TO ALL PERSONS INTERESTED IN WATER APPLICATIONS IN WATER DIVISION 1:
Pursuant to CRS, 37-92-302, you are hereby notified that the following pages comprise a resume of applications and amended applications filed in the office of the Water Clerk for Water Division No. 1 during the month of **December, 2002.**

2002CW293 **EDWARD AND SUSAN ANGELL,** 12176 N. First St., Parker, CO 80134. Application for Underground Water Right, **IN DOUGLAS COUNTY.** Angell Well #18576 is located in the SW1/4SW1/4, S7, T6S, R66W, 900' from S section line and 200' from W section line. Source Denver Aquifer Depth: 625' Appropriation: 3/27/1995 Amount claimed: 40 gpm Use: ordinary household purposes inside one single family dwelling, the watering of 4 large domestic animals, and the irrigation of not more than 10,00 square feet of home gardens and lawns. **(2 pages) YOU ARE HEREBY NOTIFIED THAT YOU HAVE**, until the last day of **February, 2003** to file with the Water Clerk in quadruplicate a verified statement of opposition setting forth facts as to why a certain application should not be granted or why it should be granted only in part or on certain conditions. A copy of each statement of opposition must also be served upon the Applicant or the Applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing fee: $45.00). **MARY A. CRESPIN, Water Clerk,** Water Division 1, POB 2038, Greeley, CO 80632.

2002CW294 **MARY KATHLEEN LOY. (Felt, Monson & Culichia, L.L.C.,** Bradford R. Benning, James G. Felt, 319 North Weber Street, Colorado Springs, CO 80903. Phone: 719-471-1212/Fax: 719-471-1234. Email: brb@fmcwater.com). **APPLICATION FOR UNDERGROUND WATER RIGHTS, IN PARK COUNTY.**

1. Name and Address of Applicant:

Mary Kathleen Loy f.k.a. Mary Kathleen Turner
P.O. Box 143
370 Falcon Dr.
Hartsel, Colorado 80449
(719) 837-2372

Attorneys for Applicants:

FELT, MONSON & CULICHIA, L.L.C.
Bradford R. Benning, #31946
James G. Felt, #4369
319 North Weber
Colorado Springs, Colorado 80903
(719) 471-1212

2. Application for Underground Water Rights:

A. Name of Well(s).

(i) Charlie's Well.

(ii) Mary's Well.

B. Legal Description.

(i) Charlie's Well: Charlie's Well is located in the NE1/4 of the SE1/4 of Section 20, Township 13 South, Range 74 West of the 6th P.M. being 2578 feet from the south section line and 343 feet from

the east section line of said Section 20, Park County, Colorado. The well is located in Lot 44, Filing 2 of the Nine Mile Heights subdivision. See Map attached as Exhibit A.

(ii) Mary's Well: Mary's Well is located in the SE1/4 of the NE1/4 of Section 20, Township 13 South, Range 74 West of the 6th P.M. being 3028 feet from the south section line and 696 feet from the east section line of said Section 20, Park County, Colorado. The well is located in Lot 46, Filing 2 of the Nine Mile Heights subdivision. See Map attached as Exhibit A.

C. Source.

(i) Charlie's Well: Tributary groundwater of an unnamed drainage, tributary to the South Platte River. The depth of the well is 600 feet.

(ii) Mary's Well: Tributary groundwater of an unnamed drainage, tributary to the South Platte River. The depth of the well is 120 feet.

D. Appropriation.

(i) Charlie's Well.

(a) Date of Initiation of Appropriation. July 22, 2002

(b) How Appropriation Was Initiated. By the issuance of exempt household use only well permit No. 242506 by the Colorado Division of Water Resources on July 22, 2002 together with Applicant's intent to appropriate the water from the well and apply the water to beneficial use. See attached Exhibit B, Well Permit No. 242506.

(c) Date Water Applied to Beneficial Use. August 20, 2002.

(ii) Mary's Well.

(a) Date of Initiation of Appropriation. April 3, 1972.

(b) How Appropriation Was Initiated. By approval of application and issuance of exempt well permit No. 55025 by the Colorado Division of Water Resources for domestic and livestock use on April 3, 1972, together with the intent to appropriate the water from the well and apply the water to these beneficial uses. See attached Exhibit C, Well Permit No. 55025.

(c) Date Water Applied to Beneficial Use. July 12, 1972.

E. Amount Claimed.

(i) Charlie's Well: Up to 15 g.p.m. absolute.

(ii) Mary's Well: Up to 15 g.p.m. absolute.

F. Use.

(i) Charlie's Well: In-house use only as per permit No. 242506.

(iii) Mary's Well: Domestic and livestock use as per permit No. 55025. The

domestic uses included under C.R.S. § 37-92-602(1)(b) for ordinary household purposes, fire protection, the watering of poultry, domestic animals, and livestock on farms and ranches, and the irrigation of not over one acre of home gardens and lawns.

