7/16/1906
	5-13-1936	30.58	6 & 6a	7/16/1906
	5-13-1936	88.6	1a	9/21/1900

- a. Type of water right: Surface, direct flow and storage.
- b. Decreed places of storage:

- (1) Loch Lomond Group of Reservoirs. Loch Lomond Group of Reservoirs, consisting of Loch Lomond Reservoir, Lake Caroline Reservoir, Twin Lakes Reservoir, Ice Lake Reservoir and Ohman Lake Reservoir, form a closely grouped, interconnecting series of reservoirs, having a common source of supply and a common outlet through the outlet of Loch Lomond Reservoir and constitute a single reservoir unit. Said reservoirs are located in Sections 28, 29, and 33, T 2 S., R 74 W., of the 6th P.M., Clear Creek County, Colorado, in the

⁶ Decreed for Irrigation, Municipal, Domestic, Industrial

⁷ Decreed for Irrigation, Power

headwaters of Fall River, and particularly the headwaters of the Northerly or so-called Loch Lomond branch of the Fall River. Said Fall River is a tributary of Clear Creek.

- (1) Fall River Group of Reservoirs. The Fall River Group of Reservoirs, consisting of Chinn's Lake Reservoir, Upper Chinn's Lake Reservoir (also known as Sherwin Lake Reservoir), and Fall River Reservoir, form a closely grouped, interconnecting series of reservoirs, having a common source of supply and a common outlet and constitute a single reservoir unit. Said reservoirs are located in unsurveyed Section 5, T 3 S., R 74 W., of the 6th P.M., Clear Creek County, Colorado, in the headwaters of Fall River, a tributary of Clear Creek, and particularly the headwaters of the Southerly branch of Fall River, as distinguished from the Northerly or so-called Loch Lomond branch of said Fall River.

- a. Source: Fall River, a tributary of Clear Creek
a. Historic use: Irrigation, Domestic.

1.
2.

Long Lake

- a. Date decree entered, Amount, Appropriation Date:

Structure	Adjudication Date	Amount Available in AF	Appropriation Date
Long Lake Reservoir No. 1	10/4/1884	890	5/29/1873
	5/13/1936	557	6/06/1909
	5/13/1936	574.8 Conditional	6/06/1909
Long Lake Reservoir No. 2	5/13/1936	292	6/06/1909
	5/13/1936	716.3 Conditional	6/06/1909

- a. Type of water right: Surface, direct flow and storage.
a. Decreed places of storage:

- (1) Long Lake Reservoir No. 1 (or Campbell Reservoir No. 1) is located in the SW1/4 SW1/4 of Sec. 33, T 2 S., R 70 W., of the 6th P.M., and in the NW1/4 and the N1/2 SW1/4 of Section 4, T 3 S., R 70 W., of the 6th P.M., Jefferson County, Colorado. The headgate of the filler ditch, known as the Long Lake Ditch (or Campbell Ditch), is located on the West bank of Ralston Creek at a point in Sec. 31, T 2 S., R 70 W., of the 6th P.M., whence the SE corner of Sec. 6, T 3 S., R 70 W., bears South 15[°] East 5525 feet.
- (1) Long Lake Reservoir No. 2 (or Campbell Reservoir No. 2) is located in the E1/2 NW1/4 and the NE1/4 SW1/4 and the SW1/4 NE1/4 and the NW1/4 SE1/4 of Sec. 4, T 3 S., R 70 W., of the 6th P.M., Jefferson County, Colorado. Long Lake Reservoir No. 2 receives water from Ralston Creek via the

same filler ditch as Long Lake Reservoir No. 1 and from Long Lake Reservoir No. 1 itself. Long Lake Reservoir No. 2 is connected with Long Lake Reservoir No. 1 by a ditch.

- a. Source: Clear Creek
- a. Historic use: Irrigation

- 1. Welch Ditch (a.k.a the Golden Canal and the Golden Ditch).
- 2.

Pursuant to Case No. 99CW099 the priorities listed below are available for diversion by the Agricultural Ditch at the Agricultural Ditch and when diverted by the Agricultural Ditch:

Adjudication Date	Court	Amount Available in (cfs)	Priority	Appropriation Date
10-04-1884	Arapahoe	0.225	4	5-19-1860
10-04-1884	Arapahoe	1.3	12	5-13-1861
10-04-1884	Arapahoe	26.00	55	2-11-1871
		24.00	75	6-02-1900

- a. Type of water right: Surface, direct flow.
- a. Decreed point of diversion: The Agricultural Ditch described in paragraph III.B.5.c. above.

- a. Source: Clear Creek
- a. Historic use: Irrigation

A. Proposed Changes:

- 1. Coors' pro rata interest in ditch rights.
 Applicant owns or has the right to use water represented by shares of stock in the Farmers High Line Canal and Reservoir Company ("Farmers High Line") and The Agricultural Ditch and Reservoir Company, both mutual ditch companies. Coors also is the owner of inch rights in the Wannamaker Ditch Company and The Golden and Ralston Creek Company, both carrier ditch companies. Applicant is seeking to change its *pro rata* interest in the decreed water rights of the Farmers High Line, the Agricultural Ditch, the Wannamaker Ditch and the Church Ditch, described in paragraphs III.B.1., 2., 3. and 5. above, so that those rights can be used for agricultural and mechanical purposes, including drinking water, sanitation, fire protection, cooling, manufacturing and normal urban usage, storage purposes, exchange and augmentation purposes.

- 1. 96CW1117 Deliveries.

- 2.
- 3. Pursuant to a contract with the City of Thornton dated May 23, 1988 and the First Amendment to that Agreement dated December 23, 1998 and to the Decree in Case No. 96CW1117 Applicant is entitled to the delivery of 2100 acre-feet of fully consumable water produced in the exercise, under the various provisions of that Decree, by that City and Coors of the Thornton interests in the water rights decreed to the Farmers High Line, the Church Ditch, the Croke Canal and Standley Reservoir which

are described in paragraphs III.B.4.a., b. and c. above. In addition to the changes decreed to those water rights in 96CW1117 Applicant seeks approval of an additional change required to permit the exercise of those rights by Coors, including the reuse and successive use of those water rights by Coors and the reuse and successive use available to Coors after the first use thereof by Golden for augmentation purposes.

4.

5.

Agricultural Ditch Cooling Water Delivery.

6.

7.

By agreement with The Agricultural Ditch and Reservoir Company and The Golden Canal and Reservoir Company dated October 9, 1997, Coors, at its discretion, is entitled to withdraw up to 45% of whatever water is being diverted into the Agricultural Ditch on the water rights now or hereafter decreed thereto, or in the receipt of previously stored water by direct delivery or by exchange and to use such water for cooling purposes upon the terms and conditions contained in that agreement. To the extent that the rights under the Agricultural Ditch described in paragraphs III.B.5. - 9. above do not include industrial cooling purposes, in the Coors' industrial complex, Coors seeks to change those rights to include their use for industrial cooling purposes.

8.

B. Names and addresses of apparent owners of land on which structures are located:

1.

Farmers High Line Canal
Farmers High Line Canal and Reservoir Company
725 Malley Drive
Northglenn, Colorado 80233

1.

Wannamaker Ditch
Coors Brewing Company
Golden, Colorado 80401-1295

1.

Church Ditch (a.k.a. the Golden City and Ralston Creek Ditch)
Church Ditch Company
c/o City of Northglenn
11701 Community Center Drive
Northglenn, Colorado 80233

1.

Croke Canal
Farmers Reservoir and Irrigation Company
80 South 27th Avenue
Brighton, Colorado 80601

1.

Standley Lake
Farmers Reservoir and Irrigation Company
80 South 27th Avenue
Brighton, Colorado 80601

1.

Agricultural Ditch and the Midway Reservoirs:
The Agricultural Ditch and Reservoir Company
165 South Union Blvd., Suite 670
Lakewood, Colorado 80228

1.

The Mountain Reservoirs:
The Agricultural Ditch and Reservoir Company
165 South Union Blvd., Suite 670
Lakewood, Colorado 80228

Arapahoe National Forest

c/o Clear Creek District Office
101 Chicago Street
Idaho Springs, Colorado 80452

1. Long Lake No. 1 (a/k/a Campbell Reservoir No. 1),
Long Lake No. 2 (a/k/a Campbell Reservoir No. 2),
and Long Lake Ditch (a/k/a Campbell Ditch):
City and County of Denver
c/o Board of Water Commissioners
1600 West 12th Avenue
Denver, Colorado 80254
1. Welch Ditch:
The Golden Canal and Reservoir Company
165 South Union Blvd., Suite 670
Lakewood, Colorado 80228

I. SECOND CLAIM FOR RELIEF: EXCHANGE

Applicant seeks adjudication of an appropriative right of exchange on Clear Creek.

- A. Name of Exchange: Wannamaker/Farmers High Line Exchange.
- A. Date of appropriation of exchange right: September 18, 1990.
- A. Location of the structures involved:
 1. The exchange from point, the Wannamaker Ditch. Point of diversion is located on the North bank of Clear Creek in the NE1/4 of Section 27, T 3 S., R 70 W., of the 6th P.M., whence the NE corner of said Section 27 bears North 38° 17.5' East, 2099.64 feet, Jefferson County, Colorado.
 - 2.
 3. The exchange to point, the Farmers High Line Canal. Point of diversion located on the North bank of Clear Creek in the SW1/4 of Section 27, T 3 S., R 70 W., of the 6th P.M., a short distance below the Ford Street Bridge across Clear Creek in the City of Golden, Jefferson County, Colorado.
 4.
 - B. Purpose of Exchange: Whenever diversions from Clear Creek above the Farmers High Line Canal are being curtailed for the benefit of any of the water rights decreed to that canal with dates of appropriation equal to or senior to November 2, 1865, and Coors is making junior ground water or cooling water diversions at or above the point of diversion of such rights, Coors may replace the depletions resulting from those junior diversions as required by the Decree in Consolidated Cases Nos. W-8036(75) and W-8256(76) by an exchange resulting from Coors causing a reduction in the amount of water, equal to such junior depletions, then being called past the point of diversion of the Farmers High Line Canal for the benefit of the June 1, 1860 water right decreed to the Wannamaker Ditch, thus making it possible for the amount of the water then being diverted into the Farmers High Line Canal to be simultaneously increased by the amount of Coors' junior depletions at or above that canal.
 - A. How appropriation was initiated: Coors formulated an intent to make and obtained approval from the Water Commissioner to make such exchange by letter dated September 18, 1990. Subsequently Coors has performed such exchange to the amount of 3.0 c.f.s.
 - A. Amount claimed. 3.00 c.f.s. absolute; 5.00 c.f.s. (conditional).

I. THIRD CLAIM FOR RELIEF: REQUEST FOR APPROVAL OF PLAN FOR AUGMENTATION AND EXCHANGE.

- A. Name of structures to be augmented: Coors will augment out-of-priority depletions resulting from the diversion and use of water from the following structures:

1. Coors' Underground Springs:

Underground Springs as decreed in Case No. W-7809(74) all located in Jefferson County, Colorado.

- a. Underground Spring No. 11-3271: Located in the NE1/4 of NW1/4 of Section 26, T 3 S., R 70 W., of the 6th P.M., at a point 1043 feet South and 3631 feet West of the NE Corner of said Section 26.
- b. Underground Spring No. 12-2822-F: Located in the NE1/4 of NW1/4 of Section 26, T 3 S., R 70 W., of the 6th P.M., at a point 828 feet South and 3950 feet West of the NE Corner of said Section 26.
- c. Underground Spring No. 14-3952-F: Located in the NW1/4 of NW1/4 of Section 26, T 3 S., R 70 W., of the 6th P.M., at a point 1090 feet South and 940 feet East of the NW Corner of said Section 26.
- d. Underground Spring No. 15-2823-F: Located in the NE1/4 of NW1/4 of Section 26, T 3 S., R 70 W., of the 6th P.M., at a point 800 feet South and 3881 feet West of the NE Corner of said Section 26.
- e. Underground Spring No. 18-3269-F: Located in the NE1/4 of NW1/4 of Section 26, T 3 S., R 70 W., of the 6th P.M., at a point 616 feet South and 3911 feet West of the NE Corner of said Section 26.
- f. Underground Spring No. 19-3953: Located in the NW1/4 of NW1/4 of Section 26, T 3 S., R 70 W., of the 6th P.M., at a point 1100 feet South and 300 feet East of the NW Corner of said Section 26.
- g. Underground Spring No. 20-3302: Located in the NE1/4 of NW1/4 of Section 26, T 3 S., R 70 W., of the 6th P.M., at a point 896 feet South and 2858 feet West of the NE Corner of said Section 26.
- h. Underground Spring No. 21-3954-F: Located in the NW1/4 of NW1/4 of Section 26, T 3 S., R 70 W., of the 6th P.M., at a point 680 feet South and 280 feet East of the NE Corner of said Section 26.
- i. Underground Spring No. 22-3955-F: Located in the NE1/4 of NE1/4 of Section 27, T 3 S., R 70 W., of the 6th P.M., at a point 870 feet South and 50 feet West of the NE Corner of said Section 27.
- j. Underground Spring No. 23-3956-F: Located in the NE1/4 of NE1/4 of Section 27, T 3 S., R 70 W., of the 6th P.M., at a point 1175 feet South and 172 feet West of the NE Corner of said Section 27.
- k. Underground Spring No. 28-3414-F: Located in the NE1/4 of NW1/4 of Section 26, T 3 S., R 70 W., of the 6th P.M., at a point 826 feet South and 2708 feet West of the NE Corner of said Section 26.
- l. Underground Spring No. 32-3270-F: Located in the NE1/4 of NW1/4 of Section 26, T 3 S., R 70 W., of the 6th P.M., at a point 636 feet South and 3028 feet West of the NE Corner of said Section 26.
- m. Underground Spring No. 35-3303-F: Located in the NW1/4 of NE1/4 of Section 26, T 3 S., R 70 W., of the 6th P.M., at a point 656 feet South and 2428 feet West of the NE Corner of said Section 26.
- n. Underground Spring No. 49-3475-F: Located in the NW1/4 of NE1/4 of Section 26, T 3 S., R 70 W., of the 6th P.M., at a point 70 feet South and 2553 feet West of the NE Corner of said Section 26.
- o. Underground Spring No. 55-3889-F: Located in the NW1/4 of NE1/4 of Section 26, T 3 S., R 70 W., of the 6th P.M., at a point 370 feet South and 1878 feet West of the NE Corner of said Section 26.
- p. Underground Spring No. 56-3888: Located in the NW1/4 of NE1/4 of Section 26, T 3 S., R 70 W., of the 6th P.M., at a point 267 feet South and 1400 feet West of the NE Corner of said Section 26.

