

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 **October, 2001.**

2001CW164 ROBERT W. BUCK, 2185 Douglas Mountain Drive, Golden, CO 80403. Application for Underground Water Right, **IN JEFFERSON COUNTY.** Buck Well #197858 is located in SE1/4NE1/4, S36, T3S, R72W, 6th P.M., 2560' from N section line and 700' from E section line. Source: Groundwater Depth: 577' Appropriation: 8/23/96 Amount claimed: 6.1/2 gpm Use: One house-no livestock (2 pages)

2001CW165 CONCERNING THE APPLICATION FOR WATER RIGHTS OF CHARLES C. MCKAY AND GREGG A. BRADBURY, APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NOT NONTRIBUTARY AND NONTRIBUTARY SOURCES, IN THE NONTRIBUTARY ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS, **IN JEFFERSON COUNTY.** 1. Name, Address, Telephone Number of Applicants: Charles C. McKay and Gregg A. Bradbury, 10050 Wadsworth Blvd., Westminster, Colorado 80021 (303) 469-2534 (Holly I. Holder, Holder & Ciliberto, P.C., 518 17th Street, #1500, Denver, Colorado 80202 (303) 534-3636). 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 228 acres of land located in the NW1/4, and the N1/2S1/2 of Section 24, T2S, R70W 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 Source of Water Rights: The source of the groundwater to be withdrawn from the subject aquifers underlying the Subject Property is nontributary groundwater as described in 37-90-103(10.5), C.R.S. 5.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 estimates that the following annual amounts are representative of the Lower Arapahoe and Laramie-Fox Hills aquifers underlying the Subject Property:

<u>Aquifer</u>	<u>Saturated Thickness</u>	<u>Estimated Annual Amount</u>
Lower Arapahoe	88 feet	34 acre-feet
Laramie-Fox Hills	75 feet	26 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 nontributary groundwater underlying the Subject Property. 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. Applicants also request that the water to be decreed herein may be withdrawn in combination with the same type of water underlying a contiguous parcel of land as decreed to Applicants in Case No. 99CW045, through wells located on the land which is the subject of that decree (located in parts of Section 24, T2S, R70W, and Section 18, T2S, R69W), or wells located on the Subject Property. 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, fire protection, 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 Lower Arapahoe and Laramie-Fox Hills aquifers is nontributary groundwater. 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.

2001CW166(93CW164) THE CONSOLIDATED MUTUAL WATER COMPANY, 12700 W. 27th Ave., P.O. Box 150068, Lakewood, CO 80215. (Benjamin L. Craig, 12700 W. 27th Ave., P.O. Box 150068, Lakewood, CO 80215). Application for Finding of Reasonable Diligence, IN JEFFERSON COUNTY.

1. Name, mailing address, telephone number of Applicant:

The Consolidated Mutual Water Company
12700 West 27th Avenue
P.O. Box 150068
Lakewood, Colorado 80215

2. Name of Structures:

Maple Grove and Fairmount Reservoirs and Agricultural Ditch

3. Description of Conditional Water Right:

Maple Grove to Fairmount Exchange

A. Date of Original Decree: October 12, 1995
Case No. 93 CW 164, District Court, Water Division 1,
State of Colorado.

B. Location:

(i) Maple Grove Reservoir is located in the SW¹/₄ SE¹/₄ and the SE¹/₄ SW¹/₄, Section 29; the NW¹/₄ NE¹/₄, NW¹/₄ NW¹/₄, SW¹/₄ NE¹/₄, and the SE¹/₄ NW¹/₄, Section 32; all in Township 3 South, Range 69 West of the 6th Principal Meridian, in Jefferson County, Colorado.

(ii) Fairmount Reservoir is located in the NE¹/₄, Section 24, Township 3 South, Range 70 West of the 6th Principal Meridian, in Jefferson County, Colorado.

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

D. Appropriation date: June 28, 1993.

E. Amount: 15 cubic feet per second ABSOLUTE and 10 cubic feet per second CONDITIONAL.

- F. Use: All beneficial uses for which water stored in Maple Grove Reservoir is decreed.
4. 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, October 12, 1995, at a cost of \$3,620,017. Other expenditures for improvement, maintenance, and carriage in the filler ditch since that date total \$2,454.41. The exchange has been operated as exchange opportunities occur since the entry of the decree at a maximum of 15 cubic feet per second.

WHEREFORE, Applicant requests that this Court issue its findings and decree that Applicant has been diligent with regard to completion of the 10 cubic feet per second CONDITIONAL portion of its appropriation; and that the CONDITIONAL exchange rights decreed in Case No. 93 CW 164, and not made absolute, being 10 cubic feet per second, be continued in full force and effect for another diligence period.

2001CW167 INTERCHANGE BUSINESS PARK, LLC., c/o Sinnett Builders, Inc., 2926 E. Mulberry Street, PO Box 1969, Fort Collins, Colorado 80522. Telephone: (970) 493-1770. (Gene E. Fischer, FISCHER & FISCHER, LLP, P.O. Box 506, Fort Collins, CO 80522-0506). APPLICATION FOR CHANGE OF WATER RIGHT, **IN LARIMER COUNTY**. Decreed name of structure for which change is sought: (indicate whether ditch, well, springs, reservoir, etc.) B&B Enterprises Well No. 11203. From previous Decree: A. Date Entered: October 14, 1975 Case No. W-5579 Court: Div. I. Decreed point of diversion (include map): In the Northwest quarter of Section 15, Township 7 North, Range 68 West of the 6th P.M., County of Larimer, State of Colorado, being more particularly described as follows: Considering the North line of said Northwest quarter as bearing South 89°15'00" East and with all bearings relative thereto: Commencing at the Northwest corner of said Section 15; thence South 33°21'48" East 811.25 feet. A survey map is attached showing the location of the adjudicated well. C. Source: Groundwater. D. Appropriation Date: May 15, 1941 Amount: 3.22 cubic feet per second. E. Historic use: (Include a description of all water rights to be changed, a map showing the approximate location of historic use of the rights and records or summaries of records of actual diversions of each right the applicant intends to rely on to the extent such records exist.) Upon request for inclusion in the Plan of Augmentation administered by the Larimer County Water Users Association in cooperation with the Cache La Poudre Water Users Association, and upon investigation by the Larimer County Water Users Association and payment of the appropriate fees, the above-described adjudicated well was included in said Plan of Augmentation effective August 3, 2001. Decreed use is for the irrigation of 140 acres in a portion of the NW 1/4 of Section 15, Township 7 North, Range 68 West of the 6th P.M., Larimer County, Colorado. Applicant believes that the original Permit to Use Ground Water and Notice of Well Registration (Registration No. 11203) was granted by the Colorado Division of Water Resources Office of the State Engineer to Robert M. and Elizabeth Lee in May, 1960. In 1969, B&B Enterprises, a Limited Partnership, then the owner of the property, had the well re-drilled. B&B Enterprises subsequently sold the property. A Change of Ownership/Address was filed with the Office of the State Engineer on August 1, 2000, and accepted on August 16, 2000, for Well Permit Number RF671/11203-R, in the name of Interchange Business Park, LLC. Proposed change: (a) describe change requested: alternate point of diversion/replacement/change of use; (if well, please list pertinent information from well permit); (b) location; (c) use; (d) amount; (e) give proposed plan for operation (if (b) thru (e) applicable, please give full descriptions.) The existing well will be rendered useless to applicant for irrigation of the business park's green spaces because the re-routing of the Southeast Frontage Road along I-25 will isolate the well from the business park. Applicant therefore requests an alternate point of diversion at the following location: In the

Northwest quarter of Section 15, Township 7 North, Range 68 West of the 6th P.M., County of Larimer, State of Colorado, being more particularly described as follows: Considering the North line of said Northwest quarter as bearing South 89°15'00" East and with all bearings relative thereto: Commencing at the Northwest corner of said Section 15; thence South 08°27'35" East 1307.38 feet to the center of the well. The well is to be used for irrigation of 50 acres of green spaces in Interchange Business Park along the Southeast Frontage Road of Interstate 25 at Fort Collins, Colorado. The discharge capacity of the well is expected to be 1450 gpm. A survey map showing the location of the well is attached to this application. The Larimer County Water Users Association in cooperation with the Cache La Poudre Water Users Association, and upon payment of the appropriate fees, has accepted said well in its Plan of Augmentation effective August 3, 2001 as a re-drill of the augmented well. Name(s) and address(es) of owner(s) of land on which structure(s) is (are) located: Interchange Business Park, LLC c/o Sinnett Builders, Inc. 2926 E. Mulberry Street, PO Box 1969, Fort Collins, Colorado 80522. WHEREFORE, applicants pray that this Court enter a decree for the water rights herein described, and providing for such other and different relief or containing such other provisions as may be duly established by the evidence presented herein and to which the Court determines the applicants are entitled.

2001CW168 (W-1469) PAT GEBAUER & LUAN AUGUST, 15488 County Road 57, Hillrose, CO 80733-9715. Application for Change of Water Right, **IN WASHINGTON COUNTY**. Gill Well #6312RF decreed 12/13/1976 in Case No. W-1469, Water Division 1. Decreed point of diversion: NE1/4SE1/4, S12, T5N, R54W, 6th P.M., 2690' S of the N section line and 50' W of the E section line. Source: Groundwater Appropriation: 3/1/1965 Amount: 3.333 CFS Historic use: To irrigate approximately 320 acres of land in a part of the W1/2, S7, T5N, R53W, and a part of S12 and the N1/2N1/2, S13, T5N, R54W, 6th P.M. Proposed change: We are applying for an alternate point of diversion for Well #6312RF that is decreed for 3.333 CFS to irrigate 320 acres (Sprinkler #1 and Sprinkler #2), (see map). The Well #6312RF is located on Sprinkler #2 and piped to Sprinkler #1. With an alternate point of diversion the decreed water could be applied at the center location of Sprinkler #1 enabling us to pump the 3.333 CFS from either location more efficiently. No additional acres will be added than were originally decreed. This will allow better utilization of the 3.333 CFS on the fields in more of a conservative manner. Therefore we want to apply for an alternate point of diversion of the decreed 3.333 CFS, through a well constructed at the center of Sprinkler #1. (2 pages)

2001CW169 EDWARD E. & BETTY L. MEYER, 29975 Weld County Road 59, Greeley, CO 80631. Application for Change of Water Right, **IN WELD COUNTY**. Well #1-6821 and Well #2-6822 are located in the NE1/4NE1/4, S2, T5N, R64W, 6th P.M. Well #1-6821 is approximately 900' from NE corner of S2, and approximately 120' S of the N line of S2. Well #2-6822 is approximately 1050' W of the NE corner of S2, and 159' S of the N line of S2. Source: Irrigation wells Appropriation: Well #1-6821, May, 1938; Well #2-6822, May, 1950 Amount: Well #1-6821-400 gpm; Well #2-6822-400 gpm. Historic use: Since completion of Wells #1-6821 and #2-6822 they have been used to irrigate the E1/2E1/2, S2, T5N, R64W, 6th P.M. G.A.S.P. augmentation fees and electric bills, are records of use. Proposed change: Want to move the two existing wells out of flood-plain because Well #1-6821 constricts creek canal, and both wells #1-6821 and #2-6822 have the possibility of underground water contamination when creek floods. Have drilled a test hole approximately 2326' S from the NE corner of S2, and then 297' W of the E line of S2. The driller said it should provide 800 gpm of water, which would replace the two existing 400 gpm wells. The one new well would be used to irrigate the same farm. (2 pages)

2001CW170 JAMES M. AND SHERYL ANN VOSBURG, 12991 N. 6th Street, Parker, CO 80134. Application for underground Water Right, **IN DOUGLAS COUNTY**. Well #93553 is located in the NE1/4NE1/4, S7, T6S, R66W, 6th P.M., 80' from N and 760' from E section line. a/k/a Lot 11, Block 2, Filing 1. Source: Groundwater Non-tributary Dawson Aquifer Appropriation: 5/29/2001 Amount claimed: 15 gpm (1 a/f annually) Number of acres historically irrigated: ½ acre; proposed to be irrigated: ½ acre in Lot 11, Block 2, Filing #1, Grandview Estates. If-non irrigation, describe purpose fully: Domestic. (2 pages)

2001CW171 (95CW27)(79CW300) FRONTIER MATERIALS, INC., a Colorado corporation, 1800 Pike Road, Longmont, Colorado 80501. (Steven P. Jeffers, Esq., Bernard, Lyons, Gaddis & Kahn, P.C., P.O. Box 978, Longmont, CO 80502-0978, 303-776-9900.) APPLICATION FOR FINDING OF REASONABLE DILIGENCE, IN BOULDER COUNTY. 2. **Name of structures:** Frontier-Lyons Reservoir. 3. **Describe conditional water right:** a) **Date of original decree, case no. and court:** The original decree was entered March 31, 1981 (clerical error corrected October 1, 1984), in Case No. 79CW300, District Court, Water Division No. 1. Diligence decree entered October 3, 1995, in Case No. 95CW27, District Court, Water Division No. 1. b) **Decreed Location:** NW¼ SW¼ and parts of the NW¼ SE¼ and NE¼ SW¼ of Section 21, and parts of the NE¼ SE¼ Section 20, Township 3 North, Range 70 West, 6th P.M., Boulder County. The high water line of said reservoir is described as follows: Beginning at a point whence the SW corner of Section 21, Township 3 North, Range 70 West, 6th P.M., bears South 58°55' West 2,800 feet; thence South 89°10' West 3,250 feet; thence North 01°47' West 1,060 feet; thence North 80°30' East 900 feet; thence South 85°20' East 2,335 feet; thence South 52°10' East 190 feet; thence South 05°30' West 858 feet to the point of beginning, containing 82.8 acres, more or less. (Basis of bearings: the South line of Section 21 as being North 90°0' East). c) **Decreed Source:** Surface water tributary to St. Vrain Creek. d) **Decreed Appropriation Date:** June 13, 1979. e) **Decreed Amount:** 1,700 acre feet CONDITIONAL. f) **Decreed Uses:** Agricultural, including leasing to others for irrigation use; industrial, including use in mining, washing and processing sand and gravel; and recreational, including boating, fishing, and fish propagation. 4. **Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures:** The property upon which the Frontier – Lyons Reservoir will be located was leased to Western Mobile, now LaFarge Corporation. The reservoir site is part of a larger mining operation along the St. Vrain Creek east of the Town of Lyons, which will be ongoing for a number of years. Boulder County approved the special use permit for the project on August 20, 1998. The mining and reclamation plan for the overall project was approved by the Colorado Mine Land Reclamation Board on May 24, 2000. Mining of the Frontier-Lyons Reservoir has not yet begun, and will occur over several years based on the approved mining plan. 5. **If a claim to make absolute, water applied to beneficial use:** N/A

2001CW172 CITY OF WOODLAND PARK, 220 W. South Ave., P.O. Box 9007, Woodland Park, CO 80866, Attn: Jim Schultz, Utilities Director (Julianne M. Woldridge, MacDougall, Woldridge & Worley, P.C., 530 Communication Circle, Suite 204, Colorado Springs, CO 80905). Application for Underground Water Right, IN TELLER COUNTY. 2. **Name of well and permit number:** Tamarac Well #2 (previously permitted as # 214747). 3. **Legal description of proposed well location:** SW3SW3, Sec. 12, T.12S., R.69W., 6th P.M., Teller County, CO. 4.A. **Source:** Groundwater tributary to Trout Creek, which is tributary to the South Platte River. B. **Depth:** Approximately 300 feet. 5.A. **Date of appropriation:** December 17, 1998. B. **How appropriation was initiated:** by the City Council passing a resolution at a public meeting authorizing the appropriation. 6. **Amount claimed:** 0.15 c.f.s., conditional. 7. **Proposed use:** municipal, irrigation, domestic, commercial and industrial uses within the City=s municipal water service area, generally described as Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 23, 24, 25, and 26, T.12S. R.69W, 6th P.M. and Sections 6, 7, 18, 19, 30, and 31, T.12S. R.68W., 6th P.M., and as such service area may expand in the future. 8. **Name and address of owner of land on which well will be located:** Tamarac Land Company, Inc., 800 Research Drive, #100, Woodland Park, CO 80866. 9. **Remarks:** Applicant is a municipality. The well will be used to supply water to the City=s municipal water supply system. Augmentation of the well to allow out-of-priority pumping will be provided, but court approval of the plan for augmentation will be requested at a later date. The City currently has augmentation water available for this purpose and has the ability to include augmentation of this structure in its current Substitute Water Supply Plan authorized on January 18, 2001. The well will not be pumped out-of-priority without the benefit of replacement or augmentation pursuant to a substitute supply plan or augmentation plan. This well is currently permitted by the State Engineer under Well Permit # 214747. Pursuant to C.R.S. 37-92-305(6)(a), Applicant will apply for a new well permit under C.R.S. 37-90-137, as soon as practicable. Applicant has obtained a permanent easement for access to the well and associated water, power, and control pipes. Applicant requests a decree awarding the claimed water right.

2001CW173 APPLICATION FOR FINDING OF REASONABLE DILIGENCE, IN TELLER COUNTY. 1. Name, address and telephone number of applicant: PETE C. KUYPER, P.O. Box 729 Divide, CO 80814, (719) 687-6011; Direct all pleadings to: Michael F. Browning, Porzak Browning & Johnson LLP, 929 Pearl Street, Suite 300, Boulder, Colorado 80302; 2. Name of structure: Divide Reservoir No. 1; 3. Description of conditional water right: (a) Decree: Decreed by the District Court in and for Water Division No. 1 in Case No. 85CW453 on October 5, 1988. A prior diligence decree was obtained in Case No. 94CW181 entered on October 12, 1995. (b) Decreed location: Divide Reservoir No. 1 is an off-stream reservoir located in the SE1/4NW1/4 of Section 7, T. 13 S., R. 69 W., 6th P.M. The center point of the dam is at a point approximately 1,350 feet south of the north section line and 2,100 feet east of the west section line of said Section 7. (c) Source: The source of water for Divide Reservoir No. 1 is surface and groundwater tributary to Rule Creek, a tributary of Trout Creek, a tributary of Horse Creek, a tributary of the South Platte River. These waters include runoff from surrounding property, water diverted from wells to be located in parts of Sections 6 and 7, T. 13 S., R. 69 W., 6th P.M., and delivered to the Reservoir by means of pipes or surface ditches, and water diverted from Rule Creek; and provided, however, that wells can be used to fill the Reservoir only if the prior written consent is obtained from the State or Division Engineers. (d) Appropriation date: December 30, 1985. (e) Amount: 50 acre feet, with the right to refill continuously whenever in priority. (f) Use: Irrigation, municipal, fire protection, commercial, industrial, domestic recreational, fish propagation, aesthetic uses, and augmentation purposes. 4. Detailed outline of work done to complete project and apply water to beneficial use: Since the decree was entered in October 1995, applicant has undertaken the following specific activities which demonstrate diligence with regard to the subject conditional right: (a) Applicant filed for and obtained findings of reasonable diligence in Case Nos. 97CW139, 94CW026, and 00CW212 concerning other aspects of the integrated water supply system of which the subject reservoir is decreed to be a part. All diligence activities found in those case are also claimed herein with respect to the subject reservoir. (b) Applicant added over 600 feet of ten inch water main, ten multi-family taps and additional commercial square footage to the water service system of which the subject reservoir is a part. (c) Applicant implemented a management treatment and reporting plan to meet State Health Department requirements for compliance with Colorado Primary Drinking Water Regulations. (d) Applicant improved, and enhanced security to, the water treatment facility of which the subject reservoir is a part. (e) Applicant continued to use the wells that were drilled and completed during the last diligence period, and make the exchanges and augmentation releases required. (f) In September 2001, Applicant submitted a well permit application to drill an additional well serving the system and has developed plans to drill that well once the permit is issued. (h) Applicant has expended in excess of \$430,000 toward development of the municipal water supply system of which the subject reservoir is a part, a significant portion of which was spent since the last diligence decree was entered.