G. Land Ownership. The land upon which Charlie's Well and Mary's Well are located is owned by the Applicant. See attached Exhibit D, Warranty Deed; Exhibit B; Exhibit C; and Exhibit E, Change of Ownership Well Permit No. 55025.

H. Additional Information. The wells which are the subject of this application are exempt wells under C.R.S. § 37-92-602 and a decree for these exempt wells is sought pursuant to C.R.S. § 37-92-602(4).

WHEREFORE, the Applicant requests that this Application for Underground Water Rights be granted as requested herein.

2002CW295 TERRY DRAPER D/B/A PERRY PARK RANCH, Timothy J. Flanagan, Fowler, Schimberg & Flanagan, P.C., 1640 Grant Street, Suite 300, Denver, Colorado 80203. Telephone: (303) 298-8603 Telefax: (303) 298-8748 E-mail: t_flanagan@fsf-law.com APPLICATION FOR CONDITIONAL WATER STORAGE RIGHT, **IN DOUGLAS COUNTY**

1. Names, Address and Telephone Number of Applicant:

Terry Draper d/b/a Perry Park Ranch, LLC
5655 West Red Rock Drive
Larkspur, Colorado 80118
Phone: (303) 681-2893

Please forward all correspondence or inquiries regarding this matter to attorney for the Applicant:

Timothy J. Flanagan, Esq.
Fowler, Schimberg & Flanagan, P.C.
1640 Grant Street, Suite 300
Denver, CO 80203
Phone: (303) 298-8603

2. Name of Reservoir: Draper Pond.

3. Legal Description and Location of Dam: The Draper Pond is a mined out gravel pit located in the SE ¼ of the SE ¼ of Sec. 15, T9S, R68 West of the 6th P.M., Douglas County, Colorado. The axis of the right abutment of the dam is located north 39º west, 1700 feet from the southeast corner of said Section 15 in Douglas County, Colorado (see attached location map).

4. Source: Bear Creek, a tributary of West Plum Creek within the South Platte River drainage.

5. Water Right:

A. Date of appropriation: June 30, 1982.

The Applicant purchased the subject property on April 29, 1991; however because of Perry Park Water and Sanitation District's failure to give notice of its filing to the landowner in Case No. 83-CW-344, as well as subsequent diligence applications in Case Nos. 90-CW-021 and 99-CW-075, the landowner claims a relation back to the priority date in accordance with C.R.S. § 37-92-306.1. Water has not yet been applied to beneficial use.

B. Amount of Water: 125 acre-feet CONDITIONAL including the right to refill once per year in the amount of 125 acre-feet CONDITIONAL.

C. Use: Irrigation, domestic, fire protection, recreational, piscatorial and augmentation or exchange.

D. Maximum Height of Dam: 45 feet.

E. Length of Dam: 300 feet.

F. Surface Acres at High Water Mark: 8 acres.

G. Total Capacity of Reservoir in Acre-Feet: 125 acre-feet.

H. Active Capacity in Acre-Feet: 125 acre-feet.

I. Dead Storage: -0- acre-feet.

J. Name and Capacity of Ditch: not applicable; this is an on-channel reservoir adjacent to Bear Creek.

K. Owners: the applicant owns the property upon which Draper Pond is located, as well as any appurtenant facilities or structures will be located.

6. REMARKS:

Attached is a general location map. (3 pages-Ex. A-1 page)

2002CW296 Max Moler, 1714 Weld County Road 29, Fort Lupton, Colorado 80621, (303) 659-5863. Kelly J. Custer, Lind, Lawrence & Ottenhoff, LLP, 1011 11th Avenue, Greeley, CO 80631, (970) 356-9160. Application to Make Absolute or for Finding of Reasonable Diligence **IN WELD COUNTY**. 2. Name of Structures: Max Moler Well No. 2. 3. Conditional Water Right: A. Original Decree: Case No. 96CW087, Water Division No. 1, December 16, 1996. B. Legal Description of Structures: In the Southwest Quarter of the Northwest Quarter of Section 28, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado, at a point 1370 feet South and 300 feet East of the Northwest Corner of said section. C. Source: Tributary alluvium. D. Date of Appropriation: February 26, 1996. E. Amount: 15 g.p.m., conditional. F. Use: Domestic use for 1 household, 4 head of livestock, and irrigation of 23,000 square feet on Lot 1, Recorded Exemption µ 1471-28-2-RE1314, in the Southwest ¼ of the Northwest ¼ of Section 28, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 4. Outline of What Has Been Done Toward Completion: Applicant drilled the well under permit no. 047913-F and has placed the water to beneficial use as decreed. A Statement of Beneficial Use for the well was accepted and signed by the State Engineer on November 12, 1997. 5. Claim to Make Absolute or In the Alternative, for Diligence: Applicant seeks to make absolute the entire decreed amount, 15 g.p.m., or in the alternative, seeks a finding of reasonable diligence continuing the water right in full force and effect.