- q. Underground Spring No. 57-3890: Located in the SW1/4 of SE1/4 of Section 23, T 3 S., R 70 W., of the 6th P.M., at a point 118 feet North and 1408 feet West of the SE Corner of said Section 23.
- r. Underground Spring No. 59-4816-F: Located in the SE1/4 of SE1/4 of Section 23, T 3 S., R 70 W., of the 6th P.M., at a point 592 feet North and 558 feet West of the SE Corner of said Section 23.
- s. Underground Spring No. 68-4364: Located in the NE1/4 of NE1/4 of Section 26, T 3 S., R 70 W., of the 6th P.M., at a point 140 feet South and 840 feet West of the NE Corner of said Section 26.
- t. Underground Spring No. 69-4889: Located in the SE1/4 of SE1/4 of Section 23, T 3 S., R 70 W., of the 6th P.M., at a point 210 feet North and 445 feet West of the SE Corner of said Section 23.
- u. Underground Spring No. 70-6156: Located in the NE1/4 of NE1/4 of Section 26, T 3 S., R 70 W., of the 6th P.M., at a point 175 feet South and 450 feet West of the NE Corner of said Section 26.
- v. Underground Spring No. 71-4891: Located in the SE1/4 of SE1/4 of Section 23, T 3 S., R 70 W., of the 6th P.M., at a point 352 feet North and 50 feet West of the SE Corner of said Section 23.
- w. Underground Spring No. 72-6157: Located in the NE1/4 of NE1/4 of Section 26, T 3 S., R 70 W., of the 6th P.M., at a point 40 feet South and 48 feet West of the NE Corner of said Section 26.
- x. Underground Spring No. 73-5925-F: Located in the NW1/4 of NW1/4 of Section 25, T 3 S., R 70 W., of the 6th P.M., at a point 630 feet South and 830 feet East of the NW Corner of said Section 25.
- y. Underground Spring No. 74-5926-F: Located in the NE1/4 of NW1/4 of Section 25, T 3 S., R 70 W., of the 6th P.M., at a point 605 feet South and 3820 feet West of the NE Corner of said Section 25.
- z. Underground Spring No. 75-6367: Located in the NW1/4 of NW1/4 of Section 25, T 3 S., R 70 W., of the 6th P.M., at a point 510 feet South and 220 feet East of the NW Corner of said Section 25.
- aa. Underground Spring No. 76-6368: Located in the SE1/4 of NW1/4 of Section 25, T 3 S., R 70 W., of the 6th P.M., at a point 1370 feet South and 3655 feet West of the NE Corner of said Section 25.
- bb. Underground Spring No. 77-13721-F: Located in the NE1/4 of NW1/4 of Section 25, T 3 S., R 70 W., of the 6th P.M., at a point 800 feet South and 3335 feet West of the NE Corner of said Section 25.
- cc. Underground Spring No. 78-11908-F: Located in the NE1/4 of NW1/4 of Section 25, T 3 S., R 70 W., of the 6th P.M., at a point 630 feet South and 2727 feet West of the NE Corner of said Section 25.
- dd. Underground Spring No. 79-9358: Located in the NE1/4 of NW1/4 of Section 25, T 3 S., R 70 W., of the 6th P.M., at a point 1230 feet South and 2732 feet West of the NE Corner of said Section 25.
- ee. Underground Spring No. 80-5123-F: Located in the SW1/4 of SW1/4 of Section 27, T 3 S., R 70 W., of the 6th P.M., at a point 720 feet North and 1060 feet East of the SW Corner of said Section 27.
- ff. Underground Spring No. 81-5124: Located in the SW1/4 of SW1/4 of Section 27, T 3 S., R 70 W., of the 6th P.M., at a point 748 feet North and 982 feet East of the SW Corner of said Section 27.
- gg. Underground Spring No. 82-5125-F: Located in the SW1/4 of SW1/4 of Section 27, T 3 S., R 70 W., of the 6th P.M., at a point 1055 feet North and 820 feet East of the SW Corner of said Section 27.
- hh. Underground Spring No. 83-5126-F: Located in the SW1/4 of SW1/4 of Section 27, T 3 S., R 70 W., of the 6th P.M., at a point 1285 feet North and 795 feet East of the SW Corner of said Section 27.

- ii. Underground Spring No. 85-4892-F: Located in the NE1/4 of SW1/4 of Section 27, T 3 S., R 70 W., of the 6th P.M., at a point 3287 feet South and 3907 feet West of the NE Corner of said Section 27.
- jj. Underground Spring No. 87-9359-F: Located in the SE1/4 of NW1/4 of Section 25, T 3 S., R 70 W., of the 6th P.M., at a point 3450 feet North and 2740 feet West of the SE Corner of said Section 25.
- kk. Underground Spring No. 88-11910-F: Located in the SE1/4 of SW1/4 of Section 19, T 3 S., R 69 W., of the 6th P.M., at a point 1092 feet North and 3190 feet West of the SE Corner of said Section 19.
- ll. Underground Spring No. 89-11905-F: Located in the SW1/4 of SE1/4 of Section 19, T 3 S., R 69 W., of the 6th P.M., at a point 1091 feet North and 2623 feet West of the SE Corner of said Section 19.
- mm. Underground Spring No. 90-13722-F: Located in the SW1/4 of SE1/4 of Section 19, T 3 S., R 69 W., of the 6th P.M., at a point 1100 feet North and 2095 feet West of the SE Corner of said Section 19.
- nn. Underground Spring No. 91-13723-F: Located in the SW1/4 of SE1/4 of Section 19, T 3 S., R 69 W., of the 6th P.M., at a point 1050 feet North and 1555 feet West of the SE Corner of said Section 19.
- oo. Underground Spring No. 92-11907-F: Located in the SE1/4 of SW1/4 of Section 19, T 3 S., R 69 W., of the 6th P.M., at a point 485 feet North and 3780 feet West of the SE Corner of said Section 19.
- pp. Underground Spring No. 93-11906: Located in the SE1/4 of SW1/4 of Section 19, T 3 S., R 69 W., of the 6th P.M., at a point 475 feet North and 3180 feet West of the SE Corner of said Section 19.
- qq. Underground Spring No. 94-11909-F: Located in the SW1/4 of SE1/4 of Section 19, T 3 S., R 69 W., of the 6th P.M., at a point 480 feet North and 2579 feet West of the SE Corner of said Section 19.
- rr. Underground Spring No. 95-11904-F: Located in the SW1/4 of SE1/4 of Section 19, T 3 S., R 69 W., of the 6th P.M., at a point 300 feet North and 1978 feet West of the SE Corner of said Section 19.
- ss. Underground Spring No. 96-13725-F: Located in the SW1/4 of SE1/4 of Section 19, T 3 S., R 69 W., of the 6th P.M., at a point 300 feet North and 1373 feet West of the SE Corner of said Section 19.
- tt. Underground Spring No. 97-13727-F: Located in the SE1/4 of SE1/4 of Section 19, T 3 S., R 69 W., of the 6th P.M., at a point 950 feet North and 795 feet West of the SE Corner of said Section 19.
- uu. Underground Spring No. 98-13728-F: Located in the SE1/4 of SE1/4 of Section 19, T 3 S., R 69 W., of the 6th P.M., at a point 975 feet North and 232 feet West of the SE Corner of said Section 19.
- vv. Underground Spring No. 99-13729-F: Located in the SW1/4 of SW1/4 of Section 20, T 3 S., R 69 W., of the 6th P.M., at a point 950 feet North and 370 feet East of the SW Corner of said Section 20.
- ww. Underground Spring No. 100-13724-F: Located in the SW1/4 of SW1/4 of Section 20, T 3 S., R 69 W., of the 6th P.M., at a point 710 feet North and 950 feet East of the SW Corner of said Section 20.
- xx. The APCO Well #13583 (Case No. W-5976): Located in the NW1/4 NE1/4 of Section 25, T 3 S., R 70 W., of the 6th P.M., at a point 1790 feet West of the East line and 800 feet South of the North line of said Section 25.
- yy. The Pyle Well #06333 (Case No. W-5976): Located in the NW1/4 NW1/4 of Section 25, T 3 S., R 70 W., of the 6th P.M., at a point 1000 feet East of the West line and 680 feet South of the North line of said Section 25.

Underground Springs decreed in Consolidated Cases Nos. W-8036(75) and W-8256(76) all located in Jefferson County, Colorado.

- zz. Underground Spring No. 101: Located in the NE1/4 of NW1/4 of Section 30, T 3 S., R 69 W., of the 6th P.M. at a point 3270 feet West of the East line and 30 feet South of the North line of said Section 30.
- aaa. Underground Spring No. 102: Located in the SW1/4 of SE1/4 of Section 19, T 3 S., R 69 W., of the 6th P.M., at a point 2620 feet West of the East line and 30 feet North of the South line of said Section 19.
- bbb. Underground Spring No. 103: Located in the NE1/4 of NW1/4 of Section 30, T 3 S., R 69 W., of the 6th P.M., at a point 3770 feet West of the East line and 20 feet South of the North line of said Section 30.
- ccc. Underground Spring No. 115: Located in the SE1/4 of SE1/4 of Section 19, T 3 S., R 69 W., of the 6th P.M., at a point 720 feet West of the East line and 460 feet North of the South line of said Section 19.
- ddd. Underground Spring No. 116: Located in the SE1/4 of SE1/4 of Section 19, T 3 S., R 69 W., of the 6th P.M., at a point 250 feet West of the East line and 60 feet North of the South line of said Section 19.
- eee. Underground Spring No. 117: Located in the NW1/4 of NW1/4 of Section 29, T 3 S., R 69 W., of the 6th P.M., at a point 200 feet East of the West line and 410 feet South of the North line of said Section 29.
- fff. Underground Spring No. 118: Located in the NW1/4 of NW1/4 of Section 29, T 3 S., R 69 W., of the 6th P.M., at a point 550 feet East of the West line and 780 feet South of the North line of said Section 29.
- ggg. Underground Spring No. 120: Located in the SW1/4 of SW1/4 of Section 24, T 3 S., R 70 W., of the 6th P.M., at a point 600 feet East of the West line and 500 feet North of the South line of said Section 24.
- hhh. Underground Spring No. 121: Located in the SW1/4 of SW1/4 of Section 24, T 3 S., R 70 W., of the 6th P.M., at a point 1200 feet East of the West line and 530 feet North of the South line of said Section 24.
- iii. Underground Spring No. 122: Located in the SE1/4 of SW1/4 of Section 24, T 3 S., R 70 W., of the 6th P.M., at a point 1810 feet East of the West line and 580 feet North of the South line of said Section 24.
- jjj. Underground Spring No. 123: Located in the SE1/4 of SW1/4 of Section 24, T 3 S., R 70 W., of the 6th P.M., at a point 2480 feet East of the West line and 620 feet North of the South line of said Section 24.
- kkk. Underground Spring No. 124: Located in the NW1/4 of NW1/4 of Section 25, T 3 S., R 70 W., of the 6th P.M., at a point 650 feet East of the West line and 110 feet South of the North line of said Section 25.
- lll. Underground Spring No. 125: Located in the NW1/4 of NW1/4 of Section 25, T 3 S., R 70 W., of the 6th P.M., at a point 1280 feet East of the West line and 90 feet South of the North line of said Section 25.
- mmm. Underground Spring No. 126: Located in the NE1/4 of NW1/4 of Section 25, T 3 S., R 70 W., of the 6th P.M., at a point 1890 feet East of the West line and 110 feet South of the North line of said Section 25.
- nnn. Underground Spring No. 127: Located in the SE1/4 of SW1/4 of Section 24, T 3 S., R 70 W., of the 6th P.M., at a point 2500 feet East of the West line and 20 feet North of the South line of said Section 24.
- ooo. Underground Spring No. 133: Located in the NE1/4 of SW1/4 of Section 27, T 3 S., R 70 W., of the 6th P.M., at a point 3100 feet West of the East line and 2830 feet South of the North line of said Section 27.
- ppp. Underground Spring No. 134: Located in the NE1/4 of SW1/4 of Section 27, T 3 S., R 70 W., of the 6th P.M., at a point 3300 feet West of the East line and 3070 feet South of the North line of said Section 27.
- qqq. Underground Spring No. 135: Located in the NE1/4 of SW1/4 of Section 27, T 3 S., R 70 W., of the 6th P.M., at a point 3350 feet West

of the East line and 2860 feet South of the North line of said Section 27.