2001CW174 PETE C. KUYPER. APPLICATION FOR FINDING OF REASONABLE DILIGENCE, IN TELLER COUNTY. 1. Name, address and telephone number of applicant: Pete C. Kuyper, P.O. Box 729, Divide, CO 80814, (719) 687-6011; Direct all pleadings to: Michael F. Browning, Porzak Browning & Johnson LLP, 929 Pearl Street, Suite 300, Boulder, Colorado 80302. 2. Name of structures: Kuyper Well Nos. 1 through 11. 3. Description of conditional water rights: (a) Decree: Decreed by the District Court in and for Water Division No. 1 in Case No. 85CW452 on October 5, 1988. A previous diligence decree was entered in Case No. 94CW180 on October 12, 1995. (b) Decreed locations: Kuyper Well No. 1 is located in the NW1/4NW1/4 of Section 7, T. 13 S., R. 69 W., 6th P.M. at a point 1,000 feet south of the north section line and 300 feet east of the west section line of said Section 7. Kuyper Well No. 2 is located in the SW1/4NW1/4 of Section 7, T. 13 S., R. 69 W., 6th P.M. at a point 1,400 feet south of the north section line and 400 feet east of the west section line of said Section 7. Kuyper Well No. 3 is located in the SW1/4NW1/4 of Section 7, T. 13 S., R. 69 W., 6th P.M. at a point 1,950 feet south of the north section line and 550 feet east of the west section line of said Section 7. Kuyper Well No. 4 is located in the NW1/4SW1/4 of Section 7, T. 13 S., R. 69 W., 6th P.M. at a point 3,400 feet south of the north section line and 700 feet east of the west section line of said Section 7. Kuyper Well No. 5 is located in the SW1/4SW1/4 of Section 7, T. 13 S., R. 69 W., 6th P.M. at a point 4,100 feet south of the north section line and 800 feet east of the west section line of said Section 7. Kuyper Well No. 6 is located in the SW1/4SW1/4 of Section 7, T. 13 S., R. 69 W., 6th P.M. at a point 4,800 feet south of the north section line and 900 feet east of the west section line of said Section 7. Kuyper Well No. 7 is located in the NW1/4NW1/4 of Section 7, T. 13 S., R. 69 W., 6th P.M. at a point 900 feet south of the north section line

and 1,300 feet east of the west section line of said Section 7. Kuyper Well No. 8 is located in the NE1/4SW1/4 of Section 7, T. 13 S., R. 69 W., 6th P.M. at a point 3,200 feet south of the north section line and 1,500 feet east of the west section line of said Section 7. Kuyper Well No. 9 is located in the NE1/4NW1/4 of Section 7, T. 13 S., R. 69 W., 6th P.M. at a point 800 feet south of the north section line and 2,500 feet east of the west section line of said Section 7. Kuyper Well No. 10 is located in the SE1/4NW1/4 of Section 7, T. 13 S., R. 69 W., 6th P.M. at a point 2,200 feet south of the north section line and 2,400 feet east of the west section line of said Section 7. Kuyper Well No. 11 is located in the NE1/4SW1/4 of Section 7, T. 13 S., R. 69 W., 6th P.M. at a point 3,250 feet south of the north section line and 2,300 feet east of the west section line of said Section 7. (c) Source: Groundwater tributary to Rule Creek, a tributary of Trout Creek, a tributary of Horse Creek, a tributary of the South Platte River. (d) Appropriation date: November 11, 1985 for each well. (e) Amount: 200 gpm each, with total diversions all wells not to exceed 400 acre feet annually. (f) Use: Irrigation, municipal, fire protection, commercial, industrial, domestic, recreational, fish propagation, and aesthetic uses. The wells may also be used to fill and maintain Kuyper Reservoir Nos. 1, 2 and 3, but only if the prior written consent is obtained from the State or Division Engineers. The wells are alternate and supplemental points of diversion for one another. The wells are part of an integrated municipal water supply system. 4. Detailed outline of work done to complete project and apply water to beneficial use: Since the decree was entered in October 1995, applicant has undertaken the following specific activities which demonstrate diligence with regard to the subject conditional rights: (a) Applicant filed for and obtained findings of reasonable diligence in Case Nos. 97CW139, 94CW026, and 00CW212 concerning other aspects of the integrated water supply system of which the subject reservoir is decreed to be a part. All diligence activities found in those cases are also claimed herein with respect to the subject wells. (b) Applicant added over 600 feet of ten inch water main, ten multi-family taps and additional commercial square footage to the water service system of which the subject wells are a part. (c) Applicant implemented a management treatment and reporting plan to meet State Health Department requirements for compliance with Colorado Primary Drinking Water Regulations. (d) Applicant improved, and enhanced security to, the water treatment facility of which the subject wells are a part. (e) Applicant continued to use the subject wells that have already been drilled and completed, (Well Nos. 1 and 14) and make the exchanges and augmentation releases required. (f) In September 2001, Applicant submitted a well permit application to drill an additional well serving the system (Well No. 3) and has developed plans to drill that well once the permit is issued. (g) Applicant has expended in excess of \$430,000 toward development of the municipal water supply system of which the subject wells are a part, a significant portion of which was spent since the last diligence decree was entered.

2001CW175 J. KENT & DEBORAH H. O'KELLY, 2425 Rocky View Road, Castle Rock, CO 80104-9057. Application for Underground Water Right, **IN DOUGLAS COUNTY**. O'Kelly Well #180491 is located in the SW1/4NW1/4, S32, T7S, R66W, 6th P.M., 2620' from N section line and 800' from W section line a/k/a Castle Oaks 8th Amendment, Lot 9B, Block 5. Source: Lower Dawson non-tributary groundwater Depth: 785' Appropriation: 8/9/1994 Amount claimed: 15 gpm (0.94 a/f annually) Proposed use: Domestic with irrigation of 0.2 acres (8,000sq.ft.) of lawn and gardens. Remarks: Three large commercial wells have been drilled approximately one mile* from existing well. At the time of this application, they have not yet been placed in production. One commercial well goes to the Laramie Fox Hills formation (2430 ft.) and should be no factor if properly cased and sealed. At least one of the other two wells has been drilled to the Lower Dawson, the formation in which our well was completed. *Two wells are approximately one mile away, one is approximately 1½ mile away. (2 pages)

2001CW176 (95CW026) (79CW299) FRONTIER MATERIALS, INC., c/o Henry Braly, 1800 Pike Road, Longmont, Colorado 80501. **BOULDER COUNTY**, c/o Richard Koopmann, Parks & Open Space Department, 2045 13th Street, P.O. Box 471, Boulder, Colorado 80306. (Steven P. Jeffers, Esq., Bernard, Lyons, Gaddis & Kahn, P.C., P.O. Box 978, Longmont, CO 80502-0978, 303-776-9900.) **APPLICATION TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE., IN BOULDER COUNTY.** 2. **Name of structures**: Frontier-Hygiene Reservoir. 3. **Describe conditional water right (as to each structure)**: a) **Date of original decree, case no. and court**: The original decree was entered March 31, 1981 (clerical error corrected October 1, 1984), in Case No. 79CW299, District Court, Water Division No. 1. Diligence Decree entered October 25, 1995, in Case No. 95CW26, District Court, Water Division No. 1. b) **Decreed Location**: NE¼

Section 36, Township 3 North, Range 70 West, 6th P.M., Boulder County. The high water line is described as follows: Beginning at a point whence the E¼ Corner of Section 36, Township 3 North, Range 70 West, 6th P.M., bears South 66°0' East 160 feet; thence North 88°50' West 2,460 feet; thence North 01°50' West 685 feet; thence North 83°30' East 255 feet; thence North 18°15' East 1,000 feet; thence South 62°10' East 2,220 feet; thence South 04°05' West 679 feet to the point of beginning, containing 65.1 acres, more or less. (Basis of bearings: the East line of Section 36 as being North 0°0' East). c) **Decreed Source:** Surface water tributary to St. Vrain Creek. d) **Decreed Appropriation Date:** August 31, 1974. e) **Decreed Amount:** 1,600 acre feet, CONDITIONAL. f) **Decreed Uses:** Agricultural, including leasing to others for irrigation use; industrial, including use in mining, washing and processing sand and gravel; and recreational, including boating, fishing, and fish propagation. 4. **Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures:** The Frontier-Hygiene Reservoirs were purchased by Boulder County from Frontier Materials in 1992. Since then, the County has developed and used the property as the Pella-Ponds Open Space. During the period 1996 through 2001, Boulder County installed utility and water lines, designed and constructed a new spillway and constructed recreational facilities, including a shelter, parking lot, trails, signs, landscaping and new restroom facilities. Water from the ponds has been used for irrigation of the surrounding open space lands. The ponds were also stocked with fish. The total amount of expenditures related to this conditional water right during the past six years has been in excess of \$254,122. 5. **If a claim to make absolute, water applied to beneficial use:** The full 1,600 acre feet are claimed ABSOLUTE in this application. Water was stored and put to beneficial use for irrigation and recreational purposes on or before June 1, 2001. 6. **Name and address of the owner of the land upon which the structure is located and upon which water is stored:** Boulder County, P.O. Box 471, Boulder, CO 80306.

2001CW177 CHRISTOPHER H. NELSON, 2417 N. Rocky View Road, Castle Rock, CO 80104. Application for Underground Water Right, **IN DOUGLAS COUNTY.** Nelson Well #180149 is located in the NW1/4SW1/4, S32, T7S, R66W, 6th P.M., 2450' from S section line and 1300' from W section line, a/k/a Lot 9A, Block 5, 8th Amendment. Source: Lower Dawson Depth: 800' Appropriation: 6/15/1994 Amount claimed: 12 gpm (1.5 a/f annually) If well is non-tributary -Name of aquifer: Lower Dawson Proposed use: Domestic including drinking water, sewer ect. The watering of 4 large non-commercial domestic animals and irrigation of 11,600 acres of lawns and gardens. (2 pages)

2001CW178 AUTUMN AND ASSOCIATES, INC. (Harold F. Hurst, P.O. Box 416, Kiowa, CO 80117). APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NOT-NONTRIBUTARY AND NONTRIBUTARY SOURCES AND APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION, **IN ELBERT COUNTY.**

I. APPLICATION FOR WATER RIGHTS:

1. NAME, ADDRESS, TELEPHONE NUMBER OF APPLICANT:

Autumn and Associates, Inc.
P.O. Box 430
Parker, CO 80134
(303)646-6457

2. LOCATIONS, DEPTHS, PUMPING RATES, ANNUAL APPROPRIATION AND SOURCE OF WELLS:

Well Permits: Well permits will be applied for prior to construction of wells.

3. LEGAL DESCRIPTION OF WELLS AND SUBJECT PROPERTY:

The property which is the subject of this application is approximately 120 acres of land described as:

A tract of land located in the North Half of Section 12, Township 7 South, Range 65 West of the 6th P.M., County of Elbert, State of Colorado, being more particularly described as follows: Beginning at the Northeast corner of the Northwest 1/4 of said Section 12 and considering the North line of said Northwest 1/4 to bear S89°34'12"W with all bearings contained herein relative thereto; thence S89°34'12"W along said North line a distance of 1057.68 feet; thence S00°46'12"E a distance of 1763.81 feet; thence N89°38'51"E a distance of 1481.38 feet; thence N00°46'12"W a distance of 1762.63 feet to the North line of the Northwest 1/4 of Section 12; thence N90°00'00"W along said North line a distance of 423.71 feet to the point of beginning, together with a tract of land situated in the Northwest 1/4 of Section 12, Township 7 South, Range 65 West of the 6th Principal Meridian more particularly described as: Beginning at the Northwest corner of said Northwest 1/4 and considering the West line of said Northwest 1/4 to bear S01°05'28"E with all bearings herein relative thereto; thence S01°05'29"E along said West line a distance of 1761.76 feet; thence N89°38'51"E a distance of 1568.35 feet; thence N00°46'12"W a distance of 1763.81 feet to the North line of said Northwest 1/4; thence S89°34'12"W along the North line of said Northwest 1/4 a distance of 1578.23 feet to the point of beginning; except the North 30 feet thereof for county road.

The wells which will withdraw the groundwater subject to this application will be located at any location on the above described property subject to the provisions of Colorado Revised Statutes 37-90-137(4) and/or (10).

4. SOURCE OF WATER RIGHTS:

The source of the groundwater to be withdrawn from the Upper Dawson Aquifer underlying the subject property is not-nontributary groundwater as described in Colorado Revised Statutes 37-90-137(9)(c)

The source of the groundwater to be withdrawn from the Lower Dawson Aquifer, Denver Aquifer, the Arapahoe Aquifer and the Laramie-Fox Hills Aquifer underlying the subject property is nontributary groundwater as described in Colorado Revised Statutes 37-90-103(10.5).

5. ESTIMATED AMOUNTS:

The estimated average annual amounts of water available from the subject aquifers as indicated below, are based upon the Denver Basin Rules, 2C.C.R. 402-6. For purposes of this application, annual appropriation estimates of Applicants are based on SB.5 data as follows: Applicants estimate that there is approximately 33 acre-feet per year available in the Larimie-Fox Hills aquifer; 66 acre-feet per year available in the Arapahoe aquifer; 63 acre-feet per year in the Denver aquifer, 10 acre-feet per year available in the Lower Dawson aquifer and 36 acre-feet per year available in the Upper Dawson aquifer. The average estimated amounts available for withdrawal from the subject aquifers will depend on the hydrology and the legal entitlement of the Applicants and represents a claim to all not-nontributary and nontributary groundwater underlying the Subject property.

6. WELL FIELDS

Applicants request this Court determine that Applicants have the right to withdraw all of the legally available ground water lying below the Subject Property, through the wells requested herein 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 C.R.S. 37-90-137(4).

7. PROPOSED USE OF THE WATER:

The water will be used, reused, successively used, leased, and after such 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, and any other beneficial purpose. 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 use of water from other sources, and for augmentation purposes. Applicants, for themselves, their successors and assigns claim the right to totally consume up to 98% of the groundwater withdrawn for such uses.

8. JURISDICTION:

The Water Court has jurisdiction over the subject matter of this application including continuing jurisdiction.

9. Applicants claim the right to withdraw more than the average annual amounts estimated herein pursuant to Rule 8A of the Statewide Rules, 2C.C.R. 402-7.

10. Applicants have estimated the amounts of water available for withdrawal from the subject aquifers based on the S.B.5 database. 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 same.

11. PROOF OF OWNERSHIP:

Proof of ownership in the form of copies of recorded deeds are attached hereto together with a map of the described property. Other interests in the real property including those who have a lien or mortgage interest are provided a separate notice of this Application in keeping with the rules.

II. APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION

12. NAME AND ADDRESS AND TELEPHONE NUMBER OF APPLICANT:

Same as applicant above.

13. NAME OF STRUCTURES TO BE AUGMENTED:

Permits will be applied for for twelve Upper Dawson Wells to be constructed. Such well permits sought will be consistent with the plan for augmentation set out herein and existing statutes and Denver Basin Rules.

14. PREVIOUS DECREES FOR WATER RIGHTS TO BE USED FOR AUGMENTATION:

None

15. HISTORIC USES:

None

16. STATEMENT OF PLAN FOR AUGMENTATION:

Applicant is subdividing the above described parcel of land into twelve residential lots. Application for a well permit in the Upper Dawson will be made for each lot for domestic single family household use (including authorized in home business use), irrigation of landscape and garden not to exceed 1,000 square feet and stock watering; the total consumptive use for each lot is projected to be less than one acre-foot per year per lot containing a single residential structure

and the aggregate depletion to the not-nontributary system will be limited to twelve acre-feet per year.

Applicant proposes to replace injurious depletions to the Upper Dawson system with nontributary Denver Aquifer water for which a decree is sought herein. Applicant will apply for a well permit for the Denver Aquifer well to be constructed and dedicated to the purpose of augmentation of 12 acre-feet per year.

Applicant has created a homeowners association to administer the cost of the Denver Aquifer well to be used for augmentation. Benefits and obligations pursuant to the decree sought herein will be transferred at an appropriate time by substitution of parties according to the rules of civil procedure.

[

WHEREFORE, Applicants request this Court enter a Decree thus:

1. Granting this Application and awarding the rights claimed.
2. Determining that Applicants have complied with C.R.S. 37-90-137(4); that as a matter of hydrological and geological fact; the water claimed herein is legally available for withdrawal by the wells proposed herein; that jurisdiction will be retained with respect to the average annual amounts of withdrawal specified herein as may be required to adjust 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 C.R.S. 37-92-305(11) and Denver Basin rule 9.A..
3. Determining that the groundwater in the Lower Dawson, Denver, Arapahoe and Laramie-Fox Hills is nontributary groundwater; that the groundwater in the Upper Dawson aquifer is not-nontributary groundwater.
4. Determining that Applicants have the right to use, reuse and successively use to extinction groundwater as requested herein.
5. Determining that the 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.
6. Determining that during each year, Applicants may withdraw from the wells requested herein, both the average annual amount of groundwater allocated plus additional amounts of groundwater, provided, however, the sum of the total withdrawals from a particular aquifer shall never exceed the product of the number of years since issuance of well permits or the entry of a decree herein, whichever occurs first, times the average annual amount of withdrawal from such aquifer.
7. Decree the approval of the Plan for Augmentation set out herein.

FURTHER, Applicants pray the Court grant such other relief as to the Court seems proper.

2001CW179 Hayesmout Ridge Estates, LLC, 1380 17th Street, Denver, CO, 80202 (Kim R. Lawrence, Lind, Lawrence & Ottenhoff, LLP, 1011 11th Avenue, Greeley, CO, 80631). Application for Underground Water Rights from the Denver, Laramie Fox-Hills, Upper Arapahoe and Lower Arapahoe in the Denver Basin and Augmentation Plan in Adams County. 2. Well Permit: Applicant will apply for well permits from the State Engineer. 3. Legal Description of Land Upon Which Wells Will Be Located: That part of the N ½ of Section 3, T.2S, R.65W, of the 6th P.M., Adams County, Colorado being all of Tracts E, F and G on that boundary exhibit entitled County Line Farms prepared by John J. Haines and recorded March 1, 1982, in Book 2625 at page 366 of the official records of Adams County, Colorado and being more particularly described as follows: Beginning at the point of intersection of the South Right-of-Way Line of 168th Avenue

and the East Right-of-Way Line of Hayesmount Road, said point lying S44E57'44"W a distance of 42.49 feet from the Northeast corner of said N ½ of Section 3; thence S00E03'02"W, parallel to and 30.00 feet distant from, as measured at right angles to the East Line of said N ½ of Section 3 a distance of 1595.08 Feet; thence N89E30'50" W a distance of 1965.06 Feet; thence S00E05'51" W a distance of 787.04 Feet to a point on the South Line of said N ½ of Section 3; thence N89E12'28"W, along said South Line, a distance of 655.94 Feet; thence N00E07'08"E a distance of 2350.62 Feet to a point on the South Right-of-Way Line of 168th Avenue, said point lying 30.00 Feet as measured at right angles to the North Line of said N 1/2 of Section 3; thence N89E52'32"E, along said South Right-of-Way Line parallel to and 30.00 Feet distant from as measured at right angles to said North Line of said N ½ of Section 3, a distance of 2618.74 Feet to the Point of Beginning. The above described parcel contains 106.9067 acres. 4. Source: Denver, Laramie Fox-Hills, Upper Arapahoe and Lower Arapahoe aquifers underlying the property. 5. Depth: Will be based upon existing data in the Denver Basin Rules, 2 C.C.R. 402-6. 6. Amount Claimed: Applicants claims all of the ground water in the Denver, Laramie Fox-Hills, Upper Arapahoe and Lower Arapahoe aquifers underlying the property. The estimated average annual amount available using the Denver Basin Rules, 2 C.C.R. 402-6 is: Denver 4.00; Laramie Fox-Hills 23.60 acre feet; Upper Arapahoe 6.50 acre feet and Lower Arapahoe 17.6 acre-feet. This amount may vary up or down depending upon the Determinations of Fact filed by the State Engineer and the actual aquifer characteristics underlying the property. 7. Proposed Use: Applicants may use all the ground water in the Denver, Laramie Fox-Hills, Upper Arapahoe and Lower Arapahoe aquifers underlying the property for domestic, irrigation, fire protection, or any other beneficial use. The water will be used through the wells but may also be put to direct use or stored for exchange, augmentation, or replacement purposes, both on and off the property. This water may be used, reused, successively used, and disposed of to extinction after all required return flow obligations are made. 8. Plan for Augmentation: Applicant will replace the actual depletion from pumping of the Denver and Upper Arapahoe wells by means of septic system returns. Post pumping depletions will be replaced by reservation of sufficient amounts of the Lower Arapahoe and the Laramie Fox-Hills appropriation. 9. Remarks: A. Applicants claim the right to withdraw more than the average annual amount estimated above or decreed in this case 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 beneath the property using currently available data from the Denver Basin Rules, Applicants request the right to revise the average annual amount of withdrawal upward or downward, based on better or revised data including the Determinations of Fact filed by the State Engineer in this case, without the necessity of amending or republishing this Application. C. Applicants intend by this application to establish and quantify its rights to all ground water in the Denver, Laramie Fox-Hills, Upper Arapahoe and Lower Arapahoe aquifers underlying the property and Applicants believe all such ground water lies within the Denver, Laramie Fox-Hills, Upper Arapahoe and Lower Arapahoe aquifers, as defined by the Denver Basin Rules. 10. Applicants requests a Decree that: A. The ground water from the Laramie Fox-Hills, and Lower Arapahoe is nontributary ground water as defined in §37-90-103(10.5), C.R.S. The non non-tributary water from the Denver and Upper Arapahoe may be used pursuant to the proposed plan of augmentation. B. Applicants have the vested right to use all of the ground water in the Denver, Laramie Fox-Hills, Upper Arapahoe and Lower Arapahoe aquifers underlying the property for the uses described herein. C. The Court will retain jurisdiction with respect to the average annual amount of withdrawal to provide for the adjustment of such amount to confirm to actual aquifer characteristics obtained from wells or test holes drilled on or near the property, pursuant to §37-95-305(11), C.R.S.

2001CW180 WILLIAM CASE DUDLEY, P.O. Box 997, Conifer, Colorado 80433. (Rick Fendel, PETROCK & FENDEL, P.C., 6130 Welton Street, Suite 200, Denver, CO 80202-4223. Application for Finding of Reasonable Diligence **IN JEFFERSON COUNTY**.

2. Structure/Conditional Water Rights: Dudley Pond;

3. Description of conditional water rights from original decree: Dudley Pond; Original Decree: Case No. 94CW141, District Court Water Division 1, entered October 12, 1995; Location: NW 1/4, Section 11, Township 6 south Range 71 west, 6th PM, Jefferson County. The dam is

approximately 200 feet from the north section line and 2350 feet from the west section line; Source: An unnamed tributary of North Turkey Creek and springs in the NE 1/4, Section 11; Amount: 1.60 acre feet conditional; Priority date: August 30, 1994; Use: Domestic irrigation, recreational, piscatorial aesthetic, fire protection and other uses associated with a residential development, either by diversion from the pond or by augmentation of wells in the Evergreen Springs Ranch subdivision; Exchange to Dudley Pond; Original Decree: Case No. 94CW141, District Court Water Division 1, entered October 12, 1995; Upstream point of diversion: Dudley Pond; Downstream Point of Release of Substitute Supply: Confluence of Bear Creek and the South Platte River located in the NW 1/4, of Section 4, Township 5 south, Range 68 west, 6th PM; Rate: 2 cfs conditional; Priority date: August 30, 1994; Use: All uses for which the Mountain Mutual Reservoir Company water rights (described in Exhibit A) are decreed and augmentation of wells for domestic in-house use within the Dudley property; Source of substitute supply: 54.1 shares of stock of Mountain Mutual Reservoir Company. The water rights of Mountain Mutual Reservoir Company are described in Exhibit A.

4. Outline of work done toward completion of the appropriation and application of water to beneficial use as conditionally decreed; Construction of the Dudley Pond, dam, outlet works, measuring devices was completed in June, 2000. Additional work was performed in 2001 to repair vandalism. Approximate cost: \$69,000; Applicant undertook substantial planning efforts and completed platting the Evergreen Springs subdivision, in which some of the water is to be used. The final plat was approved by the Jefferson County Commissioners in May 2000, and a Certificate of Compliance, confirming compliance with all conditions of approval was issued September 14, 2001. Approximate cost: \$150,000; The conditional water rights were originally decreed to Applicant and Bailey Nelson; During the diligence period Mr. Nelson left the project. Applicant commenced and prosecuted a suit to quiet title to the water rights in the Jefferson County District Court. A decree quieting title in applicant was entered February, 2001. Approximate cost: \$2,000; The property on which some of the water is to be used, Evergreen Springs subdivision, was conveyed by applicant to Colorado Pacific Holdings, Inc. August 25, 1995. Upon default by Colorado Pacific Holdings, applicant commenced and pursued foreclosure proceedings and took back title to the property by Public Trustee's Deed dated July 13, 1998. Approximate cost: \$5,000; Applicant has annually paid assessments on his shares of stock in the Mountain Mutual Reservoir Company. Approximate cost: \$90 per year; Applicant intends to complete the appropriation and apply this water to beneficial use.