- rrr. Underground Spring No. 136: Located in the SE1/4 of NW1/4 of Section 27, T 3 S., R 70 W., of the 6th P.M., at a point 3270 feet West of the East line and 2620 feet South of the North line of said Section 27.
- sss. Underground Spring No. 1: Located in the NE1/4 of SW1/4 of Section 27, T 3 S., R 70 W., of the 6th P.M., at a point 3300 feet West of the East line and 3090 feet South of the North line of said Section 27.
- ttt. Underground Spring No. 2: Located in the NE1/4 of SW1/4 of Section 27, T 3 S., R 70 W., of the 6th P.M., at a point 3320 feet West of the East line and 3120 feet South of the North line of said Section 27.
- uuu. Underground Spring No. 5: Located in the NE1/4 of SW1/4 of Section 27, T 3 S., R 70 W., of the 6th P.M., at a point 3660 feet West of the East line and 3080 feet South of the North line of said Section 27.
- vvv. Underground Spring No. 9: Located in the SE1/4 of NW1/4 of Section 27, T 3 S., R 70 W., of the 6th P.M., at a point 3050 feet West of the East line and 2380 feet South of the North line of said Section 27.

Underground Springs decreed in Case No. 90CW064 as alternate points of diversion all located in Jefferson County, Colorado

- www. Underground Spring No. 110: Located in the NE1/4 of NW1/4 of Section 30, T 3 S., R 69 W., of the 6th P.M., at a point 210 feet South of the North section line and 1997 feet East on the West section line of said Section 30.
- xxx. Underground Spring No. 148: Located in the NW1/4 of NW1/4 of Section 25, T 3 S., R 70 W., of the 6th P.M., at a point 380 feet South of the North section line and 460 feet East of the West section line of said Section 25.
- yyy. Underground Spring No. 149: Located in the NW1/4 of NW1/4 of Section 25, T 3 S., R 70 W., of the 6th P.M., at a point 380 feet South of the North section line and 1015 feet East of the West section line of said Section 25.
- zzz. Underground Spring No. 150: Located in the NW1/4 of NW1/4 of Section 25, T 3 S., R 70 W., of the 6th P.M., at a point 500 feet South of the North section line and 1315 feet East of the West section line of said Section 25.
- aaaa. Underground Spring No. 151: Located in the NE1/4 of NW1/4 of Section 25, T 3 S., R 70 W., of the 6th P.M., at a point 380 feet South of the North section line and 1695 feet East of the West section line of said Section 25.
- bbbb. Underground Spring No. 152: Located in the of SE1/4 of SW1/4 of Section 19, T 3 S., R 69 W., of the 6th P.M., at a point 880 feet North of the South section line and 1605 feet East of the West section line of said Section 19.
- cccc. Underground Spring No. 153: Located in the SE1/4 of SW1/4 of Section 19, T 3 S., R 69 W., of the 6th P.M., at a point 1060 feet North of the South section line and 2460 feet East of the West section line of said Section 19.
- dddd. Underground Spring No. 154: Located in the SW1/4 of SE1/4 of Section 19, T 3 S., R 69 W., of the 6th P.M., at a point 1060 feet North of the South section line and 2280 feet West of the East section line of said Section 19.
- eeee. Underground Spring No. 155: Located in the SW1/4 of SE1/4 of Section 19, T 3 S., R 69 W., of the 6th P.M., at a point 1060 feet North

- of the South section line and 1780 feet West of the East section line of said Section 19.
- ffff. Underground Spring No. 156: Located in the SW1/4 of SE1/4 of Section 19, T 3 S., R 69 W., of the 6th P.M., at a point 850 feet North of the South section line and 1380 feet West of the East section line of said Section 19.
 - gggg. Underground Spring No. 157: Located in the SE1/4 of SW1/4 of Section 19, T 3 S., R 69 W., of the 6th P.M., at a point 180 feet North of the South section line and 1455 feet East of the West section line of said Section 19.
 - hhhh. Underground Spring No. 158: Located in the SE1/4 of SW1/4 of Section 19, T 3 S., R 69 W., of the 6th P.M., at a point 470 feet North of the South section line and 1855 feet East of the West section line of said Section 19.
 - iiii. Underground Spring No. 159: Located in the SE1/4 of SW1/4 of Section 19, T 3 S., R 69 W., of the 6th P.M., at a point 470 feet North of the South section line and 2460 feet East of the West section line of said Section 19.
 - jjjj. Underground Spring No. 160: Located in the SW1/4 of SE1/4 of Section 19, T 3 S., R 69 W., of the 6th P.M., at a point 450 feet North of the South section line and 1380 feet West of the East section line of said Section 19.
 - kkkk. Underground Spring No. 162: Located in the NE1/4 of NW1/4 of Section 30, T 3 S., R 69 W., of the 6th P.M., at a point 172 feet South of the North section line and 2493 feet East of the West section line of said Section 30.
 - llll. Underground Spring No. 165: Located in the NW1/4 of NE1/4 of Section 30, T 3 S., R 69 W., of the 6th P.M., at a point 485 feet South of the North section line and 2590 feet West of the East section line of said Section 30.
 - mmmm. Underground Spring No. 166: Located in the NW1/4 of NE1/4 of Section 30, T 3 S., R 69 W., of the 6th P.M., at a point 485 feet South of the North section line and 2183 feet West of the East section line of said Section 30.
 - nnnn. Underground Spring No. 167: Located in the NW1/4 of NE1/4 of Section 30, T 3 S., R 69 W., of the 6th P.M., at a point 485 feet South of the North section line and 1789 feet West of the East section line of said Section 30.
 - oooo. Underground Spring No. 168: Located in the NW1/4 of NE1/4 of Section 30, T 3 S., R 69 W., of the 6th P.M., at a point 485 feet South of the North section line and 1400 feet West of the East section line of said Section 30.
 - pppp. Underground Spring No. 169: Located in the NE1/4 of NE1/4 of Section 30, T 3 S., R 69 W., of the 6th P.M., at a point 190 feet South of the North section line and 1260 feet West of the East section line of said Section 30.

2. Jefferson Storage System as decreed in Case No. W-152 and modified by Case No. 88CW206

- a. Clinton Reservoir. (From W-152)

Said reservoir is located in the SE1/4 of the SW1/4 of Section 24 and in the NE1/4 of the NW1/4 of Section 25, T 3 S., R 70 W., of the 6th P.M., in Jefferson County, Colorado.

Point of diversion: From the right bank of Clear Creek at a point whence the SW Corner of

Section 24, T 3 S., R 70 W., of the 6th P.M., bears South 0° East, 700 feet.

- b. Crawford Reservoir. (From W-152)

Said reservoir is located in the SW1/4 of the SW1/4 of Section 24 and in the NW1/4 of the NW1/4 of Section 25, T 3 S., R 70 W., of the 6th P.M., in Jefferson County, Colorado.

Point of diversion: From the right bank of Clear Creek at a point whence the SW Corner of Section 24, T 3 S., R 70 W., of the 6th P.M., bears South 0° West, 700 feet.

- a. Wanemaker (Wannamaker) Reservoir. (From W-152)

Said reservoir is located in the SE1/4 of the SE1/4 of Section 23 and in the NE1/4 of the NE1/4 of Section 26, T 3 S., R 70 W., of the 6th P.M., in Jefferson County, Colorado.

Point of diversion: From the right bank of Clear Creek at a point whence the SE Corner of Section 23, T 3 S., R 70 W., of the 6th P.M., bears North 90° East, 1,300 feet.

- a. Hawley Reservoir. (From W-152)

Said reservoir is located in the E1/2 of the NW1/4 of Section 30, T 3 S., R 69 W., of the 6th P.M., in Jefferson County, Colorado.

Point of diversion: From the right bank of Clear Creek at a point whence the SW Corner of Section 19, T 3 S., R 69 W., of the 6th P.M., bears South 0° West, 1,100 feet.

- a. Lee Reservoir. (From W-152)

Said reservoir is located in the W1/2 of the NE1/4 of Section 30, T 3 S., R 69 W., of the 6th P.M., in Jefferson County, Colorado.

Point of diversion: From the right bank of Clear Creek at a point whence the SW Corner of Section 19, T 3 S., R 69 W., of the 6th P.M., bears South 0° West, 1,100 feet.

- a. Frost Reservoir. (From W-152)

Said reservoir is located in Sections 10 and 15 of T 5 S., R 75 W., of the 6th P.M., in Clear Creek County, Colorado. The height of dam is 44 feet. The dam axis bears South 87° 26' West, 646 feet from a point whence the NW Corner of Section 1, T 5 S., R 75 W., of the 6th P.M., bears North 29° 24' East, 11,200 feet.

- a. Waldorf Reservoir. (From W-152)

Said reservoir is located in the SW1/4 of the NE1/4 of Section 2, T 5 S., R 75 W., of the 6th P.M., in Clear Creek County, Colorado. The height of dam is 60 feet. The dam axis bears South 56° 57' East, 922 feet from a point whence the NW Corner of Section 1, T 5 S., R 75 W., of the 6th P.M., bears North 40° 17' East, 2,582 feet.

- a. Summers Reservoir. (From W-152)

Said reservoir is located in the SE1/4 of the SW1/4 of Section 19, and in the NE1/4 of the NW1/4 of Section 30, T 3 S., R 69 W., of the 6th P.M., in Jefferson County, Colorado.

Point of diversion: From the right bank of Clear Creek at a point whence the SW Corner of Section 19, T 3 S., R 69 W., of the 6th P.M., bears South 0° West, 1,100 feet.

- a. Eskins Reservoir. (From W-152)

Said reservoir is located in the SW1/4 of the SE1/4 of Section 19, and in the NW1/4 of the NE1/4

of Section 30, T 3 S., R 69 W., of the 6th P.M., in Jefferson County, Colorado.

Point of diversion: From the right bank of Clear Creek at a point whence the S1/4 Corner of Section 19, T 3 S., R 69 W., of the 6th P.M., bears South 0° East, 1,300 feet.

- a. Pearson Reservoir No. 1. (From W-152)

Said reservoir is located in the NE1/4 of the NE1/4 of Section 30 in the SE1/4 of the SE1/4 of Section 19, T 3 S., R 69 W., of the 6th P.M., in Jefferson County, Colorado.

Point of diversion: From the Pearson Ditch at a point whence the corner common to Sections 19, 20, 29 and 30, T 3 S., R 69 W., of the 6th P.M., bears North 77° East, 1,310 feet, in the amount of 101 acre-feet with an appropriation date of October 1, 1965.

- a. Pearson Reservoir No. 1 Enlargement. (From W-152)

Said reservoir is located in the SE1/4 of the SE1/4 of Section 19 and in the NE1/4 of the NE1/4 of Section 30 and in the NW1/4 of the NW1/4 of Section 29, T 3 S., R 69 W., of the 6th P.M., in Jefferson County, Colorado.

Point of diversion: From the right bank of Clear Creek at a point whence the SW Corner of Section 19, T 3 S., R 69 W., of the 6th P.M., bears South 64° West, 2,800 feet.

- a. B-2 Lake: (From 88CW206)

Said Lake is located on a parcel of land in the SW ¼ of Section 24, T 3 S., R 70 W., of the 6th P.M., Jefferson County, State of Colorado.

Point of diversion: On the left bank of Clear Creek at a point whence the NE Corner of Section 27, T 3 S., R 70 W., of the 6th P.M., bears N 38 ° 17.5' E, 2099.64 feet (more commonly known as the headgate of the Wannamaker Ditch).

- a. B-3 Lake: (From 88CW206)

Said Lake is located on a parcel of land in the NW ¼ of Section 30 and in the SW ¼ of Section 19, T 3 S., R 69 W., of the 6th P.M., Jefferson County, State of Colorado.

Points of diversion:

- (1) On the right bank of Clear Creek at a point whence the South ¼ Corner of Section 24, T 3 S., R 70 W., of the 6th P.M., Jefferson County, State of Colorado, bears S 0° E., 900 feet.
- (1) On the right bank of Clear Creek at a point whence the SE Corner of Section 24, T 3 S., R 70 W., of the 6th P.M., Jefferson County, State of Colorado, bears S 60° E., 1900 feet.
- (2) On the South side of Clear Creek which is on the South side of the diversion dam common to the Croke Canal and the Rocky Mountain Ditch in the NE1/4 NE1/4 NW1/4 of Section 26, T 3 S., R 70 W., of the 6th P.M., Jefferson County, State of Colorado, and which bears South 18° 12' 25" West a distance of 401.11 feet from the North ¼ corner of said Section 26.
- (1) On the Miles & Eskins Drainage, Seepage and Waste Water Ditch at a point whence the NW Corner of Section 30, T 3 S., R 69 W., of the 6th P.M., Jefferson County, State of Colorado, bears N 18° 46' West 1,621 feet.

- a. B-4 Lake. (From 88CW206)

Located on a parcel of land in the NE ¼ of Section 25, and the SE ¼ of Section 24, T 3 S., R 70 W., of the 6th P.M., Jefferson County, State of Colorado.

Points of diversion:

- (1) On the right bank of Clear Creek at a point whence the South ¼ Corner of Section 24, T 3 S., R 70 W., of the 6th P.M., Jefferson County, State of Colorado, bears S 0° E., 900 feet.
- (1) On the right bank of Clear Creek at a point whence the SE Corner of Section 24, T 3 S., R 70 W., of the 6th P.M., Jefferson County, State of Colorado, bears S. 60° E., 1900 feet.
- (1) On the South side of Clear Creek which is on the South side of the diversion dam common to the Croke Canal and the Rocky Mountain Ditch in the NE1/4 NE1/4 NW1/4 of Section 26, T 3 S., R 70 W., of the 6th P.M., Jefferson County, State of Colorado, and which bears South 18°12'25" West a distance of 401.11 feet from the North ¼ corner of said Section 26.
- (1) On the Miles & Eskins Drainage, Seepage and Waste Water Ditch at a point whence the NW Corner of Section 30, T 3 S., R 69 W., of the 6th P.M., Jefferson County, State of Colorado, bears N 18°46' West 1,621 feet.

b. B-5 East Lake. (From 88CW206)

Located on a parcel of land in the SW ¼ of Section 20, and in the NW ¼ of Section 29, and in the NE ¼ of Section 30, and in the SE ¼ of Section 19, T 3 S., R 69 W., of the 6th P.M., Jefferson County, State of Colorado.

Points of diversion:

- (1) On the right bank of Clear Creek at a point whence the SW Corner of Section 19, T 3 S., R 69 W., of the 6th P.M., Jefferson County, State of Colorado, bears S 64° W., 2800 feet.
- (1) On the Pearson Ditch at a point whence the corner common to Sections 19, 20, 29, and 30, T 3 S., R 69 W., of the 6th P.M., Jefferson County, State of Colorado, bears N 77°E, 1310 feet.

a. B-6 Lake. (From 88CW206)

Located on a parcel of land in the NE ¼ and the SE ¼ of Section 23, T 3 S., R 70 W., of the 6th P.M., Jefferson County, State of Colorado.

Point of diversion: Through the Wannamaker Ditch at a point on the North bank of Clear Creek in the NE1/4 of Section 27, T 3 S., R 70 W., of the 6th P.M., Jefferson County, State of Colorado, whence the NE Corner of said Section 27, bears N. 38°17.5' East, 2099.64 feet.

a. B-7 Lake. (From 88CW206)

Located on a parcel of land in the SW1/4 of Section 24 and in the SE1/4 of Section 23, T 3 S., R 70 W., of the 6th P.M., Jefferson County, State of Colorado.

Point of diversion: Through the Wannamaker Ditch at a point on the North bank of Clear Creek in the NE1/4 of Section 27, T 3 S., R 70 W., of the 6th P.M., Jefferson County, State of Colorado, whence the NE Corner of said Section 27, bears N. 38°17.5' East, 2099.64 feet.

- a. B-9 Lake. Alternate place of storage for the Frost and Waldorf Rights.
(From 88CW206)

Location: Located on a parcel in the N1/2 SE1/4 of Section 19, T 3 S., R 69 W., of the 6th P.M., Jefferson County, State of Colorado, lying South of Highway 58; East of the Denver Water Board R.O.W.; and North of Clear Creek.

Points of Diversion:

- (1) On the North side of Clear Creek in the NW1/4 SE1/4 of Section 19, T 3 S., R 69 W., of the 6th P.M., Jefferson County, State of Colorado, at a point which is approximately 1700 feet from the East section line and 1400 feet from the South section line of said Section 19.
- (1) Through the Slough Ditch at a point on the North bank of Clear Creek in the NW1/4 SE1/4 of Section 19, T 3 S., R 69 W., of 6th P.M., Jefferson County, State of Colorado, at a point which is approximately 2400 feet from the East section line and 1320 feet from the South section line of said Section 19.
- (1) Through the Reno and Juchem Ditch at a point on the North bank of Clear Creek in the SE1/4 SW1/4 of Section 19, T 3 S., R 69 W., of the 6th P.M., Jefferson County, State of Colorado, at a point approximately 1320 feet from the West section line and 1250 feet from the South section line of said Section 19.

- a. West Lake. (From 88CW206)

Located on a parcel of land in the South ½ of Section 20 and the North ½ of Section 30, T 3 S., R 69 W., of the 6th P.M., Jefferson County, State of Colorado.

Point of diversion: At a point on the South side of Clear Creek in the SW1/4 of Section 20, T 3 S., R 69 W., of the 6th P.M., Jefferson County, State of Colorado, whence the South quarter corner of said Section 20, bears S. 1° E., 1920 feet.

a. Bass Lake. (From 88CW206)

Located on a parcel of land in the South ½ of Section 20 and the North ½ of Section 30, T 3 S., R 69 W., of the 6th P.M., Jefferson County, State of Colorado.

Point of diversion: At a point on the South side of Clear Creek in the SE1/4 of Section 20, T 3 S., R 69 W., of the 6th P.M., Jefferson County, State of Colorado, whence the South quarter corner of said Section 20, bears S. 30° W., 1880 feet.

a. Tabor Lake. (From 88CW206)

Located on a parcel of land in the East ½ of Section 20, T 3 S., R 69 W., of the 6th P.M., Jefferson County, State of Colorado.

Point of diversion: Through the Slough ditch at a point on the North side of Clear Creek in the NW1/4 SE1/4 of Section 19, T 3 S., R 69 W., of the 6th P.M., Jefferson County, State of Colorado, at a point which is approximately 2400 feet from the East section line and 1320 feet from the South section line of said Section 19.

a. Prospect Park Lake. (From 88CW206)

Located on a parcel of land in the West ½ of Section 21, T 3 S., R 69 W., of the 6th P.M., Jefferson County, State of Colorado.

Point of diversion: Through the Slough ditch at a point on the North side of Clear Creek in the NW1/4 SE1/4 of Section 19, T 3 S., R 69 W., of the 6th P.M., Jefferson County, State of Colorado, at a point which is approximately 2,400 feet from the East section line and 1,320 feet from the South section line of said Section 19.

a. West Gravel Lakes. Alternate places of storage for the Frost and Waldorf rights. (From 88CW206)

These facilities are owned by City of Thornton. Coors may not store water in these facilities from the Frost Reservoir and Waldorf Reservoir conditional water storage rights without Thornton's prior approval.

Location: Located just West of the South Platte River about ½ mile East of the intersection of East 80th Avenue and North York Street in Thornton, Colorado; in Sections 25 and 36, T 2 S., R 68 W., of the 6th P.M., Adams County, Colorado.

Point of diversion: Lower Clear Creek Ditch, which point of diversion is located on the North bank of Clear Creek at a point 1,400 feet West and 1,200 feet North of the SE corner of Section 4, T 3 S., R 68 W., of the 6th P. M., Adams County, Colorado.

1. Coors' Industries Ditch. Point of diversion is located on the Southern bank of Clear Creek at a point which is South 25° 6' 12" East, 1525.92 feet from the NW Corner of the SW1/4 of Section 27, T 3 S., R 70 W., of the 6th P.M., Jefferson County, Colorado. Alternate points of diversion for the Coors' Industries Ditch as decreed in Case No. W-7585.

2.

a. Coors Cooling Water Intake. Point of diversion located at a point on the South bank of Clear Creek in the SW1/4 of Section 27, T 3 S., R 70 W., which bears South 32° 59' 17" East 1620.67 feet from the NW Corner of the SW1/4 of Section 27, T 3 S., R 70 W., of the 6th P.M., Jefferson County, Colorado.

a. The Wannamaker Ditch: Point of diversion located in the NE1/4 of Section 27, T 3 S., R 70 W., of the 6th P.M., at a point on the North bank of Clear Creek whence the NE corner of Section 27, T 3 S., R 70 W., of the 6th P.M., bears North 38° 17.5' East, 2099.64 feet, Jefferson County, Colorado.

- a. The Rocky Mountain Ditch: Point of diversion located on the South side of the Croke Dam in the NE1/4 NE1/4 NW1/4 of Section 26, T 3 S., R 70 W., of the 6th P.M., at a point on the South side of Clear Creek which bears South 18°12'25" West, a distance of 401.11 feet from the North ¼ corner of said Section 26, Jefferson County, Colorado.
- a. Coors Industries Ditch Alternate Point of Diversion #3: Point of diversion at a headgate in SE1/4 of Section 24, T 3 S., R 70 W., of the 6th P.M., located at a point on the South bank of Clear Creek whence the South ¼ corner of Section 24, T 3 S., R 70 W., of the 6th P.M., bears South 47°51'47" West, a distance of 1375.04 feet, Jefferson County Colorado.

A. Previous decrees for water rights to be used for augmentation and exchange:

All of the water rights described in paragraphs III.B.1., 2., 3., 4. and 5. above and the following water rights:

- 1. Non-Tributary and Not Non-Tributary Groundwater.
- 2.

- a. Date Decree entered, Case No. Court: Coors is entitled in compliance with the Decree entered by this Court on June 14, 1989 in Case No. 85CW051 to withdraw 730 acre-feet annually of non-tributary water from the Arapahoe aquifer and 520 acre-feet annually of non-tributary and not non-tributary water from the Laramie-Fox Hills aquifer. Subject to the terms and conditions set forth in Case No. 85CW051, the non-tributary and not non-tributary water may be reused and successively use to extinction and is decreed for the following purposes: domestic, irrigation, municipal, commercial, industrial, fire protection, recreation, livestock-watering, fish and wildlife, storage, exchange, replacement of depletions resulting from use of water from other sources, and for augmentation purposes. The locations of the wells are described below:
 - a. Type of water right: Non-Tributary and Not Non-Tributary groundwater.
 - a. Legal description of points of diversion:

Upper (U) and Lower (L) Arapahoe Aquifer Wells: All the below described wells are or will be located in Jefferson County, Colorado

(1) Well No. 1

Location: NW1/4 of the SE1/4 of Section 20, T 3 S., R 69 W., of the 6th P.M., 1,700 feet from the South Section line and 3,000 feet from the West Section line.

Depth: 570 feet (U); 945 feet (L)
Pumping Rate: 150 gpm

(1) Well No. 3

Location: NE1/4 of the SW1/4 of Section 21, T 3 S., R 69 W., of the 6th P.M., 1,860 feet from the South Section line and 1,750 feet from the West Section line.

Depth: 525 feet (U); 845 feet (L)
Pumping Rate: 150 gpm

(1) Well No. 4

Location: SE1/4 of the SW1/4 of Section 19, T 3 S., R 69 W., of the 6th P.M., 680 feet from the South Section line and 1,350 feet from the West Section line.

Depth: 625 feet (U); 1,030 feet (L)

Pumping Rate: 150 gpm

(1) Well No. 6

Location: SE1/4 of the NW1/4 of Section 30, T 3 S., R 69 W., of the 6th P.M., 1,330 feet from the North Section line and 1,330 feet from the West Section line.

Depth: 610 feet (U); 1,040 feet (L)

Pumping Rate: 150 gpm

(1) Well No. 8

Location: SW1/4 of the SE1/4 of Section 24, T 3 S., R 70 W., of the 6th P.M., 740 feet from the South Section line and 2,470 feet from the East Section line.

Depth: 620 feet (U); 1,000 feet (L)

Pumping Rate: 150 gpm

(1) Well No. 10

Location: SW1/4 of the NE1/4 of Section 25, T 3 S., R 70 W., of the 6th P.M., 1,930 feet from the North Section line and 2,610 feet from the East Section line.

Depth: 650 feet (U); 1,090 feet (L)

Pumping Rate: 150 gpm

(1) Well No. 12

Location: SW1/4 of the SE1/4 of Section 19, T 3 S., R 69 W., of 6th P.M., 600 feet from the South Section line and 1,330 feet from the East Section line.

Depth: 570 feet (U); 1,010 feet (L)

Pumping Rate: 150 gpm

(1) Well No. 14

Location: NE1/4 of the NE1/4 of Section 30, T 3 S., R 69 W., of the 6th P.M., 1,200 feet from the North Section line and 800 feet from the East Section line.

Depth: 590 feet (U); 1,020 feet (L)

Pumping Rate: 150 gpm

(1) Well No. 16

Location: SE1/4 of the SW1/4 of Section 25, T 3 S., R 70 W., of the 6th P.M., 1,000 feet from the South Section line and 1,800 feet from the West Section line.

Depth: 770 feet (U); 1,150 feet (L)

Pumping Rate: 150 gpm

(1) Well No. 18

Location: NW1/4 of the NE1/4 of Section 35, T 3 S., R 70 W., of the 6th P.M., 760 feet from the North Section line and 1,790 feet from the East Section line.

Depth: 1,165 feet (U); 1,465 feet (L)

Pumping Rate: 150 gpm

(1) Well No. 20

Location: NW1/4 of the NW1/4 of Section 25, T 3 S., R 70 W., of the 6th P.M., 530 feet from the North Section line and 160 feet from the West section line.

Depth: 635 feet (U); 1,030 feet (L)

Pumping Rate: 150 gpm

(1) Well No. 21

Location: NW1/4 of the SW1/4 of Section 24, T 3 S., R 70 W., of the 6th P.M., 1,800 feet from the South Section line and 50 feet from the West Section line.

Depth: 645 feet (U); 1,045 feet (L)

Pumping Rate: 150 gpm

(1) Well No. 23

Location: SE1/4 of the NW1/4 of Section 24, T 3 S., R 70 W., of the 6th P.M., 2,540 feet from the North Section line and 2,020 feet from the West Section line.