5. Additional information: Exhibit A, filed with the Application, describes the water rights of Mountain Mutual Reservoir Company used in the exchange. **WHEREFORE**, Applicant **WILLIAM CASE DUDLEY** prays for a finding of reasonable diligence, for a decree continuing the conditional water rights, and for such other and further relief as appears appropriate. (4 pages; Exhibit A-2 pages)

2001CW181 STEWART FAMILY ENTERPRISES, LLLP, c/o Edward and Shirley Stewart, HC 60 Box 17590, Haines, Alaska 99827. Paul J. Zilis, Vranesh & Raisch, LLP, 1720 14th Street, #200, Boulder, CO 80302. APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT NONTRIBUTARY SOURCES, IN THE NONTRIBUTARY UPPER ARAPAHOE, LOWER ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS AND THE NOT NONTRIBUTARY DENVER AQUIFER, **IN ARAPAHOE COUNTY**. 2. Well permits: Well permits will be applied for prior to construction of the wells. 3. Legal description of overlying property on which wells will be located: The property which is the subject of this Application is approximately 182 acres, located in the E 1/2 NE 1/4 of Section 6 and the NW 1/4 of Section 5, T4S, R64W, 6th P.M., as more fully described in Exhibit A attached hereto ("Property"). The wells which will withdraw the subject groundwater will be located at any location on the Property subject to Section 37-90-137(4), C.R.S. 4.A. Source: The source of the groundwater to be withdrawn from the Upper Arapahoe, Lower Arapahoe, and Laramie-Fox Hill aquifers underlying the Property is nontributary groundwater as described in Section 37-90-103(10.5), C.R.S. The groundwater to be withdrawn from the Denver aquifer underlying the Property is not nontributary groundwater as described in Section 37-90-137(9)(c), C.R.S. B. Depth: Based upon existing data in the Denver Basin Rules, 2 C.C.R. 402-6, the depth of these wells may vary between 4,900 feet above mean sea level ("MSL") and 3,750 feet above MSL.5. Amount claimed: Applicants claim all of the groundwater in the Denver, Upper Arapahoe, Lower Arapahoe and Laramie-Fox Hills aquifers

underlying the Property. The estimated, average annual amounts of withdrawal available from the subject aquifers, as indicated below, are based upon the Denver Basin Rules, 2 C.C.R. 402-6. For purposes of this Application, Applicants estimate that the following annual amounts are representative of the Denver, Upper Arapahoe, Lower Arapahoe and Laramie-Fox Hills aquifers underlying the Property:

<u>Aquifer</u>	<u>Saturated Thickness</u>	<u>Estimated Annual Amount</u>
Denver	240.6 feet	82 acre feet (NNT)
Upper Arapahoe	146.7 feet	50 acre feet (NT)
Lower Arapahoe	58.1 feet	20 acre feet (NT)
Laramie-Fox Hills	152.4 feet	46 acre feet (NT)

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 Property, through the wells requested herein and any additional wells which may be completed in the future. As additional wells are constructed, permit applications will be filed in accordance with Section 37-90-137(10), C.R.S. 7. Proposed use: The water will be used, reused, successfully used, leased, sold, or otherwise disposed of for the following beneficial purposes: municipal, domestic, industrial, commercial, irrigation, livestock watering, recreational, fire protection, and fish and wildlife. 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. 8. Name and address of owner of overlying property on which the wells will be located:

Stewart Family Enterprises, LLLP
 c/o Edward and Shirley Stewart
 HC 60 Box 17590
 Haines, Alaska 99827

9. Remarks: A. Applicants claim the right to withdraw more than the average annual amounts estimated in paragraph 5 above pursuant to Rule 8.A. 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 upon 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. 10. Request for Relief: Applicants request that the Court enter a Decree which determines that: A. The Application herein should be granted and the water rights claimed herein awarded as final water rights, except as to those issues for which jurisdiction of the Court will be specifically retained; B. Applicants have complied with Section 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 withdrawals 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 Section 37-92-305(11). C.R.S. and Denver Basin Rule 9.A.; C. The groundwater in the Upper Arapahoe, Lower Arapahoe, and Laramie-Fox Hills aquifers underlying the Property is nontributary groundwater. The groundwater in the Denver aquifer underlying the Property is not nontributary and water will not be withdrawn until a Plan for Augmentation is approved by the Court. D. 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. (5 pages; Exhibit A-1 page)

2001CW182 ERIC KOOLSTRA, 20505 WCR 7; Berthoud, CO 80513; (970) 532-0879; APPLICATION FOR WATER RIGHTS, WATER STORAGE RIGHT, CONDITIONAL UNDERGROUND WATER RIGHTS, CHANGE OF WATER RIGHT AND PLAN OF AUGMENTATION, **IN WELD COUNTY**. **2. Name of Structure: Koolstra Drain and Seep Tile No. 1; A. Legal Description** of the Point of Diversion: Southwest Quarter of the Northeast Quarter of Section 21, Township 4 North, Range 68 West of the 6th P.M., Weld County, Colorado; B. Source: Drain and Seep Waters accumulating in Sections 17, 20 and 21, Township 4

North, Range 68 West of the 6th P.M. C. Date of Initiation of Appropriation: March 1, 1997. D. How Appropriation was Initiated: Water from drain tile diverted and applied to beneficial use. E. Date Water Applied to Beneficial Use: March 1, 1997. F. Amount Claimed: 1 c.f.s, absolute. G. Uses: Irrigation of 126 acres in the Northeast 1/4 of Section 21, Township 4 North, Range 68 West of the 6th P.M., aquaculture, augmentation, storage. H. Name and Address of Owner of Land Upon Which points of diversion and places of use are located: Applicant. **3.** Name of Structure: Koolstra Drain and Seep Tile No. 2. A. Legal description of the Point of Diversion: Southeast Quarter of the Northeast Quarter of Section 21, Township 4 North, Range 68 West of the 6th P.M., Weld County, Colorado. B. Source: Drain and Seep Waters accumulating in Sections 21 and 22, Range 4 North, Range 68 West of the 6th P.M. C. Date of Initiation of Appropriation: Date of Filing. D. How Appropriation was Initiated: Filing of Application, Engineering Study. E. Amount claimed: 1 cfs, conditional. F. Uses: Irrigation of 126 acres in the Northeast 1/4 of Section 21, Township 4 North, Range 68 West of the 6th P.M., aquaculture, augmentation, storage. G. Name and Address of Owner of Land Upon Which points of diversion and places of use are located: Applicant. **4.** Name of Structure: Koolstra Aquaculture Well No. 1. A. Legal Description: Southeast Quarter of Section 21, Township 4 North, 68 West of the 6th P.M., 2674 feet West and 2768 feet South of the Northeast Quarter Corner of Section 21, Township 4 North, 68 West of the 6th P.M. B. Source: Tributary alluvium. C. Depth: 50 feet. D. Date of Appropriation: The date this application was filed. E. How Appropriation Was Initiated: Filing of Application. F. Amount Claimed: 1000 gallons per minute, conditional. G. Uses: Aquaculture, storage. **5.** Name of Structure: Koolstra Aquaculture Well No. 2. A. Legal Description: Southeast Quarter of Section 21, Township 4 North, 68 West of the 6th P.M., 2262 feet West and 2526 feet South of the Northeast Quarter Corner of Section 21, Township 4 North, 68 West of the 6th P.M. B. Source: Tributary alluvium. C. Depth: 50 feet. D. Date of Appropriation: The date this application was filed. E. How Appropriation Was Initiated: Filing of Application. F. Amount Claimed: 1000 gallons per minute, conditional. G. Uses: Aquaculture, storage. **6.** Name of Structure: Koolstra Aquaculture Well No. 3. A. Legal Description: Southeast Quarter of Section 21, Township 4 North, 68 West of the 6th P.M., 1909 feet West and 2397 feet South of the Northeast Quarter Corner of Section 21, Township 4 North, 68 West of the 6th P.M. B. Source: Tributary alluvium. C. Depth: 50 feet. D. Date of Appropriation: The date this application was filed. E. How Appropriation Was Initiated: Filing of Application. F. Amount Claimed: 1000 gallons per minute, conditional. G. Uses: Aquaculture, storage. **7.** Name of Structure: Koolstra Aquaculture Well No. 4. A. Legal Description: Southeast Quarter of Section 21, Township 4 North, 68 West of the 6th P.M., 1591 feet West and 2451 feet South of the Northeast Quarter Corner of Section 21, Township 4 North, 68 West of the 6th P.M. B. Source: Tributary alluvium. C. Depth: 50 feet. D. Date of Appropriation: The date this application was filed. E. How Appropriation Was Initiated: Filing of Application. F. Amount Claimed: 1000 gallons per minute, conditional. G. Uses: Aquaculture, storage. **8.** Name of Structure: Koolstra Aquaculture Well No. 5. A. Legal Description: Southeast Quarter of Section 21, Township 4 North, 68 West of the 6th P.M., 1319 feet West and 2763 feet South of the Northeast Quarter Corner of Section 21, Township 4 North, 68 West of the 6th P.M. B. Source: Tributary alluvium. C. Depth: 50 feet. D. Date of Appropriation: The date this application was filed. E. How Appropriation Was Initiated: Filing of Application. F. Amount Claimed: 1000 gallons per minute, conditional. G. Uses: Aquaculture, storage. **9.** Name of Structure: Koolstra Aquaculture Well No. 6. A. Legal Description: Southeast Quarter of Section 21, Township 4 North, 68 West of the 6th P.M., 934 feet West and 2813 feet South of the Northeast Quarter Corner of Section 21, Township 4 North, 68 West of the 6th P.M. B. Source: Tributary alluvium. C. Depth: 50 feet. D. Date of Appropriation: The date this application was filed. E. How Appropriation Was Initiated: Filing of Application. F. Amount Claimed: 1000 gallons per minute, conditional. G. Uses: Aquaculture, storage. **10.** Name of Structure: Koolstra Aquaculture Well No. 7. A. Legal Description: Southeast Quarter of Section 21, Township 4 North, 68 West of the 6th P.M., 664 feet West and 2667 feet South of the Northeast Quarter Corner of Section 21, Township 4 North, 68 West of the 6th P.M. B. Source: Tributary alluvium. C. Depth: 50 feet. D. Date of Appropriation: The date this application was filed. E. How Appropriation Was Initiated: Filing of Application. F. Amount Claimed: 1000 gallons per minute, conditional. G. Uses: Aquaculture, storage.

11. Name of Structure: Koolstra Aquaculture Well No. 8. A. Legal Description: Southeast Quarter of Section 21, Township 4 North, 68 West of the 6th P.M., 386 feet West and 2661 feet South of the Northeast Quarter Corner of Section 21, Township 4 North, 68 West of the 6th P.M. B. Source: Tributary alluvium. C. Depth: 50 feet. D. Date of Appropriation: The date this application was filed. E. How Appropriation Was Initiated: Filing of Application. F. Amount Claimed: 1000 gallons per minute, conditional. G. Uses: Aquaculture, storage. **12.** Name of Structure: Koolstra Aquaculture Well No. 9. A. Legal Description: Southeast Quarter of Section 21, Township 4 North, 68 West of the 6th P.M., 180 feet West and 2532 feet South of the Northeast Quarter Corner of Section 21, Township 4 North, 68 West of the 6th P.M. B. Source: Tributary alluvium. C. Depth: 50 feet. D. Date of Appropriation: The date this application was filed. E. How Appropriation Was Initiated: Filing of Application. F. Amount Claimed: 1000 gallons per minute, conditional. G. Uses: Aquaculture, storage. **APPLICATION FOR ABSOLUTE AND CONDITIONAL STORAGE RIGHTS 13.** Name of Structure: Koolstra Home Pond. A. Location of Dam: In the Southwest Quarter of the Northeast Quarter of Section 21, Township 4 North, Range 68 West of the 6th P.M., Weld County, Colorado. B. Name and Capacity of Ditches used to fill reservoir, and legal descriptions of points of diversion: 1) Handy Ditch, 206 cfs, Southwest Quarter of Section 3, Township 5 North, 70 West of the 6th P.M. 2) Koolstra Drain and Seep Tile No. 1, capacity 1 cfs, in the Southwest Quarter of Sections 17, 20 and 21, Range 4 North, Range 68 West of the 6th P.M. 3) Koolstra Drain and Seep Tile No. 2, capacity 1 cfs, in the Southeast Quarter of the Northeast Quarter of Section 21, Township 4 North, Range 68 West of the 6th P.M., Weld County, Colorado. 4) Koolstra Aquaculture Wells 1-9, capacity 1000 gpm each, locations in Northeast Quarter of Section 21, Township 4 North, Range 68 West of the 6th P.M., Weld County, Colorado. 5) Water released from Koolstra Storage pond Koolstra Aquaculture Facilities Enlargement, or Koolstra Aquaculture Ponds or Koolstra Aquaculture Facility, adjudicated herein. C. Sources: Big Thompson River, Little Thompson River, Drain and Seep Waters accumulating in the Southwest Quarter of Sections 17, 20, 21 and 22, Range 4 North, Range 68 West of the 6th P.M. D. Date of Appropriation: August 1, 1997. E. How appropriation was initiated: Diversion of water and application to beneficial use. F. Amount claimed: 1 acre foot, absolute, with right to fill and refill as in priority. G. Uses: Aquaculture, fish and wildlife, recreation, augmentation, replacement. H. Surface area at high water line: .2. I. Total capacity of reservoir in acre feet: 1 acre foot. J. Name and address of land where structure is located: Applicant. **14.** Name of Structure: Koolstra Seep Pond. A. Location of Dam: In the Southeast Quarter of the Northeast Quarter of Section 21, Township 4 North, Range 68 West of the 6th P.M. B. Name and Capacity of Ditches used to fill reservoir, and legal descriptions of points of diversion: C. Sources: Big Thompson River, Little Thompson River, Drain and Seep Waters accumulating in the Southwest Quarter of Sections 17, 20, 21 and 22, Township 4 North, Range 68 West of the 6th P.M. D. Date of Appropriation: Date of filing. E. How appropriation was initiated: Engineering study, filing of application. F. Amount claimed: 1 acre foot, conditional, with right to fill and refill as in priority. G. Uses: Aquaculture, fish and wildlife, recreation, augmentation, replacement. H. Surface area at high water line: .2. I. Total capacity of reservoir in acre feet: 1 acre foot. J. Name and address of land where structure will be located: Wilbur Koolstra. **15.** Name of Structure: Koolstra Storage Pond. A. Location of Dam: In the Northwest Quarter of the Northeast Quarter of Section 21, Township 4 North, Range 68 West of the 6th P.M., Weld County, Colorado. B. Name and Capacity of Ditches used to fill reservoir, and legal descriptions of points of diversion: 1) Handy Ditch, 206 cfs, Southwest Quarter of Section 3, Township 5 North, 70 West of the 6th P.M. 2) Koolstra Drain and Seep Tile No. 1, capacity 1 cfs, in the Southwest Quarter of Sections 17, 20 and 21, Range 4 North, Range 68 West of the 6th P.M. 3) Koolstra Drain and Seep Tile No. 2, capacity 1 cfs, in the Southeast Quarter of the Northeast Quarter of Section 21, Township 4 North, Range 68 West of the 6th P.M., Weld County, Colorado. 4) Koolstra Aquaculture Wells 1-9, capacity 1000 gpm each, locations in Northeast Quarter of Section 21, Township 4 North, Range 68 West of the 6th P.M., Weld County, Colorado. 5) Water released from the Koolstra Seep Pond, adjudicated herein. C. Sources: Big Thompson River, Little Thompson River, Drain and Seep Waters accumulating in the Southwest Quarter of Sections 17, 20, 21 and 22, Range 4 North, Range 68 West of the 6th P.M. D. Date of Appropriation: Date of filing. E. How appropriation was initiated: Filing of application, engineering

study. F. Amount claimed: 34 acre feet, conditional, with right to fill and refill as sources are in priority. G. Uses: Irrigation of 126 acres in the Northeast Quarter of Section 21, Township 4 North, Range 68 West of the 6th P.M., aquaculture, augmentation, replacement. H. Surface area at high water line: 4 acres. I. Total capacity of reservoir in acre feet: 34. 1) Active Capacity: 30 acre feet. 2) Dead Storage: 0. J. Name and address of land where structures will be located: Wilbur Koolstra. **16.** Name of Reservoir: Koolstra Aquaculture Facility. A. Location of Dam: In the Southwest Quarter of the Northeast Quarter of Section 21, Township 4 North, Range 68 West of the 6th P.M., Weld County, Colorado. B. Name and Capacity of Ditches used to fill reservoir, and legal descriptions of points of diversion: 1) Koolstra Drain and Seep Tile No. 1, capacity 1 cfs, in the Southwest Quarter of Sections 17, 20 and 21, Range 4 North, Range 68 West of the 6th P.M. 2) Koolstra Drain and Seep Tile No. 2, capacity 1 cfs, in the Southeast Quarter of the Northeast Quarter of Section 21, Township 4 North, Range 68 West of the 6th P.M., Weld County, Colorado. 3) Koolstra Aquaculture Wells 1-9, capacity 1000 gpm each, locations in Northeast Quarter of Section 21, Township 4 North, Range 68 West of the 6th P.M., Weld County, Colorado. 4) Water released from Koolstra Storage pond, adjudicated herein. C. Sources: Big Thompson River, Little Thompson River, Drain and Seep Waters accumulating in the Southwest Quarter of Sections 17, 20, 21 and 22, Range 4 North, Range 68 West of the 6th P.M. D. Date of Appropriation: March 1, 1997. E. How appropriation was initiated: Diversion of water and application to beneficial use. F.

Amount claimed: .5 acre feet, absolute, with right to fill and refill as sources are in priority. G. Uses: Aquaculture, augmentation, replacement. H. Surface area at high water line: 3360 square feet. 1) Maximum height of dam in feet: Covered fish runs. Four runs, each run 120' feet by 7'. 2) Length of dam in feet: Fish run. I. Total capacity of reservoir in acre feet: .5 acre feet. J. Name and address of land where structure is located: Wilbur Koolstra. **17.** Name of Reservoir: Koolstra Aquaculture Facility Enlargement. A. Location of Dam: In the Southwest Quarter of the Northeast Quarter of Section 21, Township 4 North, Range 68 West of the 6th P.M., Weld County, Colorado. B. Name and Capacity of Ditches used to fill reservoir, and legal descriptions of points of diversion: 1) Koolstra Drain and Seep Tile No. 1, capacity 1 cfs, in the Southwest Quarter of Sections 17, 20 and 21, Range 4 North, Range 68 West of the 6th P.M. 2) Koolstra Drain and Seep Tile No. 2, capacity 1 cfs, in the Southeast Quarter of the Northeast Quarter of Section 21, Township 4 North, Range 68 West of the 6th P.M., Weld County, Colorado. 3) Koolstra Aquaculture Wells 1-9, capacity 1000 gpm each, locations in Northeast Quarter of Section 21, Township 4 North, Range 68 West of the 6th P.M., Weld County, Colorado. 4) Water released from Koolstra Storage pond and Koolstra Aquaculture Facility, adjudicated herein. C. Sources: Big Thompson River, Little Thompson River, Drain and Seep Waters accumulating in the Southwest Quarter of Sections 17, 20, 21 and 22, Range 4 North, Range 68 West of the 6th P.M. D. Date of Appropriation: Date of filing. E. How appropriation was initiated: Engineering study and planning, filing of application. F. Amount claimed: 5.5 acre feet, conditional, with right to fill and refill as sources are in priority. G. Uses: Aquaculture, augmentation, replacement. H. Surface area at high water line: 38,400.00 square feet. 1) Maximum height of dam in feet: Uncovered fish runs, thirty two runs each run 120' feet by 10'. 2) Length of dam in feet: Fish run. I. Total capacity of reservoir in acre feet: 5.5 acre feet. J. Name and address of land where structure will be located: Wilbur Koolstra. **18.** Name of Structure: Koolstra Aquaculture Ponds 1-8. A. Location of Dams: In the Northeast Quarter of Section 21, Township 4 North, Range 68 West of the 6th P.M., Weld County, Colorado. B. Name and Capacity of Ditches used to fill reservoirs, and legal descriptions of points of diversion: 1) Handy Ditch, 206 cfs, Southwest Quarter of Section 3, Township 5 North, 70 West of the 6th P.M. 2) Koolstra Drain and Seep Tile No. 1, capacity 1 cfs, in the Southwest Quarter of Sections 17, 20 and 21, Range 4 North, Range 68 West of the 6th P.M. 3) Koolstra Drain and Seep Tile No. 2, capacity 1 cfs, in the Southeast Quarter of the Northeast Quarter of Section 21, Township 4 North, Range 68 West of the 6th P.M., Weld County, Colorado. 4) Koolstra Aquaculture Wells 1-9, capacity 1000 gpm each, locations in Northeast Quarter of Section 21, Township 4 North, Range 68 West of the 6th P.M., Weld County, Colorado. 5) Water released from Koolstra Storage pond, Koolstra Aquaculture Facility or Koolstra Aquaculture Facility Enlargement, adjudicated herein. C. Sources: Big Thompson River, Little Thompson River, Drain and Seep Waters accumulating in the Southwest Quarter of Sections 17, 20, 21 and 22, Range 4 North, Range 68 West of the 6th P.M. D. Date of Appropriation: Date of