Depth: 720 feet (U); 1,095 feet (L)

Pumping Rate: 150 gpm

Laramie-Fox Hills Aquifer Well Designations: All the below described wells are or will be located in Jefferson County, Colorado

(1) Well No. 2

Location: NW1/4 of the SE1/4 of Section 20, T 3 S., R 69 W., of the 6th P.M., 1,700 feet from the South Section line and 3,000 feet from the West Section line.

Depth: 2,000 feet

Pumping Rate: 100 gpm

(1) Well No. 5

Location: SE1/4 of the SW1/4 of Section 19, T 3 S., R 69 W., of the 6th P.M., 740 feet from the South Section line and 1,350 feet from the West Section line.

Depth: 2,000 feet

Pumping Rate: 100 gpm

(1) Well No. 7

Location: SE1/4 of the NW1/4 of Section 30, T 3 S., R 69 W., of the 6th P.M., 1,400 feet from the North Section line and 1,330 feet from the West Section line.

Depth: 2,000 feet
Pumping Rate: 100 gpm

(1) Well No. 9

Location: SW1/4 of the SE1/4 of Section 24, T 3 S., R 70 W., of the 6th P.M., 740 feet from the South Section line and 2,430 feet from the East Section line.

Depth: 2,000 feet
Pumping Rate: 100 gpm

(1) Well No. 11

Location: SW1/4 of the NE1/4 of Section 25, T 3 S., R 70 W., of the 6th P.M., 1,880 feet from the North Section line and 2,610 feet from the East Section line.

Depth: 2,000 feet
Pumping Rate: 100 gpm

(1) Well No. 13

Location: SW1/4 of the SE1/4 of Section 19, T 3 S., R 69 W., of the 6th P.M., 600 feet from the South Section line and 1,330 feet from the East Section line.

Depth: 2,000 feet
Pumping Rate: 100 gpm

(1) Well No. 15

Location: NE1/4 of the NE1/4 of Section 30, T 3 S., R 69 W., of the 6th P.M., 1,200 feet from the North Section line and 800 feet from the East Section line.

Depth: 2,000 feet
Pumping Rate: 100 gpm

(1) Well No. 17

Location: SE1/4 of the SW1/4 of Section 25, T 3 S., R 70 W., of the 6th P.M., 1,000 feet from the South Section line and 1,800 feet from the West Section line.

Depth: 2,000 feet
Pumping Rate: 100 gpm

(1) Well No. 19

Location: NW1/4 of the NE1/4 of Section 35, T 3 S., R 70 W., of the 6th P.M., 760 feet from the North Section line and 1,830 feet from the East Section line.

Depth: 2,000 feet
Pumping Rate: 100 gpm

(1) Well No. 22

Location: NW1/4 of the SW1/4 of Section 24, T 3 S., R 70 W., of the 6th P.M., 1,810 feet from the South section line and 100 feet from the West Section line.

Depth: 2,000 feet
Pumping Rate: 100 gpm

(1) Well No. 24

Location: NE1/4 of the NW1/4 of Section 24, T 3 S., R 70 W., of the 6th P.M., 670 feet from the North Section line and 1,470 feet from the West Section line.

Depth: 2,000 feet
Pumping Rate: 100 gpm

- a. Source: Upper Arapahoe, Lower Arapahoe and Laramie-Fox Hills Aquifers.
- a. Amount: Applicant is entitled in compliance with the Decree in Case No. 85CW051 to withdraw 730 acre-feet annually of non-tributary water from the Arapahoe aquifer and 520 acre-feet annually of non-tributary and not non-tributary water from the Laramie-Fox Hills aquifer.
- a. Appropriation Date: February 28, 1985
- a. Decreed Use: Subject to the terms and conditions set forth in Case No. 85CW051, the non-tributary and not non-tributary water may be reused and successively used to extinction and is decreed for the following purposes: domestic, irrigation, municipal, commercial, industrial, fire protection, recreation, livestock-watering, fish and wildlife, storage, exchange, replacement of depletions resulting from use of water from other sources, and for augmentation purposes.

1.
2.

London Tunnel Developed Non-Tributary Water.

- a. Date Decrees Entered, Case Nos. Court, Source, Amount: Coors owns the right to the delivery of 167.43 acre-feet absolute of developed non-tributary water which is evidenced by the Decrees entered by this Court in Cases Nos. W-8314-76, November 26, 1986 and 91CW077, January 31, 1994 which may issue from the London Mine at a flow rate of 0.231 cfs, which flow rate may vary up to 0.41 cfs.
- a. Type of water right: Developed Non-Tributary
- a. Legal description of point of diversion: The London Water Tunnel, the portal of which is a point whence the NE corner of Section 18, Township 9 South, Range 78 West of the 6th P.M., bears North 62°45' East, 1072 feet.
- a. Appropriation: December 3, 1993.
- a. Decreed use: This non-tributary water may be used and reused to extinction and is decreed for the following purposes: commercial, industrial, municipal, fire protection, manufacturing, irrigation, fish and wildlife propagation, environmental, storage, maintenance of storage reserves, leasing, replacement, augmentation and exchange.

- 1.
- 2.

Reusable London Mine Water

- a. Date Decrees Entered, Case Nos. Court, Source, Amount: Any of the fully consumable return flow from the prior use of all or any portion of the 874.37 acre-feet of London Mine Water approved for use by the Decree of this Court in Consolidated Cases Nos. W-8036(75) and W-8256(76), April 15, 1977 as well as any of the fully consumable return flow from a prior use of the 167.43 acre-feet of water described in paragraph V.B.2. above approved for augmentation use by this Decree.
- a. Type of water right: Developed non-tributary
- a. Legal description of point of diversion: See paragraph V.B.2.c. above.
- a. Appropriation: For that portion of the fully consumable return flow from the prior use of all or any portion of the 874.37 acre-feet November 1973. For that portion of the fully consumable return flow from the prior use of all or any portion of the 167.43 acre-feet, December 3, 1993.
- a. Decreed use: See paragraph V.B.2.e.

A. Statement of plan for augmentation, covering all applicable matters under C.R.S. §§ 37-92-103(9), 302(1)(2) and 305(8).

The Coors Augmentation III Plan seeks judicial approval of this augmentation plan, to be integrated with and supplemental to the Coors Augmentation I and II plans, including change of water rights and exchange, to allow Coors to make essentially continuous diversions from Clear Creek and its tributary alluvium under its junior water rights described in paragraphs V.A.1., 2. and 3. above. Because the priorities of those rights are junior, if they were not augmented, such out-of-priority diversions would, in times of shortage, be regularly reduced or curtailed for the benefit of more senior water rights. In order to avoid such reduction or curtailment, Coors Augmentation III Plan provides a method for replacing the depletions to Clear Creek and the South Platte River which result from Coors' beneficial use of water diverted under its junior water rights. The replacement flows Coors proposes to provide in substitution for water consumed by Coors will be supplied from the senior direct flow water rights Coors owns as described in paragraphs III.B.1., 2., 3., 4. and 5. and paragraphs V.B.1., 2. and 3. above and provided through augmentation stations and/or metered points of return in accordance with the following plans:

1. The Historical consumptive use of water attributable to the portion of Coors' ownership of Farmers High Line, the Agricultural Ditch, Wannamaker Ditch and the Church Ditch water rights which are the subject of this Application, may be delivered to the stream as replacement flows through augmentation stations to allow otherwise out-of-priority diversions of Coors' junior water rights described in paragraphs V.A.1., 2. and 3. above. The augmentation stations are located as described below.
- 2.

- a. Farmers High Line.
 - (1) Augmentation Station No. 8 through which water from the Farmers High Line is delivered to Clear Creek at a point on the North bank of Clear Creek in the NW1/4 SW1/4 NE1/4 SW1/4 of Section 27, T 3 S., R 70 W., of the 6th P.M., Jefferson County, Colorado.
- a. Agricultural Ditch.
 - (1) Augmentation Station No. 3 through which water from the Agricultural Ditch is delivered to Clear Creek at a point on the South bank of Clear Creek in the NE1/4 SW1/4 SE1/4 of Section 23, T 3 S., R 70 W., of the 6th P.M., Jefferson County, Colorado.

- (1) Augmentation Station No. 9 through which water from the Agricultural Ditch is delivered to Clear Creek at a point on the South bank of Clear Creek in the SW1/4 SE1/4 NW1/4 SW1/4 of Section 27, T 3 S., R 70 W., of the 6th P.M., Jefferson County, Colorado.
- (1) Augmentation Station No. 13 through which water from the Agricultural Ditch is delivered to Clear Creek at a point on the South bank of Clear Creek in the NW1/4 NE1/4 SW1/4 SW1/4 of Section 27, T 3 S., R 70 W., of the 6th P.M., Jefferson County, Colorado.

a. Wannamaker Ditch.

- (1) Augmentation Station No. 7 through which water from the Wannamaker Ditch is delivered to Clear Creek at a point on the North bank of Clear Creek in the NE1/4 NE1/4 NE1/4 NW1/4 of Section 26, T 3 S., R 70 W., of the 6th P.M., Jefferson County, Colorado.

a. Church Ditch

- (1) Augmentation Station No. 11 through with water from the Church Ditch is delivered to Clear Creek at a point on the North bank of Clear Creek in the NE1/4 SE1/4 NW1/4 NE1/4 of Section 32, T 3 S., R 70 W., of the 6th P.M., Jefferson County, Colorado.

a. Delivery to Jefferson Storage System. Water made available under the replacement credits decreed herein may, when said credits are not required for timely replacements to Clear Creek, be stored in the structures in the Jefferson Storage System identified in paragraph V.B.2. of this Decree.

a. Water made available under this Application may also be delivered to the Clear Creek-South Platte stream system at points of return flow from use of augmented structures:

(1) To Clear Creek.

- (a) Cooling Water Pumped Return Above Cooling Water Inlet: A point lying in the SW one-quarter of Sec. 27, T 3 S., R 70 W., of the 6th P.M., Jefferson County, Colorado, and more particularly described as lying S 32°28'54" E., 1622.56 feet from the West one-quarter corner of said section. (7' Parshall flume)
- (a) Cooling Water Pumped Return Below Cooling Water Inlet: A point lying in the SW one-quarter of Sec. 27, T 3 S., R 70 W., of the 6th P.M., Jefferson County, Colorado, and more particularly described as lying S 33°37'49" E., 1609.50 feet from the West one-quarter corner of said section. (7' Parshall flume)
- (a) Pond Overflow Cooling Water Return: A point lying in the SW one-quarter of Sec. 27, T 3 S., R 70 W., of the 6th P.M., Jefferson County, Colorado, and more particularly described as lying S 71°21'56" E.,

1890.89 feet from the West one-quarter corner of said section. (2' Sharp Crested Weir)

- (b) Hot Well #1 Cooling Water Return: A point lying in the SW one-quarter of Sec. 27, T 3 S., R 70 W., of the 6th P.M., Jefferson County, Colorado, and more particularly described as lying S 81°71'01" E., 2094.53 feet from the West one-quarter corner of said section. (4' Parshall flume)
- (a) Hot Well #2 Cooling Water Return: A point lying in the SouthWest one-quarter of Sec. 27, T 3 S., R 70 W., of the 6th P.M., Jefferson County, Colorado, and more particularly described as lying S 75°00'09" E., 1944-76 feet from the West one-quarter corner of said section. (4' Parshall flume)
- (a) South Loop Cooling Water Return: A point lying in the NE one-quarter of Sec. 27, T 3 S., R 70 W., of the 6th P.M., Jefferson County, Colorado, more particularly described as lying N 84°15'31" E., 2791.31 feet from the West one-quarter corner of said section. (4' Parshall flume)
- (a) Cooling Water Screen Backwash: At a point on the South bank of Clear Creek in Sec. 27, T 3 S., R 70 W., of the 6th P.M., Jefferson County, Colorado, more particularly described as lying S 39°38'50" E., 1611.0 feet from the West one-quarter corner of said Sec. 27.
- (a) Sewage Disposal Plant Outfall: At a point on the North bank of Clear Creek in Sec. 24, T 3 S., R 70 W., of the 6th P.M., in Jefferson County, Colorado.
- (a) Water Treatment Plant Backwash: At a point on the South bank of Clear Creek in Sec. 24, T 3 S., R 70 W., of the 6th P.M., in Jefferson County, Colorado, more particularly described as lying N 23°24'49" W., 1112.61 feet from the SE corner of said Sec. 24.

- (1) To the South Platte River. The outfall of the Metropolitan Denver Sewage Disposal plant on the East Bank of the South Platte River, in Sec.1, T 3 S., R 68 W., of the 6th P.M., approximately 6700 feet upstream from the confluence of Clear Creek and the South Platte River.

2. Any of the 2100 acre-feet of fully consumable water (*see* footnote 3), including the reuse and successive use of those water rights by Coors and the reuse and successive use available to Coors after the first use thereof by Golden, to which Coors is entitled pursuant to a contract with the City of Thornton dated May 23, 1988 and the First Amendment to that Agreement dated December 23, 1998 between Thornton and Coors and to the Decree in Case No. 96CW1117 as described in paragraph III.B.4. above, may be delivered to the stream as replacement flows through augmentation stations or metered points of return to allow otherwise out-of-priority diversions of Coors' junior water rights described in paragraphs V.A.1.,2. and 3. above.

3.

4. Subject to the terms and conditions contained in Case No. 85CW051, the non-tributary and not non-tributary water, including the reuse and successive use of those water rights, owned by Coors described in paragraph V.B.1. above, may be delivered to the stream as replacement flows through augmentation stations or metered points of return to allow otherwise out-of-priority diversions of Coors' junior water rights described in paragraphs V.A.1., 2. and 3. above.

5.

6. Any of the 167.43 acre-feet absolute of developed non-tributary water, including the reuse and successive use of those water rights available to Coors, pursuant to the decree in Case No. 91CW077 described in paragraph V.B.2 above, may be delivered to the stream as replacement flows through the outfall of the London Tunnel Mine or metered points of return to allow otherwise out-of-priority diversions of Coors' junior water rights described in paragraphs V.A.1., 2. and 3. above.

7.

8. Any of the fully consumable return flow from the prior use of all or any portion of the 874.37 acre-feet of London Mine Water approved for use by the decree in Consolidated Cases Nos. W-8036(75) and W-8256(76), as well as the fully consumable return flow from a prior use of the 167.43 acre-feet of such water may be delivered to the stream as replacement flows through the outfall of the London Tunnel Mine or metered points of return to allow otherwise out-of-priority diversions of Coors' junior water rights described in paragraphs V.A.1., 2. and 3. above.

9.

B. Operation of Program:

Whenever a lawful call is made to increase stream flow for the benefit of water rights, the priorities of which are senior to the priorities of water rights under which diversion are then being made through the Applicant's junior structures which are to be augmented hereunder then, to the extent that the depletions resulting from such diversion reduce the availability of water to the right for which the call is being made, the Applicant will, if it chooses to continue such diversions, provide, at or above the point of diversions of the right for which the lawful call shall have been made, and in time to avoid injury to that right, replacement flows from the above-described sources which are equal to and in substitution for the depletions resulting from the Applicant's junior diversions.

A. Names and addresses of apparent owners of land on which structures are located:

See paragraph III.D. In addition, all of the structures described in paragraphs V.A.1., 2. and 3. and paragraph V.B.1. are located on land owned by Coors Brewing Company, Golden, Colorado 80401-1295, except the Frost and Waldorf Reservoirs and the West Gravel Lakes.

1. Frost and Waldorf Reservoirs
Arapahoe National Forest
c/o Clear Creek District Office
101 Chicago Street
Idaho Springs, Colorado 80452

1. West Gravel Lakes
City of Thornton
9500 Civic Center Drive
Thornton, Colorado 80229

1. London Tunnel
Ben L. Wright, Jr.
1221 Clarkson, Suite 222
Denver, Colorado 80210

WHEREFORE, Applicant respectfully prays that the Court enter a decree approving Applicant's plan for augmentation, including exchange and changes of water rights and for such other and further relief as this Court deems just and proper in the premises.

99CW237 PULPIT ROCK INVESTMENTS, LLC, a Colorado limited liability company, c/o Classic Homes, 6385 Corporate Drive, Colorado Springs, Colorado 80919, Telephone: (719) 592-9333. Application for Approval of a Plan for Augmentation, **IN EL PASO COUNTY** (Attorney for Applicant: Alan G. Hill, Tienken & Hill, LLP, P.O. Box 550, Louisville, Colorado, 80027, Telephone 303-673-9373) 2. Location of Property: Applicant is the owner of land overlying the not nontributary groundwater, and a portion of the nontributary groundwater, described herein, totaling approximately 1,000 acres, being portions of Sections 25, 26, and 27, Township 11 South, Range 66 West of the 6th P.M., El Paso County, Colorado, more particularly described in Exhibit "A" attached hereto (the "Property.")

3. Water Rights to be Augmented:

A. Applicant is the owner of 43,500 acre feet of groundwater in the not nontributary Dawson aquifer decreed in Case No. 85CW131, Water Division No. 2, State of Colorado, entered on May 18, 1988. Accordingly, the maximum annual average entitlement of not nontributary groundwater owned by Applicant in the Dawson aquifer is 435 acre feet.

B. Paragraph 17 of the decree entered in Case No. 85CW131 requires judicial approval of a plan for augmentation as a condition precedent to the withdrawal of the Dawson aquifer groundwater decreed therein. Applicant seeks, in this application, approval of a plan for augmentation entitling Applicant to withdraw its Dawson aquifer groundwater. The terms and conditions of the decree entered in Case No. 85CW131 shall continue in full force and effect.

4. Water Rights to be Used for Augmentation:

A. Applicant proposes to replace depletions caused during pumping with non-evaporative septic system return flows and lawn grass irrigation return flows. These return flows during pumping exceed the amount of stream depletion, which is estimated to be a maximum of twenty-two percent (22%) of pumping.

B. Applicant is the owner of 40,000 acre feet of groundwater in the nontributary Laramie-Fox Hills aquifer decreed in Case No. 85CW131, Water Division No. 2, State of Colorado, entered on May 18, 1988. Accordingly, the maximum annual average entitlement of nontributary groundwater owned by Applicant in the Laramie-Fox Hills aquifer is 400 acre feet. Applicant seeks to replace post-pumping depletions that cause material injury with the nontributary Laramie-Fox Hills groundwater described herein; however, Applicant reserves the right to replace such depletions with any judicially acceptable source of augmentation water.

5. Statement of Plan for Augmentation:

A. Applicant intends to use the Dawson aquifer wells for a residential development on the Property, including, but not by way of limitation, in-house use, exterior household uses, landscape irrigation, stock watering, common area irrigation and common area amenities. It is anticipated that two-hundred ten (210) single family residences, including irrigation, will be supplied pursuant to this plan for augmentation, together with the common area facilities. Annual diversions of groundwater from the Dawson aquifer pursuant to the plan for augmentation pleaded herein will not exceed 145 acre feet.

B. Applicant has not determined the specific locations for all the wells required to withdraw groundwater from the Dawson aquifer, but states that each well will be constructed within the Property and each will be designed so that it withdraws water from a single aquifer. Applicant is the owner of the Property upon which all of the Dawson aquifer wells will be located. Applicant requests the right to locate the wells required to withdraw its entitlement from the Dawson aquifer at any point within the Property, without the necessity of filing an amendment to the application, republishing, or petitioning the court for the reopening of any decree. 2 C.C.R. 402-7, Rule 11.

C. Prior to Applicant using any type of sewage treatment other than non-evaporative septic systems, Applicant, or its successors in interest, shall obtain an amended decree allowing such modification.

6. Replacement of Depletions:

A. Replacement of Depletions During Pumping:

1. Applicant will replace actual stream depletions caused by pumping the proposed Dawson aquifer wells on the Property to the affected stream system(s) pursuant to C.R.S. § 37-90-137. Depletions may accrue to

both the Arkansas River and South Platte River basins.

2. Applicant seeks approval of a plan for augmentation allowing Applicant to aggregate all depletions and replace them to the Arkansas River drainage in Monument Creek. Depletions may also accrue to the South Platte River drainage; in the event Applicant is not entitled to aggregate all depletions and replace them to Monument Creek, Applicant seeks approval to replace depletions to Cherry Creek, tributary to the South Platte.

3. Return flows from the use of the Dawson aquifer groundwater will accrue to Monument Creek via its tributary Black Squirrel Creek, and those return flows will be sufficient to replace the actual depletions during pumping. The following table illustrates the expected quantity of return flows; however, Applicant reserves the right to amend these amounts based upon final land use approvals, and final quantifications:

Planned Uses	Dawson Pumping(af/y)	Return Flows (af/y)
In-House	56.7	51.0
Irrigation	56.7	8.1
Livestock	12.6	0
Open Space	19.0	0
Total	145.0	59.5

B. Replacement of Post-Pumping Depletions:

1. For the period after pumping of the Dawson wells ceases, Applicant will demonstrate that any depletions which may occur to the respective stream systems are unmeasurable, non-injurious to other water rights, and need not be replaced.

2. To the extent that the court determines that such post-pumping depletions require augmentation, Applicant will reserve an adequate amount of nontributary groundwater in the Laramie-Fox Hills aquifer, as described in paragraph 4.B. herein, to satisfy such post-pumping augmentation requirements.

7. Remarks: Due to the fact that depletions may accrue to the Arkansas River drainage and the South Platte River drainage, Applicant is filing this application in Water Division No. 1 and Water Division No. 2, and will seek to consolidate the two cases in Water Division No. 2 pursuant to C.R.C.P. 42.1.

WHEREFORE, Applicant requests approval of the plan for augmentation described herein, specifically determining that the return flows described herein from the initial use of groundwater withdrawn from the not nontributary Dawson aquifer adequately augment actual stream depletions during pumping, and that the vested or conditional decreed water rights of others will not be materially injured by the withdrawal of the Dawson aquifer groundwater described herein, and the plan for augmentation proposed herein.

99CW238 LANA A. GARNER, f/k/a LUANNE GARNER, 14535 E. Cherry Creek Road, Larkspur, CO 80118. (Charles T. Houghton, FELT, HOUGHTON & MONSON, LLC, 319 North Weber, Colorado, Springs, CO 80906). APPLICATION FOR WATER STORAGE RIGHTS, IN DOUGLAS COUNTY.

APPLICATION FOR WATER STORAGE RIGHTS

2. Name of Reservoir:

III G's Reservoir

3. Legal Description for Location of Reservoir's Dam:

III G's Reservoir is located in the SE 1/4, Section 29, Township 10 South, Range 65 West of the 6th P.M., Douglas County, Colorado, lying 1500 feet north of the south section line and 1700 feet west of the east section line of said Section 29. A map of the location of the dam is attached hereto as Exhibit "A" and incorporated herein by this reference.

4. Source:

Iron Gulch, tributary to East Cherry Creek, tributary to the South Platte River.

5. A. Date of Appropriation: June, 1984.

B. How Appropriation was Initiated. Construction of dam and impoundment of water.

C. Date Water Applied to Beneficial Use. June 1984.

6. Amount Claimed: 60 acre feet, absolute

7. Use: Storage for livestock, piscatorial, wildlife habitat, flood or erosion control, and recreation.

8. Details Concerning Reservoir Structure:
- (1) Surface area of high water line: 4.0 acres
 - (2) Maximum height of dam in feet: 12
 - (3) Length of dam in feet: 270
 - (4) Total capacity of reservoir in acre feet: 60 acre feet for fill and refill
 - (5) Active storage: 0, Dead storage: 60
9. The reservoir sought to be adjudicated herein is located upon lands owned by the applicant. A copy of the deed to the property is attached hereto as Exhibit "B" and incorporated herein by this reference.
10. Remarks:

The storage right associated with this structure may be claimed to be Gollehon Irrigation and Stock Reservoir No. 2 as decreed in Civil Action No. 3635, District Court, Douglas County, Colorado, on May 18, 1972 by Deerfield International, LLC., whose last known address is 481 Highway 105, Suite B 22, Monument, CO 80132. For that reason Applicant requests that Deerfield International, LLC be given notice pursuant to C.R.S. §37-92-302. Research has indicated that the source of water for the storage right sought, Iron Gulch, is intermittent to East Cherry Creek.

WHEREFORE, the Applicant requests that this Application for Water Storage Rights be granted as requested herein. (3 pages)

99CW239 DERREL W. AND JEANNE K. MURPHY, 18108 County Road 30, POB 1043, Sterling, CO 80751. (Robert W. Giacomini, POB 1013, Sterling, CO 80751). Application for Water Storage Right, **IN LOGAN COUNTY**. Name of Reservoir: Murphy Pond. (Collecting and impounding waters from Murphy Springs and Murphy Seep Ditch originally Littler's Seep Ditch). Legal Description: Applicants' property is an 11 acre tract in the E1/2NW1/4NW1/4,S30, T8N,R52W,6th P.M., Logan County, Colorado, upon which are the Springs and Murphy Pond. The outlet for the dam is located below applicants' road (which also serves as the dam for Murphy Pond) at a point from whence the NW corner of said S30, T8N, R52W, bears N69 25'W, 1150.0'. The water not stored in Murphy Pond is released at the outlet and flows approximately 100 feet into the Springdale Ditch. Applicants make no claim to the waters entering said ditch. The two water sources consist of Springs: The north Springs arise in the SW1/4SW1/4SW1/4 of S19, T8N, R52W, the waters entering said ditch. The two water sources consist of Springs: The North Springs arise in the SW1/4SW1/4SW1/4, S19, T8N, R52W, the waters from which flow in an unnamed draw southeasterly approximately 200' to County Road 30, thence south through a 21 x 57' tube under the road to applicants' property where the spring and seepage waters join with the spring and seepage water arising from the South Springs. The South Springs arise in the northwest corner of applicants' property, the E1/2NW1/4NW1/4, S30, T8N, R52W. All of said waters then join together and form Murphy Pond. Source: Unnamed draw and springs; tributary to the South Platte River. Date of Appropriation: 9/7/1993. How appropriation was initiated: Commencement of construction of road to homesite (berm/dam) to impound water. Date water applied to beneficial use: 5/1/1994 by pumping water from Murphy Pond to irrigate garden and new trees and shrubs. Amount claimed: .5 cfs absolute from springs and seepage for filling the reservoir. 3.3 acre feet absolute for storage, with the right to fill and refill. Use: Piscatorial, riparian habitat, wildlife habitat, wetland enhancement, domestic (household) and irrigation of windbreak, garden, grass, trees and shrubs. Surface area of high water line: 1.8 acres. Maximum height of dam in feet: 4.5 feet. Length of dam in feet: 277 feet. Total capacity of reservoir in acre feet: 3.3 acre feet. Active capacity 2.8 acre feet. Dead storage .5 acre feet. Name and addresses of owners of land on which structure for the water right is located (land where dam is located and land within high water line): Applicants. Remarks: In 1942 applicants' predecessor in interest, W. R. Littler, purchased the subject property (together with the adjacent property in the NW1/4 of said S30). A map and Statement for Littler's Seep Ditch, W.R. Littler, claimant, was surveyed 6/17/1944 was accepted by the Colorado State Engineer on 6/28/1944, and was recorded 7/31/1944 in Book 7 at Page 29 of Logan County, Colorado records. See copy of Recorded Map and Statement. The seepage area outlined on the survey plat (map) is now Murphy Pond. See copy of FSA aerial photo of the NW1/4 of said S30 showing the location of the 1.8 acre high water line of Murphy Pond, applicants' road (dam) and the 0.6 acre seep and springs area lying NW of County Road 30, where the waters pass under said road and enter Murphy Pond. No claim is made for irrigation of agricultural crops. Claim is only made for irrigation, within the applicants' subject property, as set forth above. (2 pages)