filing. E. How appropriation was initiated: Filing of application, engineering study. F. Amount claimed: 42 acre feet, combined, conditional, with right to fill and refill as sources are in priority. G. Uses: Aquaculture, augmentation, replacement. H. Combined surface area at high water line: 4.1 acres. I. Total capacity of reservoirs in acre feet: 42 acre feet. J. Name and address of land where structures will be located: Wilbur Koolstra. **APPLICATION FOR CHANGE OF WATER RIGHT 19.** Decreed name of Structure: Handy Ditch. **20.** From previous decrees: Applicant seeks to change 4.5 shares of the capital stock of the Handy Ditch Company out of the total outstanding 900 shares in said company. These shares represent a 4.5/900 proportionate interest in each of the following described water rights owned by the Handy Ditch Company. A. Direct flow rights, by original appropriation, decreed to the Handy Ditch from the Big Thompson River. 1) Date entered: May 28, 1883, Court: District Court in and for Boulder County. 2) Decreed point of diversion: The Handy Ditch headgate located on the right bank of the Big Thompson River immediately downstream from the mouth of the Big Thompson Canyon in the Southwest quarter of Section 3, Township 5 North, Range 70 West of the 6th P.M., in Larimer County (see map attached hereto as Exhibit 1). 3) Source: Big Thompson River. 4) Appropriation dates and amounts: a) Appropriation date: February 28, 1878, Priority No. 39 for 31.2 cfs. The proportionate amount subject to this Application is 0.260 cfs. b) Appropriation date: December 15, 1880, Priority No. 472 for 141.234 cfs. The proportionate amount subject to this Application is 1.177 cfs. B. Direct flow rights transferred from the Big Thompson Ditch and Manufacturing Company Ditch to the Handy Ditch. 1) Original Decree. a) Date entered: May 28, 1883, Court: District Court in and for Boulder County. b) Decreed point of diversion: In Section 15, Township 5 North, Range 69 West of the 6th P.M. in Larimer County. c) Source: Big Thompson River. d) Appropriation dates and amounts: i. Appropriation date: April 1, 1863, Priority No. 2, for 34.02 cfs. ii. Appropriation date: May 1, 1864, Priority No. 4, for 37.01 cfs. iii. Appropriation date: March 1, 1867, Priority No. 102, for 65.47 cfs. iv. Appropriation date: May 1, 1872, Priority No. 20, for 9.75 cfs. 2) Change in point of diversion from the Big Thompson Ditch and Manufacturing Company Ditch to the Handy Ditch. a) Date entered: March 23, 1914, Court: District Court in and for Boulder County. b) Decreed point of diversion: The Handy Ditch headgate, located on the right bank of the Thompson River immediately downstream from the mouth of Big Thompson Canyon in the Southwest 3 of Section 3, Township 5 North, Range 70 West of the 6th P.M., in Larimer County (see map attached hereto as Exhibit 1.) c) Source: Big Thompson River. d) Appropriation dates and amounts: i. Appropriation date: April 1, 1863, Priority No. 2, for 1.39 cfs. The proportionate amount subject to this Application is 0.006 cfs. ii. Appropriation date: May 1., 1864, Priority No. 4, for 1.52 cfs. The proportionate amount subject to this Application is 0.006 cfs. iii. Appropriation date: March 1, 1867, Priority No. 102, for 2.69 cfs. The proportionate amount subject to this Application is 0.011 cfs. iv. Appropriation date: May 1, 1872, Priority No. 20, for 0.40 cfs. The proportionate amount subject to this Application is 0.002 cfs. One-half of the above described water rights transferred from the Big Thompson Ditch and Manufacturing Company to the Handy Ditch are owned by the Handy Ditch Company, and one-half are privately owned. The privately owned portion of the water rights are not included in this application. C. Direct flow right transferred from the Big Thompson Irrigating Ditch to the Handy Ditch. 1) Original Decree. a) Date entered: May 28, 1883, Court: District Court in and for Boulder County. b) Decreed point of diversion: Section 19, Township 5 North, Range 68 West of the 6th P.M., in Larimer County. c) Source: Big Thompson River. d) Appropriation date and amount: February 25, 1865, Priority No. 5, for 78 cfs. 2) Change in point of diversion from the Big Thompson Irrigating Ditch to the Handy Ditch. a) Date entered: March 21, 1898, Court: District Court in and for Larimer County. b) Decreed point of diversion: The Handy Ditch headgate, located on the right bank of the Thompson River immediately downstream from the mouth of Big Thompson Canyon in the Southwest 3 of Section 3, Township 5 North, Range 70 West of the 6th P.M., in Larimer County (see map attached hereto as Exhibit 1.) c) Source: Big Thompson River. d) Appropriation date and amount: February 25, 1865, Priority No. 5, for 20 cfs. The remaining 58 cfs originally decreed as Priority No. 5 was abandoned. The proportionate amount subject to this Application is 0.167 cfs. D. Storage rights in Welch Reservoir. 1) Dates entered: April 1, 1931, Case No. 9079, and November 14, 1939, Case No. 10077, Court: District Court in and for Boulder County. 2) Decreed point of diversion: The headgate of the Handy Ditch, as described above. Welch

Reservoir is located parts of Sections 3, 4, 9, and 10, Township 4 North, Range 69 W, 6th P.M. (see map attached hereto as Exhibit 1). 3) Source: Big Thompson River. 4) Appropriation dates and amounts: a) Appropriation date: October 1, 1881, Welch Reservoir No. 1, Reservoir Priority No. 20, 1,901 acre feet. The proportionate amount subject to this Application is 15.84 acre feet. b) Appropriation date: November 25, 1888, Welch Reservoir No. 2, Reservoir Priority No. 22, 662 acre feet. The proportionate amount subject to this Application is 5.52 acre feet. c) Appropriation date: November 25, 1888, Welch Reservoir No. 5, Reservoir Priority No. 23, 26.5 acre feet. The proportionate amount subject to this Application is 0.22 acre feet. d) Appropriation date: April 17, 1902, Welch Reservoir Nos. 1, 2, and 5 (First Enlargement), Reservoir Priority No. 24, 1,263 acre feet. The proportionate amount subject to this Application is 10.53 acre feet. e) Appropriation date: February 1, 1904, Welch Reservoir Nos. 3 and 4, Reservoir Priority No. 25, 472 acre feet. The proportionate amount subject to this Application is 3.93 acre feet. f) Appropriation date: June 1, 1921, Welch Reservoir Nos. 1, 2, 3, 4, and 5 (Second Enlargement), Reservoir Priority No. 28, 631 acre feet. The proportionate amount subject to this Application is 5.26 acre feet. g) Appropriation date: June 15, 1923, Welch Reservoir Nos. 1, 2, 3, 4, and 5 (Refill), Reservoir Priority No. 49, 4,955 acre feet. The proportionate amount subject to this Application is 41.29 acre feet. E. Storage rights in Hertha Reservoir. 1) Dates entered: April 1, 1931, Case No. 9079, and November 14, 1939, Case No. 10077, Court: District Court in and for Boulder County. 2) Decreed point of diversion: Northeast 3 of Section 13, Township 4 North, Range 69 West, 6th P.M. Hertha Reservoir is located in parts of Sections 7 and 18, Township 4 North, Range 69 West, 6th P.M., and part of Section 13, Township 4 North, Range 70 West, 6th P.M. (See map attached hereto as Exhibit 1.) 3) Source: Dry Creek and Knaus Creek. 4) Appropriation dates and amounts: a) Appropriation date: November 9, 1909, Reservoir Priority No. 26, 593 acre feet. The proportionate amount subject to this Application is 4.94 acre feet. b) Appropriation date: May 18, 1925, Reservoir Priority No. 29 (First Enlargement), 1,543 acre feet. The proportionate amount subject to this Application is 12.86 acre feet. c) Appropriation date: June 15, 1923, Reservoir Priority No. 51 (Refill), 593 acre feet. The proportionate amount subject to this Application is 4.94 acre feet. F. Storage and exchange rights in Ryan Gulch Reservoir. The Handy Ditch Company owns 39 of the 100 outstanding shares in Ryan Gulch Reservoir described as follows: 1) Dates entered: June 29, 1916, Case No. 4862, and November 14, 1939, Case No. 10077, Court: District Court in and for Boulder County. Date entered: January 22, 1980, Case No. W-8418-76, Court: Division No. 1 Water Court. 2) Point of diversion: Ryan Gulch Reservoir is located on the channel of Ryan Gulch in Section 27, Township 5 North, Range 69 West, 6th P.M. 3) Source: Ryan Gulch. 4) Appropriation dates and amounts: a) April 12, 1904, Reservoir Priority No. 16, Amount: 730 acre feet. The proportionate amount subject to this Application is 2.37 acre feet. b) June 18, 1907, Reservoir Priority No. 43 (Refill), Amount 730 acre feet. The proportionate amount subject to this Application is 2.37 acre feet. c) August 5, 1916, Exchange from Ryan Gulch Reservoir to the headgate of the Handy Ditch, Amount: 20 cubic feet per second. Water is released from Ryan Gulch Reservoir through Ryan Gulch into the Big Thompson River. In exchange, water is diverted in an equal amount through the Handy Ditch, at rates up to 20 cubic feet per second. The proportionate amount subject to this Application is 0.167 cfs. **21. Historic Use:** The historic consumptive use of each Handy Ditch share was determined in W-7439 to be 6.88 acre feet. Applicant will rely on this previous determination. **22. Proposed change:** Applicant proposes to change the use of 4.5 Handy Ditch shares from irrigation use to irrigation, augmentation, storage, replacement and aquaculture uses. Return flow obligations associated with the 4.5 Handy Ditch shares are 15.58 acre feet per year, distributed as follows:

Table 3 Summary of Koolstra Operations		
	Handy Deliveries 4.5 Shares (af) [1]	Handy Returns 4.5 shares (af) [2]
Jan	0.00	0.68
Feb	0.00	0.52
Mar	0.00	0.51
Apr	0.06	0.44
May	4.81	1.05
Jun	12.71	2.16
Jul	11.92	2.59
Aug	6.87	2.28
Sep	4.77	1.95
Oct	2.08	1.56

Nov	0.00	1.02
Dec	0.00	0.82
Annual	43.22	15.58

[1] Farm headgate deliveries
 [2] Net lagged gw &sw returns

Applicant will release the amounts necessary to maintain historic return flows from the Handy Ditch shares themselves, when being delivered, or from Koolstra Drain and Seep Tiles Nos. 1 and 2, Koolstra Storage Pond, Koolstra Seep Pond, Koolstra Aquaculture Facility Enlargement, Koolstra Aqua Culture Ponds, Koolstra Home Pond, or Koolstra Aquaculture Facility directly to the Little Thompson River. **23.** Names and addresses of the owners of the land upon which the structures are located: The easements and structures of the Handy Ditch are owned and operated by the Handy Ditch Company, 598 Suntrail Dr., Loveland, CO. The remaining structures are on lands owned by Wilbur Koolstra. **APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION. 24.** Name of structures to be augmented: Koolstra Drain and Seep Tiles Nos. 1 and 2, Koolstra Wells 1-9, Koolstra Aquaculture Facility Enlargement, Koolstra Aquaculture Ponds 1-8, Koolstra Home Pond, Koolstra Seep Pond. **25.** Previous Decrees: None. **26.** Statement of Plan for Augmentation: Applicant operates an existing aquaculture facility ("Koolstra Aquaculture Facility"). Water is diverted from the Koolstra Seep and Drain Tile No. 1, circulated through 4 covered fish runs, then directed to the Little Thompson River with no consumptive use. Applicant plans to expand the operation to include uncovered runs at Koolstra Aquaculture Facility (the "Koolstra Aquaculture Facility Enlargement"), and a series of warm water ponds ("Koolstra Aquaculture Ponds"). At full build-out, diversions from a series of alluvial wells ("Koolstra Wells 1-9") and two seepage tiles (Koolstra Drain and Seep Tiles Nos. 1 and 2) will serve the Koolstra Aquaculture Facility, the Koolstra Aquaculture Facility Enlargement, and the Koolstra Aquaculture Ponds sequentially before being returned to the Little Thompson River via the Koolstra Home Pond. In addition to diverting direct flows from the Koolstra Wells and Koolstra Drain and Seep Tile Nos. 1 and 2 into and through the Koolstra Aquaculture Facility, the Koolstra Aquaculture Facility Enlargement, the Koolstra Aquaculture Ponds, and the Koolstra Home Pond the applicant will have the ability to store flows diverted from the Koolstra Seep and Drain Tile No. 2 in the Koolstra Seep Pond, and the ability to store flows from the Handy Ditch in the Koolstra Storage Pond, before releasing this water to the aforementioned structures or to the Little Thompson River to meet augmentation or return flow obligations. Applicant proposes to use the Handy Ditch Shares changed by virtue of this application to augment out of priority evaporative consumption occurring in the Koolstra Aquaculture Facility Enlargement, the Koolstra Aquaculture Ponds, the Koolstra Home Pond, and the Koolstra Seep Pond. Evaporation loss on the Koolstra Aquaculture Facility Enlargement, the Koolstra Aquaculture Ponds, the Koolstra Home Pond and the Koolstra Seep Pond at full build out will be 26.88 acre feet per year, distributed as follows:

<p>Table 1 Summary of FWS Evaporation</p>
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	Net Evaporation (<i>af/ac</i>) [1]	Net Evaporation fish runs (<i>af</i>) [2]	Net Evaporation Ponds (<i>af</i>) [3]	Total Evaporation (<i>af</i>) [4]
Jan	0.00	0.00	0.02	0.02
Feb	0.05	0.05	0.46	0.52
Mar	0.12	0.12	1.05	1.17
Apr	0.27	0.26	2.25	2.52
May	0.31	0.30	2.60	2.91
Jun	0.42	0.41	3.55	3.96
Jul	0.50	0.50	4.25	4.74
Aug	0.47	0.47	4.00	4.47
Sep	0.31	0.31	2.62	2.93
Oct	0.22	0.22	1.88	2.10
Nov	0.14	0.14	1.19	1.33

Dec	0.02	0.02	0.19	0.21
Annual	2.83	2.81	24.07	26.88

- [1]Net free water surface evaporation - includes effective precip
- [2]Net evaporation from 4 120'x7' existing runs & 32 120'x10' proposed runs
- [3]Net evaporation from 8.5 acre of additional ponds including 4.5 acres of fish

ponds

and seep pond, 4 acres of Koolstra Storage Pond
 [4]column[2]+column[3]

During times of a valid downstream senior call, the Applicant will release fully consumptive use water in the amounts and at the time set forth above directly to the Little Thompson River to prevent any injury to other holders of vested water rights. During the irrigation season, the Applicant will use the Handy Ditch shares to make these releases. When the Handy Ditch is not delivering water, the Applicant will release water from the Koolstra Storage Pond. (23 pages)

2001CW183 WOOD LAKE MUTUAL WATER & IRRIGATION COMPANY. Name, address and telephone number of applicant: Wood Lake Mutual Water & Irrigation Company, 34743 WCR 29, Greeley, CO 80631; (970) 493-3883. 3883 (P. Andrew Jones, Lind, Lawrence & Ottenhoff LLP, 1011 11th Avenue, Greeley, CO 80631; (970) 356-9160). Application for Storage Right, **IN WELD COUNTY.** 2. Name of Structure: Wood Lake Reservoir. 3. Wood Lake Reservoir was previously decreed for irrigation uses in Case No. 1591, Larimer County District Court for storage to a depth of 20 feet above the base of its outlet tube, or 2754.82 acre feet of water, with a priority date of December 22, 1892, and for additional storage to 25 feet above the base of its outlet tube, or an additional 459.14 acre feet of water, with a priority date of October 15, 1903. A refill in the amount of 1377.41 acre feet was decreed for irrigation uses in Case No. 11,217, Larimer County District Court, with a priority date of December 31, 1916. Decreed sources for the fill of the Reservoir are the Eaton Ditch, and seepage and flood waters accumulating in the natural depressions in proximity to the Reservoir. In this filing, Applicant seeks to adjudicate an additional source of fill for the Reservoir, namely, waste waters that have historically flowed into the Reservoir, and to add wildlife habitat, recreation, and piscatorial uses to the decreed irrigation use. **APPLICATION TO ADD SOURCES OF FILL TO DECREEED STORAGE RIGHT.** 4. Name of Source: Wood Reservoir Waste Diversion No. 1. 5. Legal Description of Point of Diversion: In the Northeast ¼ of the Southwest ¼ of Section 32, Township 7 North, Range 66 West of the 6th P.M. 6. Source: Waste water accumulating in seep ditches, tiles, and natural depressions in Section 29 and the North ½ of Section 32, Township 7 North, Range 66 West of the 6th P.M. 7. Date of initiation of Appropriation: December 22, 1892. 8. How Appropriation was initiated: Diversion and application to beneficial use. 9. Amount Claimed: 1 c.f.s., absolute. 10. Use: Storage in Wood Reservoir and subsequent release for irrigation of lands historically irrigated by Wood Reservoir, Recreation, Wildlife Habitat, Piscatorial Uses. 11. Name and Address of owner of land upon which points of diversion are located: J. Gale Moody, P.O. Box 210, Eaton, CO 80615. 12. Name of Source: Wood Lake Reservoir Waste Diversion No. 2. 13. Legal Description of the Point of Diversion: In the Southwest Quarter of the Southwest Quarter of Section 32, Township 7 North, Range 66 West of the 6th P.M. 14. Source: Waste water accumulating in seep ditches, tiles, and natural depressions in the South ½ of Section 30, Section 31, and the West ½ of Section 32, Township 7 North, Range 66 West of the 6th P.M. 15. Date of Initiation of Appropriation: December 22, 1892. 16. How appropriation was initiated: Diversion and application to beneficial use. 17. Amount Claimed: 2 c.f.s, absolute. 18. Use: Storage in Wood Reservoir and subsequent release for irrigation of lands historically irrigated by Wood Reservoir, Recreation, Wildlife Habitat, Piscatorial Uses. 19. Name and Address of owner of land upon which points of diversion are located: Douglas C. Lehman and Lisa K. Lehman, 13462 WCR 74, Eaton, CO 80615. **APPLICATION TO ADD USES TO DECREEED**

STORAGE RIGHT. 20. Applicant seeks to add Recreation, Wildlife Habitat, and Piscatorial uses to the decreed uses for the Wood Reservoir original right (Case No. 1591), the Wood Reservoir enlargement (Case No. 1591), and the Wood Reservoir Refill (Case No. 11,217).

2001CW184 HARTSEL SPRINGS RANCH, Hartsel Springs Ranch of Colorado, Inc., P.O. Box 5 Hartsel, CO 80449. Application to make Absolute a Conditional Water Right Absolute, **IN PARK COUNTY.**

2. Structure/Conditional Water Rights: Well No. 044833-F;
3. Description of Conditional Water Rights from original decree: 3.1 Original decree: Case No. 95CW11, entered October 3, 1995. Applicants in 95CW11 were American Standard Life & Accident Insurance Company ("ASL"), North Fork Associates, and Mountain Mutual Reservoir Company. Hartsel Springs Ranch of Colorado, Inc. is successor to ASL. 3.2 Location: SE 1/4 SE 1/4, Section 10, Township 12 South, Range 75 West 6 PM., Park County at a point approximately 700 feet from the south section line and 600 feet from the east section line. 3.3 Source: Groundwater tributary to the South Fork, South Platte River. 3.4 Amount: 15 gpm 3.5

Use: Domestic, commercial, fire protection. 3.6 Priority date: September 24, 1994 3.7

Augmentation plan: Case No. 95CW11 includes a plan for augmentation for the well.

4. Claim to make absolute: Applicant and ASL used water from the well for its decreed purposes in the amount of 15 gpm each year since the decree was issued, both in priority and out of priority pursuant to the augmentation plan. Depletions from the well were in priority at various times, including all or portions of April-August 1998, June-October 1999, and April and May 2000.

WHEREFORE, Applicant requests that its conditional water right for well No. 044833-F be made absolute, or in the alternative that a finding of reasonable diligence be made and the conditional water right continued, and for such other and further relief as appears appropriate.

2001CW185 CONCERNING THE APPLICATION FOR WATER RIGHTS OF GMJ FAMILY TRUST, DEREK AND SUSAN SWANGER, ROY ENTER, AND LYLIA JENSEN, AS SUCCESSORS IN INTEREST TO PLANET COMPANIES, APPLICATION FOR CHANGE OF WATER RIGHT, **IN ADAMS COUNTY.** 1. Names and addresses of Applicants: GMJ Family Trust, 47517 County Road 17, Elizabeth, Colorado 80107; Derek and Susan Swanger and Roy Enter, 1150 S. Xenia Street, Denver, Colorado 80231; Lyllia Jensen, 3244 Country Club Parkway, Castle Rock, Colorado 80104 (Holly I. Holder, Holder & Ciliberto, P.C., 518 17th St., #1500, Denver, CO 80203 (303) 534-3636). Applicants are the owners of approximately 144 acres of land located in the SW1/4, except for the southerly 276 feet thereof, of Section 32, T3S, R64W of the 6th P.M. as shown on Attachment A hereto (Subject Property), and are successors in interest to part of the water rights in the nontributary Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Subject Property, as decreed to Planet Companies on November 20, 1983, in Case No. 80CW232, District Court, Water Division 1. Applicant GMJ Family Trust is the owner of 76 acres of the Subject Property and associated groundwater herein; Derek and Susan Swanger and Roy Enter are owners of 44 acres and associated groundwater herein; and Lyllia Jensen is the owner of 4 acres and associated groundwater herein. 2. Decree information for structures for which change is sought: The following wells and water as decreed to Planet Companies on November 20, 1983, in Case No. 80CW232, District Court, Water Division 1. A. Planet Well No. A-22802-F: Located in the SW1/4SW1/4 of Section 32, T3S, R64W, at a point 1200 feet from the south and 800 feet from the west section lines of said Section 32. The well is decreed for 57.6 acre-feet per year of nontributary Arapahoe aquifer groundwater to be withdrawn at a rate of flow of 3 gpm. B. Planet Well No. B-22803-F: Located in the SW1/4SW1/4 of Section 32, T3S, R64W, at a point 1200 feet from the south and 850 feet from the west section lines of said Section 32. The well is decreed for 32.4 acre-feet per year of nontributary Laramie-Fox Hills aquifer groundwater to be withdrawn at a rate of flow of 20 gpm. (Applicants are the owners of 12.44 acre-feet of this amount and are only requesting a change of this amount. The remaining amount is associated with land in the S1/2 of Section 31, T3S, R64W). C. Planet Well No. F-26582-F: Located in the SW1/4SW1/4 of Section 32, T3S, R64W, at a point 1300 feet from the south and 1100 feet from the west section lines of said Section 32. The well is decreed for 22 acre-feet per year of nontributary Denver aquifer groundwater to be withdrawn at a rate of flow of 30 gpm. 4. Proposed change: By this application, Applicants request that the water associated with the wells described above be withdrawn through one or more wells to be located at any location on the

Subject Property at rates of flow necessary to withdraw the entire decreed amounts. No other parts of the decree will be changed herein. WHEREFORE, Applicants pray that this Court enter a decree granting this application and for a finding that the change requested herein will not injuriously affect other owners or users of vested or conditional water rights, and for such other relief as it deems proper in the premises.

2001CW186 (95CW048 and 81CW332) HEWLETT-PACKARD, 3404 e. Harmony Road, Fort Collins, CO 80528. Application for Finding of Reasonable Diligence, IN LARIMER COUNTY. Chimney Park Well No. 124643 decreed 2/6/1989 in Case No. 81CW332, Water Division 1. Location: SE1/4NW1/4, S9, T4N, R70W, 6th P.M., at a point approximately 1400' from the n line and 2600' from the W line of S9. Source: Groundwater, Fountain Formation. Appropriation: 8/11/1981 Amount: 0.033 cfs (15 gpm) Use: Commercial, drinking and sanitary facilities in an individual commercial business, i.e., a company recreation area. Depth: 350' Outline of what has been done toward completion: Hewlett-Packard continues to own this property. The company's future use of this property is under study and evaluation. Hewlett-Packard has expended funds in planning for company recreation facilities, which planning has included this property. Because the well has already been drilled, no additional work has been necessary to make this water available for use once the property is developed. (2 pages)

2001CW187 PUBLIC SERVICE COMPANY OF COLORADO, D.B.A. XCEL ENERGY INC., Water Resources, 4653 Table Mountain Drive, Golden, Colorado 80403, (720) 497-2125 (Brian M. Nazarenus and Roger T. Williams of Friedlob, Sanderson, Paulson & Tourtillott, LLC, 1400 Glenarm Place, Suite 300, Denver, Colorado 80202, (303) 571-1400), Application for a Finding of Reasonable Diligence a Determination that a Conditional Water Right has been made Absolute IN MORGAN COUNTY. 2. Name of Structure: Pawnee Raw Water Reservoir No. 1. Refill; 3. Description of Conditional Water Right. 3.A. The Pawnee Raw Water Reservoir No. 1. Refill water right was originally decreed on October 1, 1984 by the Water Court for Water Division No. 1 in Case No. 82CW307. 3.B. Location: The structure is located in Sections 17 and 18, Township 3 North, Range 56 West of the 6th P.M., Morgan County, being more particularly described as follows: Beginning at the NE Corner of Section 18; thence South 52E16'45" West a distance of 1,653.72 feet; thence North 74E19'09" East a distance of 116.32 feet; thence North 74E19'09" East a distance of 2,856.70 feet; thence on a curve to the right, with a central angle of 103E48'18" and radius of 730.17 feet; an arc distance of 1,322.90 feet; thence South 01E52'32" East a distance of 1,191.77 feet; thence on a curve to the right, with a central angle of 91E52'32", radius of 107.00 feet, an arc distance of 171.58 feet; thence West a distance of 3,293.26 feet; thence on a curve to the right, with a central angle of 74E19'09", radius of 82.00 feet, an arc distance of 106.36 feet; thence North 15E40'51" West a distance of 1,088.34 feet; thence on a curve to the right, with a central angle of 90E00'00", radius of 82.00 feet, an arc distance of 128.8 feet to the true point of beginning. Containing 138.92 acres, more or less, at a water level of 4,292.0 feet. 3.C. Source: South Platte River via diversion from the alluvium thereof by Pawnee Wells A, B, C, D, and E located in the North ½ of Section 29, Township 4 North, Range 56 West of the 6th P.M., Morgan County, being more particularly described as follows. Pawnee Well A-24258-F: 3730 feet from the South section line and 280 feet from the West Section line of Section 29. Pawnee Well B-24259-F: 4210 feet from the South section line and 1240 feet from the West section line of Section 29. Pawnee Well C-24260-F: 4490 feet from the South section line and 2200 feet from the West section line of Section 29. Pawnee Well D-24261-F: 4470 feet from the South section line and 3150 feet from the West section line of Section 29. Pawnee Well E-24262-F: 5060 feet from the South section line and 4100 feet from the West section line of Section 29. 3.D. Appropriation Date and Amount: 3.D.1. Appropriation Date: June 2, 1977 3.D.2. Amount: 702.0 acre feet CONDITIONAL 3.E. Decreed Use: Recreation, irrigation, industrial (including generation of electrical power and energy), stock water, fish farming, fire protection, dust control and domestic. This includes the right to use, reuse, and successively use to extinction all water diverted under this priority. 4. Amount of Conditional Water Right Made Absolute: The Applicant diverted 702.0 acre feet of water

through Pawnee Wells A, B, C, D, and E and used that water to refill Pawnee Raw Water Reservoir No. 1, subsequently applying it to beneficial use in accordance with the decreed uses. 5. **Additional Diligence:** 5.A. In addition to diverting, storing and applying 702.0 acre feet of water to beneficial use in accordance with the decreed beneficial uses, the Applicant has performed substantial maintenance and made substantial improvements to Pawnee Wells A, B, C, D, and E and to Pawnee Raw Water Reservoir No. 1, thereby improving both the ability of the wells to divert water for the refill right and the ability of the reservoir to store water for subsequent application to beneficial use. .B. The combined cost of the above mentioned improvement and maintenance projects during the diligence period exceeded \$94,000. 5.C. The Applicant paid substantial property taxes during the diligence period for the properties and water rights that are the subject of this Application. 5.D. The Applicant paid over \$17,900 in legal fees over the diligence period in part to defend the water rights that are the subject of this application. WHEREFORE, PSCo, d.b.a. Xcel Energy, requests that the Court enter a decree finding that reasonable diligence was performed during the diligence period in development of the conditional water right which is the subject of this application. The Applicant further requests that the Court enter a determination that 702.0 acre feet of the right has been made absolute.

2001CW188 CITY OF LONGMONT AND PUBLIC SERVICE COMPANY OF COLORADO, City of Longmont, c/o Sylvia D. Lewerke, Water Resources Administrator, 1100 South Sherman Street, Longmont, Colorado 80501, (303) 651-8357, [c/o Raymond L. Petros, Jr., Petros & White, LLC, 730 17th Street, Suite 820, Denver, Colorado 80202-3518, (303) 825-1980], and Public Service Company of Colorado, c/o Randy Rhodes, 4653 Table Mountain Dr., Golden, Colorado 80403, (720) 497-2123 [c/o Brian M. Nazarenius, Friedlob Sanderson Paulson & Tourtillot, LLC, 1400 Glenarm Place, Suite 300, Denver, Colorado 80202, (303) 571-1400]. Application for Change of Water Rights (Clough Private Ditch, Clough and True Ditch, Montgomery Private Ditch, Smead Ditch) in St. Vrain Creek and its Tributaries, **in Boulder County.** 2. Introduction: Public Service Company of Colorado (“Public Service Company”) has agreed to convey to the City of Longmont (“Longmont”) its interests in the Clough Private Ditch, the Clough and True Ditch, the Montgomery Private Ditch, and the Smead Ditch (collectively, the “Subject Water Rights”). In anticipation of this conveyance, Public Service Company and Longmont are submitting this application to change the Subject Water Rights for use by Longmont. 3. Decreed Name Decreed Name of Structures for Which Change is Sought: a. Clough Private Ditch; b. Clough and True Ditch (a/k/a Clough and True Private Ditch); c. Montgomery Private Ditch; d. Smead Ditch. 4. From Previous Decree: a. Clough Private Ditch. i. Date entered: June 2, 1882. Case No.: C.A. 1391, District Court in and for Boulder County, Water District No. 5. ii. Point of diversion: The decreed point of diversion is in Section 27, T.3N., R.70W. in Boulder County, Colorado. The point of diversion is more particularly described as diverting from the South Branch of St. Vrain Creek at a point in the Southwest quarter of Section 27, T.3N., R.70W. of the 6th P.M., Boulder County, Colorado, described as follows: commencing at the South one-quarter corner of Section 27, whence the Southwest corner of Section 27 bears South 89°55’05” West 2,664.04 feet; thence North 07°42’34” West 2,052.84 feet to said point of diversion. The South Branch of St. Vrain Creek diverts from St. Vrain Creek at a point in the Northeast quarter of the Southeast quarter of Section 21, T.3N., R.70W. of the 6th P.M., Boulder County, Colorado, described as follows: commencing at the Southwest corner of the Northeast quarter of the Southeast quarter of Section 21, whence the Southeast corner of the Northeast quarter of the Southeast quarter of said Section 21 bears South 89°55’07” East 1,320.24 feet; thence North 15°47’41” East 409.05 feet to said point of diversion. iii. Source: St. Vrain Creek. iv. Appropriation date: April 15, 1863. Amount: 320 customary inches running in said ditch on a grade of 1 inch fall per rod, interpreted by the State Engineer as the equivalent of 10.5 c.f.s.; the Applicants’ share of this amount is 29/60th, or 5.075 c.f.s. v. Historic use: The 5.075 c.f.s. that is the subject of this Application was historically used to irrigate land located in portions of Section 27, T.3N., R.70W. of the 6th P.M. A map showing the approximate location of historic use of the right is attached hereto as Exhibit A. A summary of the ditch diversion records for the years 1950 to 2000 is attached hereto as Exhibit B. b. Clough and True Ditch. i. Date entered: June 2, 1882. Case No.: C.A. 1392, District Court in and for Boulder County, Water District No. 5. ii. Point of diversion: The decreed point of diversion is in Section 27, T.3N., R.70W. in Boulder County, Colorado. The point of diversion is more

particularly described as diverting from the South Branch of St. Vrain Creek at a point in the Northwest quarter of Section 27, T.3N., R.70W. of the 6th P.M., Boulder County, Colorado, described as follows: commencing at the Northwest corner of Section 27, whence the North one-quarter corner of Section 27 bears south 89°50'59" east 2,658.31 feet; thence south 64°21'19" east 58.19 feet to said point of diversion. The South Branch of St. Vrain Creek diverts from St. Vrain Creek at a point in the Northeast quarter of the Southeast quarter of Section 21, T.3N., R.70W. of the 6th P.M., Boulder County, Colorado, described as follows: commencing at the Southwest corner of the Northeast quarter of the Southeast quarter of Section 21, whence the Southeast corner of the Northeast quarter of the Southeast quarter of said Section 21 bears South 89°55'07" East 1,320.24 feet; thence North 15°47'41" East 409.05 feet to said point of diversion. iii. Source: St. Vrain Creek. iv. Appropriation date: April 15, 1862. Amount: 320 customary inches running in said ditch on a grade of 3/4 inch fall per rod, interpreted by the State Engineer as the equivalent of 9.11 c.f.s.; the Applicants' share of this amount is 29/60th, or 4.403 c.f.s. v. Historic use: The 4.403 c.f.s. that is the subject of this Application was historically used to irrigate land located in portions of Section 27, T.3N., R.70W. of the 6th P.M. A map showing the approximate location of historic use of the right is attached hereto as Exhibit A. A summary of the ditch diversion records for the years 1950 to 2000 is attached hereto as Exhibit C. c. Montgomery Private Ditch. i. Date entered: June 2, 1882. Case No.: C.A. 1401, District Court in and for Boulder County, Water District No. 5. ii. Point of diversion: The decreed point of diversion is in Section 20, T.3N., R.70W. in Boulder County, Colorado. The point of diversion is more particularly described as diverting from St. Vrain Creek at a point in the Northeast quarter of Section 20, T.3N., R.70W. of the 6th P.M., Boulder County, Colorado, described as follows: commencing at the East one-quarter corner of Section 20, whence the center one-quarter corner of said Section 20 bears North 85°26'54" West 2,668.22 feet; thence North 63°30'04" West 380.86 feet to said point of diversion. iii. Source: St. Vrain Creek. iv. Appropriation date: May 15, 1862. Amount: 200 customary inches running in said ditch on a grade of 1/2 inch fall per rod, interpreted by the State Engineer as the equivalent of 3.96 c.f.s.; the Applicants' share of this amount is 5/6th, or 3.3 c.f.s. v. Historic use: The 3.3 c.f.s. that is the subject of this Application was historically used to irrigate land located in portions of Sections 20, 21, and 28, T.3N., R.70W. of the 6th P.M. A map showing the approximate location of historic use of the right is attached hereto as Exhibit A. A summary of the ditch diversion records for the years 1950 to 2000 is attached hereto as Exhibit D. d. Smead Ditch. i. Date entered: June 2, 1882. Case No.: C.A. 1314, District Court in and for Boulder County, Water District No. 5. ii. Point of diversion: The decreed point of diversion is in Section 20, T.3N., R.70W. in Boulder County, Colorado. The point of diversion is more particularly described as diverting from St. Vrain Creek in the SW1/4 NE/14 of Section 20, T.3N., R.70W. of the 6th P.M., Boulder County, Colorado, at a point whence the North 1/4 corner of said Section bears North 13E59' West 2580 feet more or less; the North line of the Northwest 1/4 of said Section as bearing North 84E West with all bearings relative thereto. iii. Source: St. Vrain Creek. iv. Appropriation date: October 1, 1862. Amount: 600 customary inches running in said ditch on a grade of 1/2 inch fall per rod, interpreted by the State Engineer as the equivalent of 16.27 c.f.s.; the Applicants' share of this amount is 1/2, or 8.135 c.f.s. Longmont previously changed a 1/4 interest (4.07 c.f.s.) in this ditch to municipal purposes in Case No. 81CW357, adjudicated May 20, 1983, District Court in and for Water Division No. 1. v. Historic use: The 8.135 c.f.s. that is the subject of this Application was historically used to irrigate land located in portions of Sections 20, 21, and 28, T.3N., R.70W. of the 6th P.M. A map showing the approximate location of historic use of the right is attached hereto as Exhibit A. A summary of the ditch diversion records for the years 1950 to 2000 is attached hereto as Exhibit E. 5. Proposed Change: The Applicants propose an alternate use of the Subject Water Rights, at Longmont's election, for direct use and storage for municipal use, both within and without Longmont's city limits. "Municipal use" includes all municipal uses, such as, but not by way of limitation, domestic, commercial, manufacturing, industrial, agricultural, watering of parks and lawns and gardens, fire protection, generation of electric power and power generally, recreation, fish and wildlife propagation, sewage treatment, street sprinkling, maintenance of adequate storage reserves, replacement, augmentation and exchange. When Longmont elects the alternative of municipal use, it will divert or bypass water at any one or a combination of the following alternate points of diversion or places of storage on St. Vrain Creek or its tributaries, in addition to the decreed points of diversion for the Subject Water Rights: a. Alternate Points of Diversion—Direct Flow. i. The "South Pipeline," also known as the Longmont Pipe Line, the headgate or point of intake of which is on the South Fork of St. Vrain Creek at a point whence the West quarter corner of Section 19, T.3N., R.70W. of the 6th P.M., bears South 70°30' West a distance of 1,657 ft. ii. The "North Pipeline," also

known as the Longmont Water Works Pipe Line, the headgate or point of intake of which is on the North Fork of St. Vrain Creek at a point whence the Northeast corner of Section 16, T.3N., R.71W. of the 6th P.M., bears North 45°37' East a distance of 2,532 ft. iii. The headgate of the Supply Ditch located on St. Vrain Creek in the N1/2 of Section 20, T.3N., R.70W. of the 6th P.M., Boulder County, Colorado, at a point whence the Northwest corner of said Section 20 bears North 86°46' West a distance of 470 ft. more or less; the North line of the NW1/4 of said Section 20 as bearing North 84° West with all bearings relative thereto. iv. The headgate of the Rough & Ready Ditch located on St. Vrain Creek in the N1/2 of Section 20, T.3N., R.70W. of the 6th P.M., Boulder County, Colorado, at a point whence the Northwest corner of said Section 20 bears North 49°57' West a distance of 3,730 ft. more or less; the North line of the NW1/4 of said Section 20 as bearing North 84° West with all bearings relative thereto. v. The headgate of the St. Vrain and Palmerton Ditch, also known as the Palmerton Ditch, located on St. Vrain Creek in the N1/2 of Section 20, T.3N., R.70W. of the 6th P.M., Boulder County, Colorado, at a point whence the Northwest corner of said Section 20 bears North 49°51' West a distance of 3,750 ft. more or less; the North line of the NW1/4 of said Section 20 as bearing North 84° West with all bearings relative thereto. vi. The headgate of the Highland Ditch located on St. Vrain Creek in the N1/2 of Section 20, T.3N., R.70W. of the 6th P.M., Boulder County, Colorado, at a point whence the Northwest corner of said Section 20 bears North 39°18' West a distance of 1,720 ft. more or less; the North line of the NW1/4 of said Section 20 as bearing North 84° West with all bearings relative thereto. vii. The headgate of the Niwot Ditch located on St. Vrain Creek in the SE1/4 SE1/4 of Section 36, T.3N., R.70W. of the 6th P.M., Boulder County, Colorado. viii. The headgate of the Oligarchy Ditch located on the North side of St. Vrain Creek in the SE1/4 NE1/4 of Section 27, T.3N., R.70W. of the 6th P.M., Boulder County, Colorado, at a point whence the East quarter corner of said Section 27 bears South 27°26' East a distance of 560 ft. more or less; the East line of the NE1/4 of said Section 27 as bearing North 0°32'42" West with all bearings relative thereto. ix. The headgate of the Denio-Taylor Mill Ditch located on the St. Vrain Creek in the NW1/4 of Section 35, T.3N., R.70W. of the 6th P.M., Boulder County, Colorado. b. Alternate Points of Diversion—Storage. i. Buttonrock Reservoir, also known as the Ralph Price Reservoir, and any enlargement thereof, located instream on the North St. Vrain Creek in Sections 17, 18, 19 and 20, T.3N., R.71W. of the 6th P.M., and Sections 13 and 24, T.3N., R.72W. of the 6th P.M. ii. Copeland Reservoir, located in Sections 14, 15, 22 and 23, T.3N., R.73W. of the 6th P.M. Copeland Reservoir receives water through the Copeland Ditch, the point of diversion being located on the North St. Vrain Creek in the NE1/4 of Section 22, T.3N., R.73W. of the 6th P.M., Boulder County, Colorado, at a point whence the Northeast corner of said Section 22 bears North 44°56' East a distance of 2,690 feet more or less; the East line of said NE1/4 of Section 22 as bearing North 0° East with all bearings relative thereto. iii. McCall Reservoir, located in Sections 22, 23, 26 and 27, T.3N., R.70W. of the 6th P.M. McCall Reservoir receives water through the St. Vrain and Palmerton Ditch, the headgate location of which is described above. iv. Burch Lake, also known as the Oligarchy Reservoir No. 1, located in Sections 25 and 26, T.3N., R.70W. of the 6th P.M. Burch Lake receives water through the St. Vrain and Palmerton Ditch and the Highland Ditch, the headgates of which are described above. Water for Burch Lake may also be diverted at the headgates of the Supply Ditch and the Rough & Ready Ditch, which headgates are described above, and then transported by proposed pipelines to Burch Lake. v. Union Reservoir and any enlargement thereof, located in Sections 29, 30, 31 and 32, T.3N., R.68W. of the 6th P.M., and upon parts of Sections 5 and 6, T.2N., R.68W. of the 6th P.M., Weld County, Colorado. Union Reservoir receives water through the Oligarchy Ditch, the headgate of which is described above, and a ditch from Spring Gulch, a tributary of St. Vrain Creek. The headgate of the ditch from Spring Gulch is located at a point whence the Southwest corner of Section 31, T.3N., R.68W. of the 6th P.M., bears South 12° West a distance of 800 feet. In addition, water may be diverted into the reservoir from the following: the headgates of the Supply Ditch and Highland Ditch, which headgates are described above, with the water then transported to the reservoir via proposed pipelines; the proposed St. Vrain Creek Pump Station No. 1 with an inlet to be located at a point on the North bank of St. Vrain Creek approximately 1,400 feet East and 1,560 feet South of the Northwest corner of Section 11, T.2N., R.69W. of the 6th P.M., Boulder County, Colorado; the proposed St. Vrain Creek Pump Station No. 2 with an inlet to be located at a point on the West Bank of St. Vrain Creek approximately 190 ft. North and 2,700 ft. East of the Southwest corner of Section 4, T.2N., R.68W. of the 6th P.M., Weld County, Colorado; and by exchange of augmentation credit in St. Vrain Creek against releases out of Union Reservoir. vi. McIntosh Reservoir, located in parts of Sections 29 and 30, T.3N., R.69W. of the 6th P.M., Boulder County, Colorado. McIntosh Reservoir receives water through the Oligarchy Ditch and a lateral therefrom, the headgate of