99CW240 JOHN VILLANO, 2701 E. 112th Ave., Thornton, CO 80233. Application for Water

Storage Right, **IN ADAMS COUNTY**. Villano Pond #1-The SW abutment of the dam is at a point which is approximately 600' from the W section line and 200' from the S section line. Villano Pond #2-The W abutment of the dam is at a point which is approximately 925' from the W section line and 50' from the S section line. Villano Pond #3-The SW abutment of the dam is at a point which is approximately 1450' from the W section line and 200' from the S section line. All three ponds are located in the SW1/4SW1/4 and SE1/4SW1/4, S1, T2S, R68W, 6th P.M. Source: Unnamed gulch, tributary to Grange Hall Creek tributary to the S Platte River. Appropriation: 4/1/1969 Amount claimed: Villano Pond #1: 5 AF, Villano Pond #2: 2 AF, Villano Pond #3: 10 AF, all absolute. Uses: Livestock water, recreation, piscatorial, wildlife propagation and fire protection. If irrigation, complete the following: Number of acres historically irrigated: 3/4 acres. Total number of acres proposed to be irrigated: 3/4 acres. Legal description of acreage irrigated: Part of the SW1/4 of S1, T2S, R68W, 6th P.M., a/k/a Lot 1, Lakeview Ridge Filing No. 1. (3 pages)

99CW241 **ROBERT M. AND MARY E. STAHL**, 9378 County Road 25, Fort Lupton, CO 80621. Application for Water Rights (Surface), **IN WELD COUNTY**. Stahl Pump Station is located at a point on the West bank of the South Platte River which is 1990 feet from the South section line and 1150 feet from the West section line, in the NW1/4SW1/4, S18, T2N, R66W, 6th P.M. Source: South Platte River Date of Appropriation: 7/25/1998 Amount claimed: 1 cfs of which 50 gpm is absolute and 400 gpm is conditional. Use or proposed use: Current use is irrigation of 2 acres of lawn, garden and pasture. Proposed use is the irrigation of an additional 28 acres. If irrigation, complete the following: (1) Number of acres historically irrigated: 2 acres. (2) Total number of acres proposed to be irrigated: 30 acres. (3) Legal description of acreage irrigated: part of the NW1/4SW1/4, S18, T2N, R66W, 6th P.M. Weld County, Colorado. Source South Platte River Date of Appropriation: 7/25/1998. Amount claimed: 1 cfs of which 50 gpm is absolute and 400 gpm is CONDITIONAL. Use or proposed use: Current use is irrigation of an additional 28 acres. If irrigation complete the following: Number of acres historically irrigated: 2 acres. Total number of acres proposed to be irrigated: 30 acres Legal description of acreage irrigated: Part of the NW1/4SW1/4, S18, T2N, R66W, 6th p.M., A/K/A part Lot 5, Lupton Meadows Division No. 1. Lying W of the S Platte River comprised of 23 acres and part Lot 6, Lupton Meadows Division No. 1., lying W of the S Platte River comprised of 22 acres. Name and addresses of owner of land on which points of diversion and place of use is located: Lot 5 & 6, Robert M. and Mary Stahl, 9378 County Road 25, Fort Lupton, CO 80621. Brady Landon Nellis and Christine J. Smith, 13420 Braun Road, Golden, CO 80401. Remarks: Applicant also owns 12 shares of the Lupton Meadows Ditch Company Stock.

APPLICATION FOR WATER STORAGE RIGHT.

Stahl Pond No. 1 and Stahl Pond No. 2 are located in the NW1/4SW1/4, S18, T2N, R66W, 6th P.M.. The outlet of Stahl Pond No. 1 is located 1990' from the S section line and 225' from the W section line. Stahl Pond No. 2 outlet will be located 2465' from the S section line and 1020' from the W section line. Stahl Pond No. 1 and Stahl Pond No. 2 are filled by Stahl Pump Station as described above. Source: S. Platte River. Appropriation: 7/25/1998. Amount claimed: Stahl Pond No. 1-.086 AF/absolute.. Stahl Pond No. 2-2.25 AF,CONDITIONAL. Rate of Diversion for filling the reservoir: 1 cfs, of which 50 gpm is absolute and 400 is CONDITIONAL. Uses: Irrigation. If irrigation complete the following: Number of acres historically irrigated: 2 acres. Total number of acres proposed to be irrigated: 30acres. Legal description of acreage irrigated: Part of the NW1/4SW1/4 of S18, T2N, R66W, 6th P.M.. Also known as Part Lot 5, Lupton Meadows Division No. 1, lying W of the S Platte River comprised of 23 acres and Part Lot 6, Lupton Meadows Division No. 1, lying W of the S Platte River comprised of 22 acres. Surface area of high water line: Stahl Pond No. 1-0.36 acres. Stahl Pond No. 2-.34 acres. Maximum height of dam in feet: Stahl Pond No. 1., .086 acre feet, 0 acre feet dead storage. Stahl Pond No., 2: 2.25 acre feet, 0 acre feet dead storage. Remarks: Pond No. 1 is lined with plastic. Pond No. 2 will be lined pond when completed.

APPLICATION FOR UNDERGROUND WATER RIGHT

Well No. 41068-F is completed into the nontributary Laramie-Fox Hills Aquifer and is located in the NW1/4SW1/4, S18, T2N, R66W, 6th P.M. and is 2200' from the S section line and 300' from the W section line. Any additional wells will be located on the applicant's land. Specific locations will be provided when applications for well permits are submitted. Source of Water Rights: nontributary Laramie-Fox Hills Aquifer. Estimated amounts, rates of withdrawal and well depths: Rate 50 gpm, depth 526 feet. Estimated average annual amounts available: Sand thickness is 301 feet with a specific yield of 15% which is .45 acre feet per acre. Estimated area of subject property is 45 acres. The average annual amount available for withdrawal from the subject aquifers will depend upon the hydrogeology and the legal entitlement of the Applicant to all groundwater in those aquifers underlying the described property. Well fields: Applicant

requests that this Court determine that applicant has the right to withdraw all of the legally available ground water in the subject aquifers lying below the land described in paragraph 9 below, through the wells described in paragraph 2 above and any additional wells which may in the future become part of the applicant's well fields. Applicant requests that these wells, along with any additional wells completed into the same aquifer, shall be treated as a well field. Applicant further requests that the pumping rates for each of these wells may exceed the nominal pumping rates set forth above to the extent necessary to withdraw the full annual acre-feet allocation of water from the aquifer. However, the subject wells will not exceed the pumping rate specified on the well permit for each well. Proposed use: All water withdrawn will be reused, successively used, leased, sold or otherwise disposed of for the following beneficial uses, municipal domestic, industrial, commercial, augmentation, stock watering, recreating, fish and wildlife. The water will be produced for immediate application to said uses, for storage and subsequent application to said uses, for exchange purposes, for replacement of depletions from the use of water from other sources and for all other augmentation purposes. Applicant requests the right to withdraw from these wells an average amount of water determined to be available in paragraph 5 plus an amount of ground water in excess of that annual amount; provided that the sum of the total withdrawals from any particular aquifer does not exceed the product of the number of years since the date of the issuance of well permits or of the entry of this decree, whichever ever occurs first, times the average annual amount for that aquifer. Description of the land overlying subject ground water: Approximately 45 acres of land located in the NW1/4SW1/4, S18, T2N, R66W, 6th P.M. A/K/A Part Lot 5, Lupton Meadows Division No. 1, lying West the the South Platte River Comprised of 23 acres and Part Lot 6, Lupton Meadows Division No. 1, lying West of the South Platte River comprised of 22 acres. Name and address of owner of land overlying waters claimed here in: Lot 5 & 6, Robert M. and Mary E. Stahl, 9378 County Road 25, Fort Lupton, CO 80621. Brady Landon Nellis and Christine J. Smith, 13420 Braun Road, Golden, CO 80401. (5 pages)

98CW410 TOWN OF JOHNSTOWN, a municipal corporation of the State of Colorado, POB 609, 101 Charlotte, Johnstown, CO 80534. (Stephen T. Williamson, POB 850, Louisville, CO 80027). All portions of the application herein filed with the Water Court. Water Division No. 1, on November 9, 1998 and published at pages 2 through 6 of the November, 1998 resume and all portions of the amended application herein filed with the Water Court, Division No. 1, on May 28, 1999 shall remain as originally published, except as specifically described below: **FIRST CLAIM FOR RELIEF.** (Consolidated Home Supply Ditch and Reservoir Company) Paragraph 2.A., the number of shares involved in this proceeding is increased from 329.25 shares to 671.25 shares. **SECOND CLAIM FOR RELIEF.** (Big Thompson Ditch and Manufacturing Company) Paragraph 2.A., the number of shares involved in this proceeding is increased from 1.7375 shares to 2.72083 shares. All such shares were transferred to the headgate of the Consolidated Home Supply Ditch by virtue of the decree of the District Court in and for Boulder County, Case No. 6831, dated March 23, 1914. 3. Exhibits: A set of 10 exhibits maps are appended hereto. They depict the parcels of land on which the water rights included herein were historically used. This set of maps replaces the maps appended to the original Application and the First Amended Application herein. 4. Additional Remarks: All statements of opposition filed herein are deemed by the applicant to apply fully to the application as amended hereby without the necessity of any objector refiling any such pleadings or filing amendments thereto. (2 pages)

98CW435 SOLDIER CANYON FILTER PLANT, 4424 LaPorte Ave., Ft. Collins, CO 80521. **FORT COLLINS-LOVELAND WATER DISTRICT**, a Political Subdivision of the State of Colorado, 4700 S. College Ave., Ft. Collins, CO 80521. **NORTH WELD COUNTY WATER DISTRICT**, a Political Subdivision of the State of Colorado, 33247 Hwy. 85, Lucerne, CO 80646. **EAST LARIMER COUNTY WATER DISTRICT**, a Political Subdivision of the State of Colorado, POB 12044, Ft. Collins, CO 80522. (William H. Brown, FISCHER, BROWN & GUNN, POB "Q", Ft. Collins, CO 80522). Amendment to Application for Conditional Water Rights (Direct Flow and Storage), IN LARIMER AND WELD COUNTIES. Applicants, by and through their attorney, William H. Brown, submit this amendment to identify the location of a storage site to be used to store a portion of the water rights claimed in the original application, and to increase the amount claimed for the Pleasant Valley Pipeline from 155 cfs to 180 cfs. All of the application filed with the District Court, Water Division No. 1, State of Colorado, on December 29, 1998, and published at pages 10 and 11 of the December, 1998, resume shall remain as originally published, except of the following additions: Name of Structures: Reservoir No. 3, a/k/a Spring Reservoir, a/k/a

College Lake(hereinafter referred to as "College Lake"). Legal Descriptions: D. College Lake is located in the E1/2SE1/4SE1/4, S7, SW1/4SW1/4, S8, N1/2NW1/4, S17 and NE1/4NE1/4NE1/4S18, T7N, R69W, of the 6th P.M., Larimer County, Colorado. The location of the dam is on the northeast portion of the reservoir, at a point on the line dividing Sections 8 & 17 approximately 1320' east of the NW corner of S17, with the dam running generally southeast and northwest from said point. A general location map is attached as Ex. C. An aerial photograph of the reservoir within said sections is attached as Ex. D. College Lake is an off-channel reservoir and will be filled by water delivered by means of either the Pleasant Valley Pipeline or the City of Fort Collins Pipeline at their claimed capacities, with the water to be then delivered into College Lake from said pipelines by means of a structure the capacity of which is not yet known, but which will be established for inclusion in the decree that is sought herein. The points of diversion are described in the original application for the North Poudre Supply Canal, The city of Fort Collins Pipeline, and the Pleasant Valley Pipeline. Dates of initiation of appropriation: College Lake: 12/27/1999. How appropriation was initiated: As to College Lake: In addition to the filing of this amendment, and prior to the date of appropriation claimed above, all of the the following was done: Representatives of applicants held discussions and meetings with representatives of Colorado State University in regard to the use of College Lake as a possible storage site. Further, a representative of the applicants, applicant's attorney and representatives of Colorado State University; in regard to the use of College Lake as a possible storage site. A representative of Colorado State University gave permission to include College Lake in this application amendment. Applicants by resolutions duly adopted formed their intent to store water diverted and delivered by the Pleasant Valley Pipeline and the Fort Collins Pipeline. Amounts claimed: College Lake: 954 acre feet, CONDITIONAL. Name and addresses of owners of land on which the points of diversion and places of use are located: College Lake is located on land owned by the State Board of Agriculture, Colorado State University, Fort Collins, Colorado 80523. Applicants will store water in College Lake, the location of which is described in paragraph 3 D above. The stored water will be used for the beneficial uses described in paragraph 7 of the original application. College Lake was decreed in Case No. 1591 on October 28, 1909. The water sources herein claimed are to be alternate sources of filing to those previously decreed. Surface area of high water line: College lake: 73.5 acres Maximum height of dam in feet: 4 acres Length of dam in feet: 1,100 present total capacity: College Lake: 807 acre feet Present active capacity: College Lake: 807 acre feet. Present and anticipated dead storage: College Lake: 0 acre feet. Anticipated active capacity: College Lake: 954 acre feet. All statements of opposition filed herin are deemed by the applicants to apply fully to the application as amended. (3 pages)