which is described above. vii. Southwestern Portland Pits A and C to be constructed by CEMEX, Inc. (formerly known as Southdown, Inc.). Pits A and C will be located in Section 28, T.3N., R.70W. of the 6th P.M. Pits A and C will receive water through one or more of the following: the Foothills Reservoir Feeder Canal, the headgate of which is located on the south or right bank of St. Vrain Creek at a point in the NW1/4 SE1/4 of Section 21, T.3N., R.70W. of the 6th P.M.; the Swede Ditch, the headgate of which is located on the South side of St. Vrain Creek in the SW1/4 NE1/4 of Section 20, T.3N., R.70W. of the 6th P.M., Boulder County, Colorado, at a point whence the North quarter corner of said Section 20 bears North 13°59' West a distance of 2,590 feet more or less, the North line of the NW1/4 of said Section 20 as bearing North 84° West with all bearings relative thereto; the Smead Ditch, the headgate of which is described above; and the South Ledge Ditch (a/k/a Bradford & Stiles Ditch), the headgate of which is located on the south bank of the South St. Vrain Creek at a point South 73° East a distance of 953 feet from the West quarter corner of Section 19, T.3N., R.70W. of the 6th P.M., Boulder County, Colorado. viii. Pleasant Valley Reservoir (a/k/a Terry Lake) is located in portions of Sections 9, 15 and 16, T.3N., R.69W. of the 6th P.M., Boulder County, Colorado. Pleasant Valley Reservoir receives water from the St. Vrain Creek through the Rough & Ready Ditch, the headgate of which is described above. ix. Elliott Pond Nos. 1, 2, and 3, also known as Golden Ponds 1, 2 and 3. a. Elliott Pond No. 1, located in a portion of the North half of Section 5, T.2N., R.69W. of the 6th P.M., Boulder County, Colorado. b. Elliott Pond No. 2, including its expansion, located in a portion of the North half of Section 5, T.2N., R.69W. of the 6th P.M., Boulder County, Colorado. c. Elliott Pond No. 3, including its expansion, located in a portion of the North half of Section 5, T.2N., R.69W. of the 6th P.M., Boulder County, Colorado. Water is diverted from the St. Vrain Creek into Elliott Pond Nos. 1, 2 and 3 using the following structures: a. Denio-Taylor Mill Ditch, the headgate of which is described above. b. Zweck and Turner Ditch, the headgate of which is located on the St. Vrain Creek in the NW1/4 NE1/4 of Section 35, T.3N., R.70W. of the 6th P.M., Boulder County, Colorado. c. The Golden Ponds Diversion Structure on the north bank of the St. Vrain Creek, more specifically located as follows: commencing at the center quarter corner of Section 5, T.2N., R.69W. of the 6th P.M., Boulder County, Colorado, whence the South quarter corner of said section bears South 00°45'49" East 2,647.51 feet, thence North 45°45'26" West 677 feet to the point of diversion from the St. Vrain Creek. x. Clover Basin Reservoir, located in portions of Sections 11 and 12, T.2N., R.70W. of the 6th P.M., Boulder County, Colorado. Clover Basin Reservoir receives water through the James Ditch, the headgate of which is located in the SE1/4 SE1/4 of Section 27, T.3N., R.70W. of the 6th P.M., Boulder County, Colorado. xi. Independent Reservoir, located in Section 26, T.3N., R.70W. of the 6th P.M., Boulder County, Colorado. Independent Reservoir receives water from St. Vrain Creek through the Longmont Supply Ditch, the headgate of which is located in Section 27, T.3N., R.70W. of the 6th P.M., Boulder County, Colorado. xii. Izaak Walton Pond No. 1, located in the SE1/4 of Section 4, T.2N., R.69W. of the 6th P.M., Boulder County, Colorado. Izaak Walton Pond receives water through the Denio-Taylor Mill Ditch, the headgate of which is described above. Longmont proposes to take its entitlement of water pursuant to the Subject Water Rights either in storage, or by direct use, or by bypass credit in the St. Vrain Creek. All diversions or bypasses by Longmont will continue to be made in priority during the historic use period. When Longmont elects to divert the water for storage, it will divert an amount of water equivalent to the net stream depletions attributable to the subject water rights. Longmont claims the right to use, reuse, successively use, exchange, store and/or otherwise dispose of this water to extinction. When Longmont elects to divert water for direct use in its municipal system, it will also divert an amount equivalent to the net stream depletions attributable to the subject water rights. The point of discharge of the municipal sewage effluent is presently located in the SW1/4 NE1/4 of Section 11, T.2N., R.69W. of the 6th P.M., Boulder County, Colorado. Longmont claims the right to reuse, successively use, exchange, store and/or otherwise dispose of the effluent resulting from the use of water made available by this change. When Longmont elects to bypass the water, it will obtain credit in the St. Vrain Creek for the amount of water it would have been able to divert at the original or new alternate points of diversion or storage. c. Return Flow Replacement Sources. Longmont can and will compensate for a reduction in return flows to the stream, if any, that might result from this proposed change of water rights with water made available to Longmont pursuant to this change and with any other water available to Longmont that is fully consumable or is otherwise decreed for such purposes, including without limitation the following: i. Longmont's right to transmountain water derived from the United States Department of the Interior, Bureau of Reclamation, Colorado--Big Thompson Project--via the St. Vrain Supply Canal and the Southern Pipeline. The point of delivery to St. Vrain Creek of said Supply Canal is located in the NW1/4 NW1/4 of Section 20, T.3N.,

R.70W. of the 6th P.M., Boulder County, Colorado. Said Supply Canal has a capacity of 575 c.f.s. These rights will include Longmont's share of water rights resulting from the Windy Gap Project (a/k/a Six Cities Transmountain Diversion). This decree is subject to and shall not affect in any way the right of the Northern Colorado Water Conservancy District to regulate any such use of Colorado-Big Thompson project water or facilities by Longmont pursuant to and in accordance with applicable law, the provisions of the repayment contract between the Northern Colorado Water Conservancy District and the United States of America, the allotment contracts between Longmont and the Northern Colorado Water Conservancy District, and the rules, regulations and policies of the District, as may be amended from time to time. ii. Longmont's right to Buttonrock Reservoir water derived from the following water rights and priorities: Buttonrock Reservoir (Amended Lyons Storage Reservoir), Reservoir Priority No. 33, appropriation date February 8, 1910, for 1,765 acre-feet; Buttonrock Reservoir (Enlarged and Amended Longmont Reservoir No. 3), Reservoir Priority No. 35, appropriation date July 3, 1926, for 2,866.5 acre-feet; Buttonrock Reservoir (Enlarged and Amended Longmont Reservoir No. 3) First Enlargement, Reservoir Priority No. 53A, appropriation date May 27, 1964, for 13,330.7 acre-feet; Buttonrock Reservoir (Enlarged and Amended Longmont Reservoir No. 3) Second Enlargement, Reservoir Priority No. 53B, appropriation date May 27, 1964, for 32,551.1 acre-feet, conditional; and any other of Longmont's water rights decreed for storage in Buttonrock Reservoir and for augmentation, replacement, and exchange. The foregoing described rights and priorities were adjudicated by decree dated February 25, 1971, in Civil Action No. 20716 in the District Court in and for Boulder County. This instream reservoir is located on the North St. Vrain Creek in Sections 17, 18, 19 and 20, T.3N., R.71W. of the 6th P.M., and Sections 13 and 24, T.3N., R.72W. of the 6th P.M., Boulder County, Colorado. iii. Longmont's right to Union Reservoir water derived from its interests in the Union Reservoir Company under the following water rights and priorities: Priority No. 51, New Series, adjudicated March 13, 1907, for 13,219 acre-feet of storage with an appropriation date of October 6, 1902; refill decree entered in March of 1977 for 5,879 acre-feet of storage with an appropriation date of May 1, 1973; conditional storage right for Union Reservoir enlargement entered in Case No. 86CW394 on February 19, 1991 for 19,802 acre-feet of storage with an appropriation date of October 28, 1986; and any other of Longmont's water rights decreed for storage in Union Reservoir and for augmentation, replacement, and exchange. iv. Replacement, augmentation and exchange water available from Longmont's interests in the following ditches diverting from St. Vrain Creek pursuant to decrees entered by the District Court in and for Water Division No. 1 on May 20, 1983, in the following cases: Case No. 81CW355, Longmont Supply Ditch; Case No. 81CW356, Rough & Ready Ditch; Case No. 81CW357, Smead Ditch; Case No. 81CW360, Palmerton Ditch; Case No. 81CW361, Oligarchy Ditch; and Case No. 81CW362, Swede Ditch. v. Replacement, augmentation and exchange water available from Longmont's interests in the following ditches diverting from St. Vrain Creek pursuant to decrees entered by the District Court in and for Water Division No. 1 on October 29, 1991, in the following cases: Case No. 87CW212, Longmont Supply Ditch; Case No. 87CW213, Rough & Ready Ditch; Case No. 87CW214, Oligarchy Ditch. vi. Replacement, augmentation and exchange water available from Longmont's interests in the following ditches diverting from St. Vrain Creek pursuant to decrees entered by the District Court in and for Water Division No. 1 on August 10, 1995, in the following cases: Case No. 87CW215, Beckwith Ditch; Case No. 87CW219, Pella Ditch; Case No. 87CW220, South Flat Ditch; Case No. 87CW221, Zweck & Turner Ditch; Case No. 87CW218, Niwot Ditch; Case No. 87CW216, Clover Basin Ditch (a/k/a Pella Ditch-Second Enlargement). vii. Replacement, augmentation and exchange water made available from Longmont's interests in the following ditches diverting from St. Vrain Creek pursuant to decrees to be entered in the District Court in and for Water Division No. 1 pursuant to change applications filed on December 28, 2000: Case No. 2000CW239, James Ditch; Case No. 2000CW240, Oligarchy Ditch; Case No. 2000CW241, Rough & Ready Ditch. viii. Replacement, augmentation and exchange water to be made available from Longmont's interests in the following reservoirs diverting from St. Vrain Creek pursuant to decrees entered or to be entered by the District Court in and for Water Division No. 1 in the following cases: Case No. 87CW235, Oligarchy Reservoir No. 1; Case No. 87CW231, Pleasant Valley Reservoir; Case No. 87CW222, Union Reservoir; Case No. 87CW253, McIntosh Reservoir; Case No. 87CW234, Independent Reservoir; Case No. 87CW232, McCall Reservoir; Case No. 87CW233, Clover Basin Reservoir. Replacement, augmentation and exchange water made available to Longmont pursuant to the change decrees described in this section shall include reusable municipal return flows resulting from the changed uses. 6. Instream Flow Rights: The change of water rights sought to be decreed herein is subject to the instream flow rights decreed to the Colorado Water Conservation Board in Case Nos. 87CW278,

87CW282, and 87CW283, Water Division No. 1, and it shall not be exercised to the extent that the flows within the relevant instream flow reach would be reduced below the decreed instream flow rates by virtue of the exercise of such change. 7. Ownership of Structures: a. Longmont owns the North and South Pipeline structures, Elliott Pond Nos. 1, 2, and 3 (a/k/a Golden Ponds 1, 2, and 3), Izaak Walton Pond No. 1, and Buttonrock Reservoir. b. South Pits A and C are located on land owned by CEMEX, Inc. (formerly known as Southdown, Inc.). c. Upon information and belief, the lands upon which the ditches sought to be changed herein are located are owned by the following parties: i. CEMEX, Inc., P.O. Box 529, 5134 Ute Highway, Lyons, Colorado 80540. ii. Mineral Reserves, Inc., and its subsidiaries Western Mobile, Inc. and Western Mobile Boulder, Inc., 1400 West 64th Avenue, Denver, Colorado 80221-2425. iii. Frontier Materials, Inc., Braly Land Company LLC, and/or Henry Braly, c/o Henry Braly, 12800 North Foothills Highway, Longmont, Colorado 80503. d. The Copeland Reservoir is owned by the St. Vrain and Left Hand Water Conservancy District. The other ditches or reservoirs described herein are believed to be owned by the ditch or reservoir companies involved. Addresses for these entities can be supplied upon request to Longmont. (16 pages, 5 exhibit pages)

2001CW189 BIJOU IRRIGATION COMPANY, 229 Prospect Street, P.O. Box 972, Fort Morgan, Colorado 80701. Michael D. Shimmin, Vranesh & Raisch, LLP, 1720 14th Street, #200, Boulder, CO 80302. Application for Water Rights, Including Direct Flow, Storage, Ground Water Recharge, and Augmentation, **IN WELD & MORGAN COUNTIES**. Telephone: (303) 443-6151. Fax: (303) 443-9586 Email: mds@vrlaw.com

2. **Name of structures:**

- A: Bijou Canal
- B: Landowner Recharge Ponds as listed and described in paragraph 3.B., below.

3. **Legal description of point of diversion:**

- A: Water will be diverted from the South Platte River through the Bijou Canal. It is an existing ditch which diverts from the South side of the South Platte River in the NE 1/4 NE 1/4 of Section 13, T4N, R63W, 6th P.M., Weld County, Colorado.
- B: Water diverted from the South Platte River will be delivered through the Bijou Canal and its laterals to several water storage and ground water recharge ponds, located and described as follows:

RECHARGE PONDS

POND	CAPACITY	SURFACE AREA	DAM HEIGHT	LOCATION
Rothe 1	18 acre ft.	4.5 acres	5 feet	NW1/4 NE1/4, Sec13, T4N, R60W
Rothe 2	13 acre ft.	4.5 acres	4 feet	SE1/4 NE1/4, Sec13, T4N, R60W
Rothe 3	29 acre ft.	6 acres	4 feet	NE1/4 NE1/4, Sec13, T4N, R60W
Rothe 4	5 acre ft.	3 acres	3 feet	SW1/4 NE1/4, Sec12, T4N, R60W
Rothe 5	20 acre ft.	10 acres	3 feet	SW1/4 NW1/4, Sec7, T4N, R59W
Rothe 6	6 acre ft.	2 acres	4 feet	SW1/4 NW1/4, Sec7, T4N, R59W

Rothe 7	44 acre ft.	9 acres	None	SE1/4 NW1/4, Sec6, T4N, R59W
Morrison 1	4 acre ft.	2 acres	2 feet	NE1/4 SE1/4, Sec18, T4N, R59W
Morrison 2	4 acre ft.	2 acres	2 feet	NE1/4 SE1/4, Sec18, T4N, R59W
Morrison 3	18 acre ft.	9 acres	2 feet	NE1/4 SE1/4, Sec18, T4N, R59W
POND	CAPACIT Y	SURFACE AREA	DAM HEIGHT	LOCATION
Groves	32 acre ft.	4 acres	None	SE1/4 SE1/4, Sec18, T4N, R59W
Fuchs 1	16 acre ft.	8 acres	6 feet	SE1/4 SW1/4, Sec 28, T4N, R59W
Fuchs 2	14 acre ft.	7 acres	7 feet	NE1/4 NW1/4, Sec 33, T4N, R59W
Olsen 1	15 acre ft.	6 acres	4.5 feet	SE1/4 NE1/4, Sec33, T4N, R59W
Olsen 2	33 acre ft.	13 acres	4.5 feet	NW1/4 SW1/4, Sec34, T4N, R59W
Olsen 3	22 acre ft.	11 acres	4 feet	NE1/4 SE1/4, Sec33, T4N, R59W
Olsen 4	11 acre ft.	7 acres	3.5 feet	SW1/4 SW1/4, Sec34, T4N, R59W
Little Bijou 1	35 acre ft.	14 acres	None	NE1/4 SW1/4, Sec34, T4N, R59W
Little Bijou 2	50 acre ft.	20 acres	3 feet	NE1/4 SE1/4, Sec34, T4N, R59W
Rothe 42	20 acre ft.	10 acres	3 feet	NE1/4 SW1/4, Sec35, T4N, R59W
Little Bijou 3	14 acre ft.	7 acres	3 feet	NW1/4 NW1/4, Sec 2, T3N, R59W
Little Bijou 4	22 acre ft.	11 acres	3 feet	SW1/4 NW1/4, Sec2, T3N, R59W
Neb 1	60 acre ft.	20 acres	4 feet	E1/2 NW1/4, Sec2, T3N, R59W
Neb 2	60 acre ft.	20 acres	4 feet	NW1/4 SE1/4, Sec2, T3N, R59W
POND	CAPACIT Y	SURFACE AREA	DAM HEIGHT	LOCATION

Bath 1	10 acre ft.	3.5 acres	3 feet	SE1/4 NW1/4, Sec36, T4N, R59W
Bath 2	10 acre ft.	3.5 acres	3 feet	NE1/4 NW1/4, Sec36, T4N, R59W
Bath 3	20 acre ft.	7 acres	3 feet	SE1/4 SW1/4, Sec25, T4N, R59W
Bath 4	20 acre ft.	7 acres	3 feet	NE1/4 SW1/4, Sec25, T4N, R59W
Bath 5	10 acre ft.	3.5 acres	3 feet	SE1/4 SE1/4, Sec25, T4N, R59W
Bath 6	10 acre ft.	3.5 acres	3 feet	NE1/4 SE1/4, Sec25, T4N, R59W
Bender	48 acre ft.	3 acres	8 feet	SE1/4 NW1/4, Sec14, T4N, R60W
Beeftown	40 acre ft.	5 acres	6 feet	S1/2 SE1/4, Sec14, T3N, R58W
Rusch 1	90 acre ft.	6 acres	8 feet	NW1/4 NE1/4, Sec23, T3N, R58W
Rusch 2	90 acre ft.	6 acres	8 feet	SW1/4 NE1/4, Sec23, T3N, R58W

4. **Source:** South Platte River.
5. **Date and manner of initiation of appropriation:** October 5, 2001, by adoption of Board Resolution stating intent to appropriate, by entering into agreements with landowners for the recharge sites, by posting signs, and by publishing notice of intent to appropriate in the Fort Morgan Times.
6. **Amount claimed:** 350 c.f.s., at the Bijou Canal Headgate, up to a total annual volume of 12,000 acre feet, conditional.
7. **Use or proposed use:** The primary use of water will be for recharge and augmentation purposes to replace depletions by wells located within the Bijou Irrigation Company's service area, and other wells owned by individuals upon whose land the storage and recharge ponds will be constructed. Bijou Irrigation Company has entered into written agreements with all of said landowners which allocate the augmentation credits to be generated by the exercise of this water right. The primary use of Bijou's share of this water will be for recharge and augmentation purposes to provide supplemental augmentation credits for use in Bijou's previously decreed company augmentation plan, which is decreed in Case Nos. W-2704 and W-9172-78, Water Court for Water Division 1 ("Bijou Plan"). A list of those wells is attached and incorporated as Exhibit A. The primary use of the landowners' share of this water will be to replace depletions caused by wells owned by those landowners. Those wells are listed in Exhibit B, attached and incorporated in this Application. Because it is impossible to match the timing of water availability with the timing of depletions from wells, there may be excess credits generated beyond the needs of wells within the Bijou service area and those owned by the individual landowners. Any such excess credits may be used for general augmentation purposes outside of the Bijou Irrigation Company's service area in accordance with the written agreements between Bijou and the landowners, in accordance with law, and subject to the approval of the State Engineer or Water Court.
8. **Bijou Plan and calculation of augmentation credits:**
 - A: The Bijou Plan provides augmentation water to replace depletions resulting from

the consumptive use of water pumped from the approximately 200 wells shown on Exhibit A. Under previous decrees, augmentation water has been recharged to the aquifer at several individual recharge sites and through the Bijou Canal. The decree in Case Nos. W-2704 and W-9172-78 includes detailed accounting procedures for administering the Bijou Plan, which has been in operation for approximately 15 years. This operational experience has indicated that in certain dry years, additional augmentation credits will be needed to fully cover all of the wells under the Bijou system. In order to supplement its supply of augmentation credits, Bijou has entered into agreements with the individual landowners listed in this Application to construct additional recharge sites.

B: The existing Bijou Plan is operated pursuant to detailed terms and conditions contained in the decree entered in Case Nos. W-2701 and W-9172-78. These operations include performing detailed calculations of stream depletions and accretions, and completing accounting forms which summarize these calculations and the augmentation operations. Bijou requests the right to incorporate the additional accretions from the ditch seepage losses and the recharge sites described in this Application into the existing accounting procedures so that the Bijou Plan and this plan will operate in a consistent and unified manner. The accounting procedures used in the Bijou Plan are summarized as follows:

- i. The owner or operator of each farm with wells included in the plan reports the types and crops and number of acres irrigated by wells prior to May 1 of each year.
- ii. The total irrigation water requirement for the lands irrigated by wells is determined on a monthly basis using the modified Blaney-Criddle method.
- iii. The total surface water supply delivered to lands irrigated by wells is determined from records maintained by Bijou.
- iv. The consumptive use of ground water is calculated for each well as the difference between the total irrigation requirement and the portion of the total irrigation requirement satisfied by surface water.
- v. The lagged effects of ground water consumption are determined using the Stream Depletion Factor (SDF) methodology developed by the U.S.G.S.
- vi. The amount of recharge is determined by performing water balance calculations, including reductions for evaporation, for each recharge site and for each ditch reach.
- vii. The lagged effects of recharge accretions are determined using the SDF methodology.
- viii. The cumulative net effects on the South Platte River are determined as the difference between the lagged depletions due to consumption of ground water and the lagged accretions due to recharge.

C. Under this water right, augmentation accretions attributable to recharge at all of the new recharge sites described herein will be calculated using the accretion steps listed above and the SDF values for each recharge site, as listed below. Augmentation accretions attributable to seepage losses within the Bijou Canal and its laterals above the recharge sites will be calculated by canal reach using the same methodology and values currently used under the Bijou Plan. New canal reaches for lateral ditches not decreed in the Bijou Plan will use the SDF factors listed below. The accounting forms currently

used for the Bijou Plan will be modified slightly to include the accretions attributable to diversion and recharge under this case.

i. SDF values for recharge ponds:

RECHARGE PONDS

POND	SDF VALUE
Rothe 1	847
Rothe 2	1,017
Rothe 3	905
Rothe 4	416
Rothe 5	480
Rothe 6	480
Rothe 7	138
Morrison 1	1,729
Morrison 2	11,615
Morrison 3	1,567
Groves	1,983
Fuchs 1	3,716
Fuchs 2	3,975
Olsen 1	4,320
Olsen 2	4,400
Olsen 3	4,567
Olsen 4	4,882
Little Bijou 1	4,695
Little Bijou 2	4,507
Rothe 42	4,320
Little Bijou 3	4,987

POND	SDF VALUE
Little Bijou 4	5,272
Neb 1	4,507
Neb 2	5,100
Bath 1	3,315
Bath 2	3,000
Bath 3	3,000

Bath 4	2,715
Bath 5	2,430
Bath 6	2,430
Bender	500
Beeftown	2,715
Rusch 1	3,378
Rusch 2	3,716

ii. SDF values for new lateral ditch reaches:

LAYTON LATERAL DITCH REACHES

REACH	LOCATION	SDF
1	NE1/4 SW1/4,Sec 28, T4N, R59W to SW1/4 NE1/4, Sec34, T4N,R59W	3630
2	SW1/4 NE 1/4,Sec 34,T4N, R59W to SW1/4 SW1/4, Sec35, T4N,R59W	4320
3	SW1/4 SW1/4,Sec35, T4N, R59W to NW1/4 SW1/4, Sec36, T4N,R59W	4320
4	NW1/4 SW1/4,Sec36, T4N, R59W to SW1/4 SE1/4, Sec25, T4N,R59W	3630
5	SW1/4 SE1/4,Sec25, T4N, R59W to SE1/4 SE1/4, Sec25, T4N,R59W	3000

DAILEY LATERAL DITCH REACHES

REACH	LOCATION	SDF
1	NE1/4 NW1/4,Sec20, T3N, R58W to NW1/4 NW1/4, Sec22, T3N, R58W	5070
2	NW1/4 NW1/4,Sec22, T3N, R58W to NE1/4 NE1/4, Sec22, T3N, R58W	4320
3	NE1/4 NE1/4,Sec22, T3N, R58W to NW1/4 NE1/4, Sec23, T3N, R58W	3630

D. Pursuant to the written agreements between Bijou and the landowners, certain augmentation credits are allocated to Bijou, and certain credits are allocated to the landowners. All augmentation credits attributable to diversions under this case will be calculated using the methodologies described above, and then divided between Bijou and the landowners in accordance with those written agreements. The Bijou share of said credits will be used in the Bijou Plan or as excess credits as described above. The landowners share will be used by the landowners, as described in paragraph 7.