99CW141 FIRST AMENDMENT TO APPLICATION CONCERNING THE APPLICATION FOR WATER RIGHTS OF **EQUINOX GROUP, LLC, IN ADAMS COUNTY** Applicant, Equinox Group, LLC, hereby submits this First Amendment to its Application for Underground Water Rights from Nontributary and Not Nontributary sources filed on September 30, 1999. The original application is hereby amended as follows: 1. The caption of the application is amended to read as follows: "CONCERNING THE APPLICATION FOR WATER RIGHTS OF EQUINOX GROUP, LLC, AND TODD CREEK MEADOWS, LLC, IN ADAMS COUNTY." 2. Existing paragraph 1 is amended as follows: Equinox Group, LLC, and Todd Creek Meadows, LLC (collectively the "Applicants") Attention: Gene Osborne 7373 South Alton Way, Suite 105 Englewood, Colorado 80111 c/o Wayne F. Forman, Esq. Andrew L. Spielman, Esq. Brownstein Hyatt & Farber, P.C. 410 17th Street, Suite 2200 Denver, Colorado 80202 Telephone: (303) 223-1100 3. Existing paragraph 8 is amended and replaced with the following: Owners of Overlying Land: The owners of the approximately 176 acre Property, together with the underlying Denver Basin groundwater which is the subject of this application, are the Co-Applicants Equinox Group, LLC, and Todd Creek Meadows, LLC, which are related entities. Co-Applicant Equinox Group, LLC owns the northern parcel of the two non-contiguous parcels described and depicted in Exhibits A and B of the Application. Co-Applicant Todd Creek Meadows, LLC owns the southern parcel described and depicted in Exhibits A and B of the Application. Absent an agreement, neither of the Co-Applicants will withdraw subject groundwater from wells on another's portion of the Property. 4. All other use of the term "Applicant" in the application shall be amended to "Applicants."

YOU ARE HEREBY NOTIFIED THAT YOU HAVE, until the last day of February, 2000 to file with the water Clerk in quadruplicate a verified statement of opposition setting forth facts as to why a certain application should not be granted or why it should be granted only in part or on certain conditions. A copy of each statement of opposition must also be served upon the Applicant or the Applicant's attorney and an

affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing fee: \$45.00). MARY A. CRESPI, Water Clerk, Water Division 1, POB "C", Greeley, CO 80632.

RULINGS OF THE REFEREE ENTERED BY REFEREE LIESMAN ON 12-02-99

98CW158	SALLY PARAGLIO	CLEAR CREEK	PAGES 02
98CW159	NICHOLAS & BARBARA POZZI	CLEAR CREEK	PAGES 02
98CW160	JOSEF & ULRITA DITTRICH	CLEAR CREEK	PAGES 02
98CW161	CLAUDE SELITRENNIKOFF	CLEAR CREEK	PAGES 02
98CW162	BILL & JUDY COURTNEY	CLEAR CREEK	PAGES 02

RULINGS OF THE REFEREE ENTERED BY REFEREE LIESMAN ON 12-08-99

98CW164	THOMAS & LUCY GERLACH	CLEAR CREEK	PAGES 02
98CW165	ROBERT & BARBARA BELL	CLEAR CREEK	PAGES 02
98CW166	JOHN HOLLAND	CLEAR CREEK	PAGES 02
98CW167	JAMES MAXWELL	CLEAR CREEK	PAGES 02
98CW168	SCOTT ANDREWS	CLEAR CREEK	PAGES 02
98CW170	J. HOYT & ERICA KEMMERLEY	CLEAR CREEK	PAGES 02
98CW171	DANIEL & LORRAINE SCHERER	CLEAR CREEK	PAGES 02

RULINGS ENTERED BY REFEREE LIESMAN ON 12-13-99

98 CW006	PUBLIC SERVICE CO OF COLO	CLEAR CREEK	PAGES 06
98CW035	STEPHEN FARLEY	CLEAR CREEK	PAGES 02
98CW042	CHARLES & JOYCE ISBELL	CLEAR CREEK	PAGES 02
98CW128	FRAN SCHNEIDER & DANYA SCOTT	CLEAR CREEK	PAGES 02
98CW173	DEBORAH ARDEN	CLEAR CREEK	PAGES 02
98CW174	ETTA SATTER & PETER DEBENHAM	CLEAR CREEK	PAGES 02
98CW175	ROBERT & LAVON BOL	CLEAR CREEK	PAGES 02
98CW372	JUNE & WILLIAM MURRAY JR.	ARAPAHOE	PAGES 02
98CW390	GREGORY LITUS & JUILE WESTLAND-LITUS	CLEAR CREEK	PAGES 02

98CW391	GREGORY LITUS & JULIE WESTLAND-LITUS	CLEAR CREEK	PAGES 02
---------	---	-------------	----------

99CW088	WATER SUPPLY AND STORAGE COMPANY	LARIMER	PAGES 03
---------	-------------------------------------	---------	----------

RULINGS ENTERED BY REFEREE LIESMAN ON 12-14-99

97CW158	ALBERT EARL & DEBRA RAYMOND	WELD	PAGES 03
---------	--------------------------------	------	----------

97CW234	PINNEO FEEDLOTS, LLC	MORGAN	PAGES 04
---------	----------------------	--------	----------

98CW048	WILLIAM MILLS	CLEAR CREEK	PAGES 02
---------	---------------	-------------	----------

98CW176	DWIGHT SMITH, SR.	CLEAR CREEK	PAGES 02
---------	-------------------	-------------	----------

98CW177	VERNON MOBLEY	CLEAR CREEK	PAGES 02
---------	---------------	-------------	----------

99CW037	REINALDO GALLEGOS ET AL	WELD	PAGES 03
---------	-------------------------	------	----------

RULINGS ENTERED BY REFEREE LIESMAN ON 12-15-99

98CW412	W6 L.L.C.(WATCHORN)	SEDGWICK	PAGES 04
---------	---------------------	----------	----------

98CW434	MAGHOGANY RIDGE LTD	GILPIN	PAGES 03
---------	---------------------	--------	----------

99CW021	EAST VALLEY WATER AND SANTITATION DISTRICT	ARAPAHOE	PAGES 04
---------	---	----------	----------

99CW045	CHARLES MCKAY & GREGG BRADBURY	JEFFERSON	PAGES 10
---------	-----------------------------------	-----------	----------

99CW092	LORD ABERDARE, JUDITH SUSAN PORTRAIT & THE HONORABLE JAMES BRUCE, AS TRUSTEE OF THE WEST WYCOMBE TRUST	DOUGLAS	PAGES 09
---------	--	---------	----------

99CW112	TAYLOR LAND CO LTD, CARROLL LAND CO, INC & C.G. TAYLOR	DOUGLAS	PAGES 08
---------	--	---------	----------

RULINGS ENTERED BY REFEREE LIESMAN ON 12-16-99

97CW299	TYLER VIERNOW	JEFFERSON	PAGES 05
---------	---------------	-----------	----------

98CW120	DOUG LEMONS	CLEAR CREEK	PAGES 02
---------	-------------	-------------	----------

98CW154	COLLEEN CONDON	CLEAR CREEK	PAGES 02
---------	----------------	-------------	----------

98CW155	PETRA & LOUIS PELLETIER	CLEAR CREEK	PAGES 02
---------	-------------------------	-------------	----------

98CW163	G. MICHAEL HARZ	CLEAR CREEK	PAGES 02
---------	-----------------	-------------	----------

99CW113	REMINGTON RANCH	DOUGLAS	PAGES 08
99CW119	PETER & CHRISTINA QUINN	ELBERT	PAGES 02
99CW120	WILLIAM & NANCY SCHUMACHER	ELBERT	PAGES 02

ORDER FOR WITHDRAWAL OF APPLICATION-CASE DISMISSED ENTERED BY
JUDGE HAYS ON 12-01-99

98CW430	ROSE MACY, GARY & SYLVIA BURBACK & LESLIE WILLIAMS, JR.,	BOULDER/WELD	PAGES 01
---------	---	--------------	----------

CONDITIONAL DECREES ENTERED BY JUDGE HAYS ON 12-01-99

98CW322	CATTLEMEN'S INC. C/R 91CW84	WELD	PAGES 03
98CW256	HALL-IRWIN CONSTRUCTION CO C/R NOT LISTED	WELD	PAGES 04

DECREES ENTERED BY JUDGE HAYS ON 12-01-99

98CW145	AARON & LAURIE HEIER	CLEAR CREEK	PAGES 02
98CW144	JOHN & MARY JO GAHM	CLEAR CREEK	PAGES 02
98CW143	DAREL & SHIRLEY OLLIFF	CLEAR CREEK	PAGES 02
98CW141	WESLEY & CHRISTINE GOFF	CLEAR CREEK	PAGES 02
98CW140	JON & MARGARET OLSEN	CLEAR CREEK	PAGES 02
98CW139	DOUGLAS & MOLLY LOOTENS	CLEAR CREEK	PAGES 02
98CW137	JOHN & MARY O'BRIEN	CLEAR CREEK	PAGES 02
98CW135	ETHAN MANN	CLEAR CREEK	PAGES 02
98CW134	WINFRED GAILS WATERS, JR.	CLEAR CREEK	PAGES 02
98CW133	PETER PROUDFOOT	CLEAR CREEK	PAGES 02
98CW132	GEORGE & ELVIA BALES	CLEAR CREEK	PAGES 02
98CW130	RICHARD & TERRY LEAR	CLEAR CREEK	PAGES 02
98CW129	BRUCE SEMLER	CLEAR CREEK	PAGES 02

DECREE ENTERED BY JUDGE JOHN ANDERSON, III WATER JUDGE DIVISION 2
ON 12-06-99

98CW446	THOMAS & LISA BOLAND & WILLIAM MCCAMMON	EL PASO	PAGES 12
---------	--	---------	----------

ORDERS VACATING DECREE AND DISMISSING THE APPLICATION ENTERED BY
JUDGE HAYS ON 12-09-99

W-8081-75	FIDEL GALICIA	ADAMS	PAGES 01
79CW084	ARDEN AND JANICE HARTZLER	DOUGLAS	PAGES 01

ORDERS DISMISSING APPLICATIONS ENTERED BY JUDGE HAYS ON 12-09-99

97CW211	CHRIS VANDEMOER	LOGAN/WELD/ MORGAN/SEDWICK/ WASHINGTON	PAGES 02
96CW176	CONSOLIDATED MUTUAL WATER COMPANY GILPIN		PAGES 01
93CW165	CONSOLIDATED MUTUAL WATER COMPANY JEFFERSON		PAGES 01

CONDITIONAL DECREE ENTERED BY JUDGE HAYS ON 12-13-99

95CW138	CITY OF LAFAYETTE C/R 86CW251/80CW467	BOULDER	PAGES 08
---------	--	---------	----------

DECREE ENTERED BY JUDGE JOHN ANDERSON, III WATER DIVISIION 2
ON 12-13-99

99CW069	ROBERT & CATHERINE HOWREY C/R 99CW072 DIV NO 2 CASE	DOUGLAS	PAGES 11
---------	--	---------	----------

ORDERS OF DISMISSAL ENTERED BY JUDGE HAYS ON 12-14-99

96CW239	COLORADO DIVISION OF PARKS AND RECREATION	DOUGLAS	PAGES 01
96CW240	STATE BOARD OF LAND COMMISSIONERS	DOUGLAS	PAGES 01

DECREES ENTERED BY JUDGE HAYS ON 12-23-99

96CW582	MILLSITE INN	BOULDER	PAGES 03
98CW146	KYLE FIRESTONE	CLEAR CREEK	PAGES 02
98CW147	CATHERINE WRIGHT	CLEAR CREEK	PAGES 02
98CW148	CHERYL & ROBERT MUELLER	CLEAR CREEK	PAGES 02
98CW149	JASON KRAUS & KIM SHARP-KRAUS	CLEAR CREEK	PAGES 02
98CW152	LARRY & MARTHA BALDON	CLEAR CREEK	PAGES 02

98CW153	RICHARD & KATHERINE STALLER	CLEAR CREEK	PAGES 02
98CW157	KURT & JOYCE WAOBEL	CLEAR CREEK	PAGES 02
98CW158	SALLY PARAGLIO	CLEAR CREEK	PAGES 02
98CW159	NICHOLAS & BARBARA POZZI	CLEAR CREEK	PAGES 02
98CW160	JOSEF & ULRITA DITTRICH	CLEAR CREEK	PAGES 02
98CW161	CLAUDE SELITRENNIKOFF	CLEAR CREEK	PAGES 02
98CW162	BILL & JUDY COURTNEY	CLEAR CREEK	PAGES 02

DECREES ENTERED BY JUDGE HAYS ON 12-23-99

99CW080	JAMES LEE & RAELYNN MARIE SHUFORD	DOUGLAS	PAGES 02
99CW091	DAVID STEINER	BOULDER	PAGES 02