9. **Name and address of owner of land on which points of diversion and place of use are located:**

A: The Bijou Canal headgate is located on land owned by the Bijou Irrigation Company.

B: The storage and recharge ponds are located on lands owned by the following individuals, all of whom have written agreements with the Bijou Irrigation Company which specifically contemplate the filing of this Application:

Ponds

Rothe 1 - 6

Rothe 7

Morrison 1 - 3

Groves

Fuchs 1 - 2

Olsen 1 - 4

Little Bijou 1 - 4
Rothe 42

Neb 1 & 2

Bath 1 - 6

Beeftown

Bender

Rusch 1 & 2

Owners

Elmer Rothe
c/o Larry Rothe
15160 Hwy 144
Ft. Morgan, CO 80701

Elmer & Hellen Rothe
c/o Larry Rothe
15160 Hwy 144
Ft. Morgan, CO 80701

Chip Morrison
11001 W. Cooper Drive
Littleton, CO 80127

Jess & Alyce Groves
0085 Road X
Orchard, CO 80649

Margaret S. & Michael J.
Fuchs
8610 M.C.R. T.7
Weldona, CO 80653

Bob & Jill Olsen
3315 S. Columbine Cir.
Englewood, CO 80110

Little Bijou Ranch
c/o Cap Logistics
4120 Jackson
Denver, CO 80216

Don Neb
17485 M.C.R. 11
Ft. Morgan, CO

Keith Bath
16134 M.C.R. 23
Ft. Morgan, CO 80701

BeefTown Feedlots, LLC
219 East Kiowa Ave.
Ft. Morgan, CO 80701

Frances, Jackson &
Thomas Bender
22017 Hwy. 39
Weldona, CO 80653

John R. Rusch
14267 M.C.R. 17

Ft. Morgan, CO 80701

10. **Remarks:** It is the intent of this Application to adjudicate all elements necessary for the Bijou Irrigation Company to utilize its share of augmentation credits resulting from the exercise of the water rights described above as a supplemental source of augmentation credits for its existing augmentation plan previously decreed in Case Nos. W-2704 and W-9172-78 or as excess credits. Bijou is not seeking any change or modification to its previous augmentation plan decrees. It is not the intent of this Application to adjudicate an augmentation plan to cover any wells not already included in the Bijou Plan. Use of the augmentation credits resulting from this case to cover any well not currently included in the Bijou Plan will be subject to the separate approval of the State Engineer or Water Court.

2001CW190(94CW205, 87CW099, W-7807-74) BROADWAY INVESTMENT CORPORATION, Paul J. Zilis, Vranesh & Raisch, LLP, 1720 14th Street, #200 Boulder, CO 80302. APPLICATION FOR FINDING OF REASONABLE DILIGENCE, IN CLEAR CREEK COUNTY.

1. Name, mailing address, telephone number (residence and business) of Applicant:

Broadway Investment Corporation,
a Colorado corporation
32 South Broadway
Denver, CO 80209
(303)830-0075

2. Name of structure: (well, spring, ditch, reservoir)

O'Dea Pipeline and Detention Pond

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: June 16, 1977
Case No. W-7804-74
Court: District Court, Water Division 1
B. Location:

O'Dea Pipeline diverts water on Quayle Creek in the SW 1/4 NE 1/4, Section 20, Township 4 South, Range 75 West, 6th P.M., Clear Creek County, at a point whence the NW corner of Section 22, Township 4 South, Range 75 West, 6th P.M., Clear Creek County bears North 73°50' East, 7,360 feet. Said Pipeline then transports the water 886 feet to the Detention Pond that is located in the NE 1/4, Section 20, Township 4 South, Range 75 West, 6th P.M., Clear Creek County, at a point whence the NW corner, Section 22, Township 4 South, Range 75 West, 6th P.M., Clear Creek County, bears North 78°45' West, 7,750 feet.

- C. Source: Quayle Creek, Tributary to Clear Creek

- D. Appropriation Date: June 2, 1972
Amount: 0.165 cfs, CONDITIONAL

E. Use: Non-consuming recreation and filling of swimming pool.

F. Depth: (if well) Not applicable.

4. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including

expenditures:

- A. The O’Dea Pipeline was destroyed in a mudslide on July 28, 1999, which also closed Highway I-70. The Applicant is in the process of raising funds to replace the O’Dea Pipeline which will require the removal of tons of rocks and debris. Based upon this intervention of an outside delaying factor, the extent of the construction season and Applicant’s economic ability to repair the pipeline, Applicant requests that the Court find reasonable diligence in the development of the water right subject hereto.

5. If claim to make absolute - Not Applicable.

2001CW191(95CW033, 88CW107) THE TOWN OF NEDERLAND, Paul J. Zilis, Vranesh & Raisch, LLP, 1720 14th Street, #200, Boulder, CO 80302. APPLICATION FOR FINDING OF REASONABLE DILIGENCE, IN BOULDER COUNTY.

1. Name, address and telephone number of Applicant:

Town of Nederland
P. O. Box 396
Nederland, CO 80466
303-444-3588

2. Name of structure (well, spring, ditch, reservoir):

Nederland Reservoir

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: July 29, 1980
Case No.: W-9476-78
Court: Water Court, Water Division 1

- B. Location:

Nederland Reservoir is to be located in the S 1/2, SE 1/4, Section 14, Township 1 South, Range 73 West, 6th P.M., Boulder County, Colorado at a point whence the SE corner of said Section 14 bears S 57° 15" E, a distance of 1,145 feet, more or less.

- C. Source: Middle Boulder Creek

- D. Appropriation Date: January 6, 1973
Amount: 100 acre feet, CONDITIONAL, with the right to fill and refill.

- E. Use:

Municipal, recreational, piscatorial, fire protection, augmentation, exchange and irrigation.

- F. Depth (if well): N/A

4. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures.

- A. Nederland Reservoir is a part of a group of decreed water rights which Applicant currently owns or controls in order to provide an adequate water supply to its residents for both their present and future needs. The Applicant has included the reservoir in its decreed Plan of Augmentation (Case No. W-8485-77) which coordinates and integrates all of its water rights. Pursuant to said Plan, the reservoir may be utilized to store all or a portion of the augmentation water when constructed and it will play a critical role in the future as the Applicant does not own any other storage structures.
 - B. During this diligence period, Applicant negotiated with the underlying landowners of the Nederland Reservoir site for development of the reservoir. Those negotiations are ongoing.
 - C. Applicant has negotiated with Public Service Company and the City of Boulder for continued water storage in Barker Reservoir, which is necessary to provide water to its residents until such time as Nederland Reservoir is constructed. It has studied the use of that reservoir as it relates to the Applicant's wastewater treatment plant and water facilities. It has commenced the preparation of a Wastewater Management Report to address alternatives for its treatment plant location and type, wastewater collection and effluent transmission. The City of Boulder is participating in that study at a cost of approximately \$5,000 per participant.
 - D. Applicant has also conducted substantial work during the diligence period on the integrated facilities of its water system and wastewater treatment systems. Applicant expanded its intake structure and dredged its existing pond at the Town's water treatment plant at a cost of approximately \$25,000. The Applicant is also studying the feasibility of improving its water treatment plant, at a cost of approximately \$2,500.
 - E. The Applicant has continually monitored Applications by other water appropriators in the vicinity in order to protect its water rights including Nederland Reservoir.
5. If claim to make absolute - N/A. (4 pages)

2001CW192 (93CW159). Mobile Premix Concrete, Inc., as successor in interest to Western Paving Construction Co., 1400 W. 64th Ave., P.O. Box 215001, Denver, CO, 80221-0599, (303) 657-4000 (c/o David A. Bailey, Massey Semenoff Schwarz & Bailey, P.C., 730 17th Street, Suite 330, Denver, CO 80203, (303) 893-1827. Please direct all inquiries, correspondence and pleadings regarding this matter to the counsel for Applicant.) Application for Hexennial Finding of Reasonable Diligence, **IN BOULDER COUNTY**. Decree information: Rock'n WP Ranch Lake No. 5 ("Lake No. 5"); Case No. 93CW159, District Court, Water Division No. 1; date of decree: October 12, 1995; legal description: the center point of the lake, which will have a surface area of approximately 91 acres, will be located approximately 1,920 feet north of the south section line and 1,400 feet west of the north/south centerline, Section 27, T. 3 N., R. 70 W., 6th P.M., Boulder County; source of water: St. Vrain Creek (as more particularly described in the above-referenced decree); appropriation date: September 23, 1993; quantity/max flow rate: 1,820 acre-feet/300 cfs; use of water: augmentation, replacement and exchange, irrigation, industrial, recreational, and fish and wildlife propagation (as more particularly described in the above-referenced decree). Detailed outline of work done toward completion of the appropriation and application of water to beneficial use by Applicant, its consultants and contractors (collectively "Applicant"): Lake No. 5 is part of an integrated development plan known as the Lyons Project (formerly known as "Rock'n WP Pit"). The Lyons Project is a sand and gravel mining project located on more than 600 acres approximately one mile east of the Town of Lyons. Mining will be completed in three phases over a period of approximately 30 years. Mining at the Lyons Project, including the area on which Lake No. 5 is located, is authorized by MLRB Permit No. M-74-015, as amended. Throughout the diligence period, Applicant has permitted and developed the Lyons Project with the intent of commencing mining in 2002. Applicant has also undertaken several additional permitting processes, which include the property on which Lake 5 is located and other portions

of the Lyons Property which will be mined prior to land on which Lake 5 is located. These administrative actions include regulation by Boulder County pursuant to its special use regulations, the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act and a temporary substitute water supply plan through the Colorado State Engineer's office. During the diligence period, Applicant has investigated, monitored and evaluated surface and groundwater resources in the vicinity of Lake 5 to determine the impact of mining and the construction of lined storage structures including Lake 5 on such resources. This work includes without limitation development of a groundwater monitoring plan to project the impact of lining ponds on underground hydrology; investigation of water quality at the Lyons mining site and at adjacent landowner wells; installation of piezometers; sampling and monitoring data management; conduct of groundwater studies adjacent to wetlands; evaluation and protection of existing Shupe well adjacent to mining; installation of monitoring wells at Ramey property to establish a baseline of water levels and quality; preparation of summary of priority and yield of Western Mobile's water rights; preparation of historic use affidavits and maps showing location of use; install a domestic monitoring well; evaluate local hydrogeology and conduct flood plain analysis; evaluate water rights issues and water quality issues for wells within the Lyons mining project; conduct groundwater monitoring for years 1998 – 2000; completion of ALTA surveys at Lyons site; development of conceptual plans and mapping for Lakes 5 and 6; provide water rights information relative to the Lyons pit to other consultants. Applicant has also prepared correspondence and proposal to local water users and well owners concerning protection of vested water rights during and following completion of mining activities, reclamation and construction of lined storage structures (including Lake 5). WHEREFORE, Applicant requests a finding that they have exercised reasonable diligence in the development of the conditional water right, and for such other and further relief as this Court deems just and proper.

2001CW193 MOBILE PREMIX CONCRETE, INC., A SUBSIDIARY OF LAFARGE NORTH AMERICA, 1400 W. 64th Ave., P.O. Box 215001, Denver, CO 80221-0599, (303) 657-4000 (David A. Bailey, Massey Semenoff Schwarz & Bailey, P.C., 1600 Stout Street, Suite 1700, Denver, CO 80203, (303) 893-1827. Please direct all inquiries, correspondence and pleadings regarding this matter to the counsel for Applicant.) APPLICATION FOR CONDITIONAL WATER STORAGE RIGHT, **IN WELD COUNTY**. Name of reservoir: Heaton Reservoir. Legal description of location of reservoir and points of diversion: The Heaton Reservoir is located in N½NE¼ of Section 9, T. 2 N., R. 68 W., 6th P.M. The location of the outlet structure is approximately at the North Quarter Corner of said Section 9. The Heaton Reservoir may be filled from the following diversion points: (1) a point on St. Vrain Creek located approximately at the North Quarter Corner of Section 9, T. 2 N., R. 68 W., 6th P.M.; (2) the Rural Ditch, the point of diversion of which is located on Boulder Creek in the NE¼ of Section 20, T. 2 N., R. 68 W., 6th P.M., approximately 1400 feet west of the East Section Line of said Section 20 and 2275 feet south of the North Section Line of said Section 20. Water diverted at this structure will be conveyed through the Rural Ditch to the Idaho Creek headgate located in the SE¼ of Section 16, T. 2 N., R. 68 W., 6th P.M. approximately 420 feet west of the East Section Line of said Section 16 and 1,300 feet north of the South Section Line of said Section 16 and/or to the Rural Ditch Lateral. Source of water: The Heaton Reservoir may be filled from St. Vrain Creek, Boulder Creek and Idaho Creek, all of which are tributary to the South Platte River. Date of appropriation: The date of appropriation for the Heaton Reservoir is October 26, 2001, based upon the filing of this application, Applicant's formation of intent to appropriate water coupled with actions sufficient to put third-parties on notice of such intent to appropriate, including without limitation posting Notices of Appropriation at the site. Amount claimed: 800 acre-feet conditional. The rate of diversion for filling the reservoir from any of the above-referenced sources is 25.0 cfs. Use: Industrial, commercial, piscatorial, fishing, wildlife, aesthetic, recreation, irrigation, exchange, augmentation and replacement. Surface area: 37.4 acres. Name and address of owner of land: Applicant. WHEREFORE, Applicant prays for a decree authorizing the conditional water right described herein, together with any other and further relief as is appropriate.

2001CW194 MOBILE PREMIX CONCRETE, INC., A SUBSIDIARY OF LAFARGE NORTH AMERICA, 1400 W. 64th Ave., P.O. Box 215001, Denver, CO, 80221-0599, (303) 657-4000. (David A. Bailey, Massey Semenoff Schwarz & Bailey, P.C., 1600 Stout Street, Suite 1700, Denver, CO 80202, (303) 893-1827. Please direct all inquiries, correspondence and pleadings regarding this matter to the

counsel for Applicant.) Application for Change of Water Right, **IN WELD COUNTY**. Name of structures to be changed: Applicant's two (2) shares of the Rural Ditch, the point of diversion of which is located on Boulder Creek in the NE $\frac{1}{4}$ of Section 20, T. 2 N., R. 68 W., 6th P.M., approximately 1400 feet west of the East Section Line of said Section 20 and 2275 feet south of the North Section Line of said Section 20. Water diverted at this structure will be conveyed through the Rural Ditch to the Idaho Creek headgate located in the SE $\frac{1}{4}$ of Section 16, T. 2 N., R. 68 W., 6th P.M. approximately 420 feet west of the East Section Line of said Section 16 and 1,300 feet north of the South Section Line of said Section 16 and to the Applicant's property in the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 9, T. 2 N., R. 68 W., 6th P.M. The Rural Ditch was originally decreed for 22.75 cfs with an adjudication date of June 2, 1882 and an appropriation date of May 10, 1862. It has a second priority for an additional 175.54 cfs with the same adjudication date and an appropriation date of March 10, 1863; however, 115.29 of this priority was subsequently abandoned leaving 60.25 cfs of the junior priority remaining. The Rural Ditch has a total of 50 shares. Historic use: Applicant's share of the Rural Ditch has been used to irrigate up to 69.8 acres located in N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 9, T. 2 N., R. 68 W., 6th P.M., at various times during the Applicant's study period of 1911-1998. Description of proposed changes: (A) Applicant seeks to change the use of its shares of the Rural Ditch to allow its use for industrial, commercial, piscatorial, domestic, fishing, wildlife, aesthetic, recreation, exchange, augmentation and replacement. The new uses are in addition to current decreed use of the water right for irrigation. (B) Applicant seeks to change the manner of use from direct flow to direct flow, diversion into storage in the Heaton Reservoir, which will be located in N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 9, T. 2 N., R. 68 W., 6th P.M and use by augmenting out of priority depletions. (C) Applicant seeks to establish an alternate point of diversion, in addition to the current points of diversion, for its shares of the Rural Ditch to a point on St. Vrain Creek located approximately at the North Quarter Corner of Section 9, T. 2 N., R. 68 W., 6th P.M. (D) Applicant seeks to establish alternate places of use, in addition to the historic place of use, to other unlimited places of use for the historic consumptive use of Applicant's shares of the Rural Ditch either by direct use or storage and subsequent application to beneficial use. Name and address of owner of land: Applicant owns the land on which the subject water right has been historically used and on which the Heaton Reservoir will be located. WHEREFORE, Applicant prays for a decree authorizing the conditional water right described herein, together with such other and further relief as is appropriate.

2001CW195 (C/R W-7825-74, W-7825-79 83CW069, 87CW053 and 94CW235) - ST. MARY'S GLACIER WATER AND SANITATION DISTRICT. Applicant: St. Mary's Glacier Water and Sanitation District, c/o Veronica A. Sperling, Moses, Wittemyer, Harrison and Woodruff, P.C., P.O. Box 1440, Boulder, CO 80306-1440, (303) 443-8782. APPLICATION FOR FINDING OF REASONABLE DILIGENCE, **IN CLEAR CREEK COUNTY**. Names of structures: St. Mary's Well No. 3 (a/k/a St. Mary's Well No. 5) - Permit No. 23293-F, St. Mary's Well No. 4 - Permit No. 053328-F and St. Mary's Well No. 5 (a/k/a St. Mary's Well No. 3) - Permit No. 056389-F. Date of original decree: April 8, 1975, Case No.: W-7825-74, District Court, Water Division No. 1. Location: St. Mary's Well No. 3 (a/k/a St. Mary's Well No. 5) - Permit No. 23293-F: In the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 2 South, Range 74 West of the 6th P.M., Clear Creek County, at a point 1700 feet North and 2500 feet West of the SE Corner, Section 35; St. Mary's Well No. 4 - Permit No. 053328-F: In the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35, Township 2 South, Range 74 West of the 6th P.M., Clear Creek County, at a point 130 feet North and 2250 feet East of the SW Corner, Section 35; St. Mary's Well No. 5 (a/k/a St. Mary's Well No. 3) - Permit No. 056389-F: In the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 2, Township 3 South, Range 74 West of the 6th P.M., Clear Creek County, at a point 1500 feet South and 1700 feet East of the NW Corner, Section 2. Source: Groundwater, tributary to Clear Creek. Appropriation date: December 20, 1974. Amount: St. Mary's Well No. 3 (a/k/a St. Mary's Well No. 5) - Permit No. 23293-F: 0.06 cfs (27gpm) ABSOLUTE; 0.16 cfs (73 gpm) CONDITIONAL; St. Mary's Well No. 4 - Permit No. 053328-F: 0.22 cfs (100 gpm) CONDITIONAL; St. Mary's Well No. 5 (a/k/a St. Mary's Well No. 3) - Permit No. 056389-F: 0.22 cfs (100 gpm) CONDITIONAL. Use:

Domestic, commercial, industrial, municipal, and non-consuming recreational together with St. Mary's Well No. 1-13050-F and St. Mary's Well No. 2-12482-F. Depth: St. Mary's Well No. 3 (a/k/a St. Mary's Well No. 5) is approximately 90 feet deep; St. Mary's Well No. 4 has not been constructed; St. Mary's Well No. 5 (a/k/a St. Mary's Well No. 3) is approximately 134 feet deep. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures: Applicant is a quasi-municipal water and sanitation district organized pursuant to statute to provide water and sewer service to its inhabitants. Development of its system is keyed to its service plan report, which provides for development of the water rights used to serve the district over a period of years. The water rights involved in this application are part of an overall comprehensive plan for development by applicant. During the diligence period, applicant obtained approval of a new point of diversion for St. Mary's Well No. 4 in Case No. 97CW144, District Court, Water Division No. 1, obtained well permits for St. Mary's Well Nos. 4 and 5 (a/k/a St. Mary's Well No. 3), and constructed St. Mary's Well No. 5 (a/k/a St. Mary's Well No. 3), at a cost in excess of \$60,000. In addition, during the diligence period, 38 new taps within the district have been added to the district's water system, approximately \$1,253,581 has been expended for operation, maintenance and repair of the existing water system, and applicant has conducted a comprehensive water system study that reaffirms its need for the subject wells and water rights at an approximate cost of \$14,840. During the diligence period the District has also incurred legal and engineering costs associated with the development of the water system that total \$93,388. The projects associated with these expenses include acquisition of real property for well sites, institution of a water usage metering/monitoring program, development of a Water Facility Plan, work associated with water system repair, well construction, evaluation and revision of tap and fee structures, and effort spent obtaining grant and loan funding for water system improvements. As additional homes are constructed within the district, additional pumping capacity and additional wells will be utilized in accordance with applicant's overall development plan. If claim to make absolute: Not applicable. (5 pages)

2001CW196(95CW063, 87CW146, 83CW190, W-9203-78) MARILYN J. JORRIE, 2350 Norwood, Boulder, CO 80304. (Ron S. Jong, LINDLEY & JONG, LLP, 1920 - 13TH St., Suite C, Boulder, CO 80302). Application to make Absolute, or in the Alternative, Finding of Reasonable Diligence, **IN BOULDER COUNTY.** 2. Name of structure: Curtis North well-No. 98108. 3. Description of conditional water right: A. previous decrees: The original decree for this well was entered on 9/28/1979, In Case No. W-9203-78, water court for Division No. 1. The first diligence decree was entered on 6/26/1984, in Case No. 83CW190, water court for Water Division No. 1. The second diligence decree was entered on 3/10/1989, In Case No. 87CW146, water court for Water Division No. 1. The third diligence decree was entered on 10/18/1995, in Case No. 93CW063, water court for Water Division No. 1. B. Location: In the SE1/4SE1/4, S18, T1n, r70w, 6TH p.m., Boulder County, Colorado, at a point approximately 160' N of the S line and approximately 815' W of the E line of this section. Location is also known as 2350 Norwood Drive. C. Source: Groundwater, tributary to Boulder Creek D. Appropriation date and amounts: July 1, 1955, for 0.03 c.f.s. (13.5 g.p.m.) absolute July 1, 199, for 0.014 cfs (6.5 g.p.m.) CONDITIONAL . E. Use: Domestic in a single family dwelling, and irrigation of one acre of lawns and gardens. Absolute. Domestic in an additional single family dwelling and irrigation of less than one acre CONDITIONAL. Irrigation shall not exceed a total of one acre of lawns and gardens. F. Depth: 13 feet. 4. Detailed outline of work done since the last due diligence decree toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: The applicant has conducted the following work and incurred the following expenses, at least, since the filing of Applicant's last Finding of Reasonable Diligence (93CW063) on 10/18/1995; which is hereby submitted as evidence that Applicant's conditional water right should be decreed absolute, or alternatively, be found sufficient for a finding of reasonable diligence. A. Additional single family dwelling Applicant has continued developing and improving the additional single dwelling for which domestic use I conditionally decreed in W-9203-78 (as stated in the Findings of Reasonable Diligence In 83Cw190, 87Cw146 and 93Cw063). Construction, repair and architectural planning on the additional single family dwelling ahs cost Applicant \$35,811 since the last Finding of Reasonable Diligence. Costs include work on power lines, roof repairs, wall repairs and professional services, including, engineering and architectural planning. (See Ex. A for tabulation of expenses related to additional single family dwelling.) Applicant ahs completed development and improvement of less than one acre of gardens and lawns for which irrigaiton use is conditionally decreed in

W-9203-78 (as stated in the Findings of Reasonable Diligence in 83CW190, 87Cw146 and 93CW063). Purchase and maintenance of plants, vegetation and irrigation system, on this less than one acre of gardens and lawns, has cost applicant \$125, 146 since the last Finding of Reasonable Diligence. (See Ex. B for tabulation of expenses related to lawns and gardens) Applicant has diverted up to 20 g.p.m. absolute and 6.5 g.p.m. Conditional) from the Curtis Well and beneficially applied water to this less than one-acre of gardens and lawns for which irrigation use is decreed. C. Curtis North Well Applicant has installed a pump capable of diverting and pumping a sustained 30 g.p.m. However, a flow control valve is currently installed and operates to prevent more than 20 g.p.m. flow to ensure that senior water rights are not injured. A pump test on 10/30/2001, determined that initial production was 20 g.p.m., average production was 19.34 g.p.m., total production was 3,869 gallons and the regeneration rate was 19 gallons per minute. Applicant has expended \$1,039 on this well since the last Finding o Reasonable Diligence. (See Exhibit C for tabulation of expenses related to Curtis North well. Sell also Exhibit 1, the pump test results). D. Legal fees Residential and municipal developments are probably within the Curtis North Well's ground water aquifer. These developments have potentially adverse consequences on the quality and quantity of applicant's conditional right Applicant has vigorously defended her water rights to prevent injury to both conditional and absolute rights. Moreover, Applicant expended legal fees in boundary disputes, which impacts the less than one acre of lawns and gardens, for which water is conditionally and absolutely decreed. Applicant has expended \$17,169 on legal related fees to protect her absolute and conditional rights (See Exhibit D for tabulation of expenses related to protecting water rights). E. Personal labor. Since the last Finding of Reasonable Diligence, Aplincat ahs personally contributed hundreds of hours of planning and physical labor toward developing the decreed conditional use. In summary, in addition to ersonal labor, Applicant ahs directly and indirectly expended over \$184,230 since the last Finding of Reasonable Diligence to develop, maintain and to protect Applicant's conditional water right. (See Exhibits 2 and 3, the bookkeepers affidavits affirming the accuracy of the expenditures). 5. Claim to make absolute: Up to the full decreed amount of 20 g.p.m. (13.5 g.p.m. absolute and 6.5 g.p.m. conditional) from the Curtis Well (No. 98108) was diverted and beneficially applied to a decreed use (irrigation of less than one acre of lawns and gardens) on October 30, 2001 during a pump test (see Exhibit 1, the pump test results). Moreover, Applicant has previously diverted water regularly from this well and beneficially applied the water to decreed uses, using the pump and flow control valve described in the pump test, during wetter months, in particular the spring and summer when irrigation was needed more. Therefore, it is reasonable to infer that Applicant has been beneficially applying the full 20 g.p.m. to decreed uses for some time prior to the pump test of October 20, 1002. Wherefore, Applicant ahs successfully diverted the fiull 20 g.p.m. decreed water (13.5 g.p.m. absolute and 6.5 g.p.m. Conditional) and beneficially applied this amount to the decreed use of less than one acre of lawns and gardens. On this basis Applicant asks the court to enter a decree finding that the conditional 6.5 g.p.m. to now be an absolute water right (for a total absolute water right of 20 g.p.m. from the Curtis Well). Alternatively, to the extent the court may find that Applicant is not entitled to make absolute the entire 6.5 g.p.m. conditional right, the conditional water right and that the conditional water right is therefore continued for an additional six years. (5 pages; Exhibits 9 pages) (proof)

2001CW197 **CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE NORTHERN COLORADO WATER CONSERVANCY DISTRICT, IN THE CACHE LA POUDE RIVER AND ITS TRIBUTARIES, IN LARIMER COUNTY.** Name, mailing address, telephone number of Applicant: Northern Colorado Water Conservancy District ("District"), 1250 North Wilson Avenue, Post Office Box 679, Loveland, Colorado 80539, (970) 667-2437. (Douglas M. Sinor, Esq., Trout, Witwer & Freeman, P.C., 1120 Lincoln Street, Suite 1600, Denver, Colorado 80203, (303) 861-1963)

1. Names of Structures:

- Grey Mountain Dam and Reservoir
- Cache La Poudre Forebay Dam and Reservoir
- Cache La Poudre Forebay Reservoir, First Enlargement
- Cache La Poudre Afterbay Reservoir
- Cache La Poudre Power Conduits

2. Description of conditional water rights:

Grey Mountain Dam and Reservoir

- 1. Original Decree: Case No. 80CW355, Water Division No. 1, August 20, 1985.

2. Location: A dam axis located in Section 9, T8N, R70W, 6th P.M., Larimer County, Colorado being more particularly described as follows:
Considering the West line of the Northeast 1/4 of said Section 9 as bearing South 00E 28' 33" East as determined by solar observation, and with all bearings contained herein relative thereto: Beginning at the Southwest corner of the Northeast 1/4 of said Section 9; thence South 27E 19' 28" East 502.44 feet to a point on the centerline of said dam with axis bearing North 87E 32' 26" East, said point also being at the intersection of the centerline of the Cache La Poudre River Channel as it existed at the time the original application was filed.
3. Sources: Cache La Poudre River and its tributaries, all of said waters being tributary to the South Platte River.
4. Appropriation date: May 2, 1980.
 5. Amount: 220,000 acre-feet, conditional.
 6. Uses: Irrigation, municipal, domestic, industrial and production of electrical power and energy.
 7. Diligence Decree: A finding of reasonable diligence for the Grey Mountain Dam and Reservoir conditional water right was decreed in consolidated Case Nos. 85CW206, 85CW207, 85CW208, 85CW209, 85CW210 and 89CW122, Water Division No. 1, August 9, 1995.

Cache La Poudre Forebay Dam and Reservoir

1. Original Decree: Case No. 80CW355, Water Division No. 1, August 20, 1985.
2. Location:
A dam axis located in Section 36, T9N, R71W, 6th P.M., Larimer County, Colorado, being more particularly described as follows: Considering the West line of the Northwest 1/4 of said Section 36 as bearing North 04E 32' 13" West as determined by solar observation, and with all bearings contained herein relative thereto: Beginning at the Northwest corner of the Northwest 1/4 of said Section 36; thence South 63E 45' 28" East 1937.95 feet to a point on the centerline of said dam with axis bearing North 53E 57' 35" East.
Point of diversion for Cache La Poudre Forebay Dam and Reservoir on the Cache La Poudre River at Cache La Poudre Power Conduits:
Intake "Y":
An intake point located in Section 31, T9N, R70W, 6th P.M., Larimer County, Colorado, being more particularly described as follows:
Considering the South line of the Southwest Quarter of said Section 31 as being North 89E 51' 00" East and with all bearings contained herein relative thereto: Beginning at the Southwest corner of said Section 31; thence along the South line of the Southwest Quarter of said Section 31 North 89E 51' 00" East 1427.89 feet; thence departing said South line North 00E 09" 00" West 499.20 feet to said intake point.
3. Sources: Cache La Poudre River and its tributaries, all of said waters being tributary to the South Platte River.
4. Appropriation date: May 2, 1980.
5. Amount: 5,400 acre-feet, conditional.
6. Uses: Irrigation, municipal, domestic, industrial and production of electrical power and energy.
7. Diligence Decree: A finding of reasonable diligence for the Cache La Poudre Forebay Dam and Reservoir conditional water right was decreed in consolidated Case Nos. 85CW206, 85CW207, 85CW208, 85CW209, 85CW210 and 89CW122, Water Division No. 1, August 9, 1995.

Cache La Poudre Forebay Reservoir, First Enlargement

1. Original Decree: Consolidated Case Nos. 85CW206, 85CW207, 85CW208, 85CW209, 85CW210 and 89CW122, Water Division No. 1, August 9, 1995.
2. Location:
The reservoir will be formed by the construction of five dams, the locations of which are described as follows:

Dam Axis "A":

A dam axis located in portions of Section 26, 35 and 36 all in T9N, R71W, 6th P.M., Larimer County, Colorado being more particularly described as follows:

Considering the West line of the Southwest 1/4 of Section 25, T9N, R71W as bearing North 00E 16' 00" West and with all bearings contained herein relative thereto: Beginning at the Southwest corner of said Section 25; thence South 03E 51' 53" East 1638.05 feet to the True Point of Beginning; thence along said dam axis North 06E 37' 56" West 2265.61 feet to the Northerly end of said dam axis.

Dam Axis "B":

A dam axis located in Section 36, T9N, R71W, 6th P.M., Larimer County, Colorado being more particularly described as follows:

Considering the North line of the Northwest 1/4 of said Section 36 as bearing North 87E 58' 50" East and with all bearings contained herein relative thereto: Beginning at the Northwest corner of said Section 36 also being the Southwest corner of Section 25, T9N, R71W, 6th P.M.; thence South 03E 51' 53" East 1630.05 feet to the True Point of Beginning; thence along said dam axis North 70E 40' 38" East 3872.84 feet to the Easterly end of said dam axis, from which point the North 1/4 corner of said Section 36 bears North 69E 53' 36" West 1288.46 feet.

Dam Axis "C"

A dam axis located in portions of Sections 25 and 36, T9N, R71W, 6th P.M., Larimer County, Colorado, being more particularly described as follows:

Considering the South line of the Southwest 1/4 of said Section 25 as bearing South 87E 58' 50" West and with all bearings contained herein relative thereto: Beginning at the South 1/4 corner of said Section 25; thence North 18E 12' 55" East 1138.52 feet to the True Point of Beginning; thence along said dam axis South 29E 15' 35" East 1747.35 feet to the Southerly end of said dam axis from which point the South 1/4 corner of said Section 25 bears North 69E 53' 36" West 1288.46 feet.

Dam Axis "D"

A dam axis located in Section 25, T9N, R71W, 6th P.M., Larimer County, Colorado, being more particularly described as follows:

Considering the West line of the Southwest 1/4 of said Section 25 as bearing South 00E 16' 00" East and with all bearings contained herein relative thereto: Beginning at the West 1/4 corner of said Section 25; thence North 57E 34' 42" East 1474.88 feet to the True Point of Beginning; thence along said dam axis South 48E 07' 17" East 2231.96 feet to the Southerly end of said dam axis.

Dam Axis "E"

A dam axis located in portions of Sections 25 and 26, T9N, R71W, 6th P.M., Larimer County, Colorado, being more particularly described as follows:

Considering the West line of the Southwest 1/4 of said Section 25 as bearing South 00E 16' 00" East and with all bearings contained herein relative thereto: Beginning at the West 1/4 corner of said Section 25; thence North 25E 32' 02" West 446.01 feet to the True Point of Beginning; thence along said dam axis North 29E 10' 14" East 1418.12 feet to the Northerly end of said dam axis.

3. Source: Cache La Poudre River via Cache La Poudre Power Conduits and local runoff to Greyrock Meadow.
4. Appropriation Date: June 14, 1985.
5. Amount: 89,600 acre-feet, conditional.
6. Uses: Domestic, irrigation, hydroelectric power production, replacement, recreation, industrial and municipal.

Cache La Poudre Afterbay Reservoir

1. Original Decree: Consolidated Case Nos. 85CW206, 85CW207, 85CW208, 85CW209, 85CW210 and 89CW122, Water Division No. 1, August 9, 1995.

2. Location: A dam axis located in Section 32, T9N, R70W, 6th P.M., Larimer County, Colorado being more particularly described as follows:

Considering the South line of the Southeast 1/4 of Section 32 as bearing North 89E 31' 00" East and with all bearings contained herein relative thereto:
Beginning at the South east corner of said Section 32; thence along the South line of the Southeast 1/4 of Said Section 32 South 89E 31' 00" West 304.14 feet; thence departing said South line North 00E 29' 00" West 586.34 feet to the True Point of Beginning; thence along said dam axis North 35E 45' 04" West 639.82 feet to the Northerly end of said dam axis.

3. Source: Cache La Poudre River and local runoff to Greyrock Meadow via Cache La Poudre Power Conduits.

4. Appropriation Date: June 14, 1985.

5. Amount: 50,000 acre-feet total reservoir capacity, 48,000 acre-feet active reservoir capacity, conditional.

6. Uses: Domestic, irrigation, hydroelectric power production, replacement, recreation, industrial and municipal.

Cache La Poudre Power Conduits

1. Original Decree: Consolidated Case Nos. 85CW206, 85CW207, 85CW208, 85CW209, 85CW210 and 89CW122, Water Division No. 1, August 9, 1995.

2. Location:

The Cache La Poudre Power Conduits (of which there will be three) will be used for both pumping water and generating electric power between the Cache La Poudre Afterbay Reservoir and the Cache La Poudre Forebay Reservoir, and will therefore have intake point at both ends, the locations of which are described as follows:

Intake "Y":

An intake point located in Section 31, T9N, R70W, 6th P.M., Larimer County, Colorado, being more particularly described as follows:

Considering the South line of the Southwest Quarter of said Section 31 as being North 89E 51' 00" East and with all bearings contained herein relative thereto:
Beginning at the Southwest corner of said Section 31; thence along the South line of the Southwest Quarter of said Section 31 North 89E 51' 00" East 1427.89 feet; thence departing said South line North 00E 09' 00" West 499.20 feet to said intake point.

Intake "W"

An intake point located in Section 25, T9N, R71W, 6th P.M., Larimer County, Colorado, being more particularly described as follows:

Considering the South line of the Southwest 1/4 of said Section 25 as bearing North 87E 58' 50" East and with all bearings contained herein relative thereto;
Beginning at the Southwest corner of said Section 25; thence North 55E 17' 22" East 2135.40 feet to said intake point.

3. Source: Cache La Poudre River (including water stored in Grey Mountain Reservoir or the Cache La Poudre Afterbay Reservoir) and local runoff to Greyrock Meadow.

4. Appropriation Date: June 14, 1985.

5. Amount: 27,000 cfs for all conduits combined, conditional.

6. Uses: Domestic, irrigation, hydroelectric power production, replacement, recreation, industrial, municipal and storage in the Cache La Poudre Forebay Reservoir, the Cache La Poudre Afterbay Reservoir or the Grey Mountain Reservoir for the same uses in the future.

Detailed outline of what has been done toward completion or for completion of the appropriations and application of water to beneficial use as conditionally decreed, including expenditures:

The conditional water rights described above and in the decree entered in consolidated Case Nos. 85CW206, 85CW207, 85CW208, 85CW209, 85CW210 and 89CW122 ("Consolidated Cases") comprise

an integrated project, known as the Poudre Project. The Poudre Project is designed to provide water and related benefits to the constituents of the District. In addition to a water supply component, the Poudre Project has a power generation component.

The water supply component of the Poudre Project consists of the Cache La Poudre Forebay Dam and Reservoir, the Cache La Poudre Forebay Dam and Reservoir, First Enlargement, the Cache La Poudre Afterbay Reservoir, the Cache La Poudre Power Conduits, the Grey Mountain Reservoir, the Glade Reservoir and the Glade Reservoir Feeder Tunnel. Water rights for the Glade Reservoir and Feeder Tunnel were not confirmed in the Consolidated Cases; however, these structures remain viable elements of the Poudre Project. Development and expenditures with respect to one element of the water supply project benefit the whole water supply project and its individual elements.

The power generation component of the Poudre Project consists of the Cache La Poudre Forebay Dam and Reservoir, the Cache La Poudre Forebay Dam and Reservoir, First Enlargement, the Cache La Poudre Afterbay Reservoir and the Cache La Poudre Power Conduits, which are interdependent elements of an integrated pumped storage project. The pumped storage project can be constructed and operated independently from other elements of the Poudre Project; however the water storage elements of the power project are also part of the water supply component of the Poudre Project. Thus development and expenditures on the water storage aspect of the pumped storage project benefit both the pumped storage component and, the water supply component of the Poudre Project.

Data Collection

The District has funded the collection of data on the North Fork of the Cache La Poudre River to provide more information on the water quality and quantity of this tributary source. The District shared gaging station costs with the United States Geological Survey from 1995 through 1998 for the collection of both water quality and water quantity data. Since 1999, the District has also contracted with Harlan and Associates to collect water quality information on the North Fork. The total cost for these data collection activities from August 1995 to August 2001 is \$64,404.

Studies and Investigations

The District has incurred internal costs of \$102,824 for engineering, management and public information activities conducted by District staff related to development of the Poudre Project. District personnel activities include general engineering related to project elements, management and assistance to consultants in evaluation of project elements and alternative elements, hydrologic modeling of project components and their integration with other water rights and operation of other projects, and surveying. In addition, the District engaged CH2M-Hill and EDAW, Inc. in January 1998 to assist in ascertaining the need for development of additional water supplies for future growth by completing a regional water demand study based upon the future growth plans of municipal, domestic and industrial water purveyors located within the District boundaries. The District issued a draft report on the water demand study in February 2000 which indicated that, over the next 30 to 50 years, annual municipal, domestic and industrial water use within the District's potential service area would increase by approximately 264,000 acre-feet. The District also engaged DCSE Consultants to provide and examine a GIS-based water demand model. The District spent \$136,139 for consultants' services to assist in the regional water demand study. The District is currently updating the study results and has initiated an evaluation of possible water sources to help supply the projected new water demand.

In anticipation of meeting the requirements for compliance with the National Environmental Policy Act, the District initiated feasibility studies of alternative sites and project configurations that would utilize the Poudre Project water rights. As part of this effort, the District engaged a consultant to evaluate the geotechnical feasibility of enlarging New Seaman Reservoir located on the North Fork of the Cache La Poudre River. The cost to the District for the study was \$75,316. The District also cooperated with the City of Greeley, the owner of the existing Milton Seaman Reservoir, in obtaining an environmental feasibility evaluation for the New Seaman Reservoir Enlargement alternative.

In 2000, the District purchased lands adjacent to its current holdings at the proposed Glade Reservoir site to further secure possibilities for an alternative storage site at that location. The cost for those lands was \$1,769,655. The District has recently contracted with environmental and geotechnical consultants to explore the feasibility of an off-channel dam and reservoir that could utilize the subject water rights at this alternative location.

In 1996, the District hired Brown and Caldwell Engineering to provide information related to regional integrated resource planning at an expense of \$9,357. In December of 1996, the District initiated

the formation of the Northern Regional Water Coalition, which included interested municipal, domestic and industrial water supply entities located within the District's water service area, to discuss issues affecting water supplies in Northern Colorado and to begin looking at how regional water needs might be addressed in the future. Several members of this coalition committed to pursue development of a regional water project that would potentially include some components of the Poudre Project to meet future water demands. This is now an on-going effort known as the Northern Integrated Supply Project ("ANISP"). Members of NISP are beginning a process to methodically evaluate the options to secure a reliable water supply to provide for future growth within the region.

Litigation

During the diligence period, the District has filed statements of opposition and participated in Water Division 1 Case Nos. 98CW435 and 96CW1116 to prevent injury to the Poudre Project rights.

Related Efforts

Since 1995, District staff have been very involved in negotiating a basin-wide solution to endangered species issues in the Platte River basin that could limit the District's ability to build and operate the Poudre Project. District personnel have been working and continue to work through the Platte River Project and with the State of Colorado in these negotiations. To date, the District has incurred a minimum of approximately \$388,879 in staff labor expenses and \$30,773 on vehicle and travel expenses related to this effort. Remarks: The decree in the Consolidated Cases provided that an application for findings of reasonable diligence for the subject conditional water rights be filed in August 2001. The Water Court, however, did not notify the District of the expiration of the diligence period as required by C.R.S. § 37-92-305(7). Having been made aware of the omission, the Water Court extended the deadline for filing an application for findings of reasonable diligence for the subject conditional water rights until the last day of December 2001 by an Order dated October 10, 2001.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE, until the last day of **December, 2001** 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)

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96CW405	GARY ANDERSON	PARK	PAGES 03
96CW406	JERMAN FAMILY TRUST C/O ALBERT JERMAN	PARK	PAGES 03
96CW408	RUTH ELAINE CRAMER TRUSTEE	PARK	PAGES 03

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Attachment to the October, 2001 Resume

2001CW027 **BASSET PROPERTIES, LLC**, Holly I. Holder, HOLDER & CILIBERTO, P.C., 518 - 17th St., Suite 1500, Denver, CO 80202-4162. Amended Application , **IN DOUGLAS COUNTY.** Applicant Basset Properties, LLC, by and through its undersigned attorneys, Holder & Ciliberto hereby amends the application filed 2/28/2001 as follows: 1. The property is located in the S1/2N1/2, S26, T7S, R67W, 6th P.M. All other matters remain the same as shown in the 2, 2001 resume published for Water Division 1.