2002CW297 CASTLE PINES NORTH METROPOLITAN DISTRICT CILIBERTO & ASSOCIATES, LLC, Carrie L. Ciliberto, Sheela S. Parameswar, 1660 Lincoln Street, Suite 1700, Denver, Colorado 80264. Telephone: (303) 861-4300APPLICATION FOR CHANGE OF WATER RIGHTS, **In Douglas County**.

1. Name, address and telephone number of Applicant:

Castle Pines North Metropolitan District
7404 Yorkshire Drive
Castle Rock, CO 80104
(303) 688-8550

Please transmit all correspondence to:

Carrie L. Ciliberto, Esq.
Ciliberto and Associates, LLC
1660 Lincoln Street, Suite 1700
Denver, CO 80264
(303) 861-4300

2. Water Rights for which change is sought: All water rights decreed in:

A. Lower Dawson aquifer- Case No. 80CW054

B. Lower Dawson aquifer- Case No. 84CW059

C. Denver Formation- Case No. 84CW060

D. Arapahoe Formation- Case No. 84CW061

E. Laramie-Fox Hills aquifer- Case No. 84CW062

F. South Platte and tributaries- Case No. 85CW479

G. Upper Dawson aquifer- Case No. 85CW466

3. Decreed names of structures for which change is sought:

A. Lower Dawson Well No. 1

i. Location: NE ¼, NE ¼, Section 8, Township 7 South, Range 67 West, 6th P.M., 50 feet from the North Section Line, 50 feet from the East Section Line, Douglas County, Colorado.

ii. Appropriation Date: April 27, 1983.

iii. Amount/Pumping Rate: 250 g.p.m.

iv. Case No.: 84CW059.

B. Lower Dawson Well No. 2

i. Location: NW ¼, SE ¼, Section 4, Township 7 South, Range 67 West, 6th P.M., 1,349 feet from the South Section Line, 2,571 feet from the East Section Line, Douglas County, Colorado.

ii. Appropriation Date: April 27, 1983.

iii. Amount/Pumping Rate: 250 g.p.m.

iv. Case No.: 84CW059.

C. Lower Dawson Well No. 3

i. Location: NE ¼, SW ¼, Section 9, Township 7 South, Range 67 West, 6th P.M., 1,300 feet from the South Section Line, 1,300 feet from the West Section Line, Douglas County, Colorado.

ii. Appropriation Date: April 27, 1983.

iii. Amount/Pumping Rate: 250 g.p.m.

iv. Case No.: 84CW059.

D. Lower Dawson Well No. 4

i. Location: NE ¼, NE ¼, Section 5, Township 7 South, range 67 West, 6th P.M., 471 feet from the North Section Line, 446 feet from the East Section Line, Douglas County, Colorado.

ii. Appropriation Date: April 27, 1983.

iii. Amount/Pumping Rate: 250 g.p.m.

iv. Case No.: 84CW059

E. Lower Dawson Well No. 5

i. Location: SW ¼, NW ¼, Section 33, Township 6 South, Range 67 West, 6th P.M., 2,349 feet from the North Section Line, 1, 034 feet from the West Section Line, Douglas County, Colorado.

ii. Appropriation Date: April 27, 1983.

iii. Amount/Pumping Rate: 250 g.p.m.

iv. Case No.: 84CW059.

F. Lower Dawson Well No. 6

i. Location: SW ¼, NE ¼, Section 32, Township 6 South, Range 67 West, 6th P.M., 1,713 feet from the North Section Line, 2,126 feet from the East Section Line, Douglas County, Colorado.

ii. Appropriation Date: April 27, 1983.

iii. Amount/Pumping Rate: 250 g.p.m.

iv. Case No.: 84CW059

G. Denver Well No. 1

i. Location: NE ¼, NE 1/4 , Section 8, Township 7 South, Range 67 West, 6 th P.M., 120 feet from the North Section Line, 570 feet from the East Section Line, Douglas County, Colorado.

ii. Appropriation Date: April 27, 1983.

iii. Amount/Pumping Rate: 250 g.p.m.

iv. Case Nos.: 84CW060 and 98CW468.

H. Denver Well No. 2

i. Location: NW ¼, SE ¼, Section 4, Township 7 South, Range 67 West, 6th P.M., 1,349 feet from the South Section Line, 2,571 feet from the East Section Line, Douglas County, Colorado.

ii. Appropriation Date: April 27, 1983.

iii. Amount/Pumping Rate: 250 g.p.m.

iv. Case Nos.: 84CW060 and 98CW468.

I. Denver Well No. 3

i. Location: NE ¼, SW ¼, Section 9, Township 7 South, Range 67 West, 6th P.M., 2,050 feet from the South Section Line, 2,150 feet from the West Section Line, Douglas County, Colorado.

ii. Appropriation Date: April 27, 1983.

iii. Amount/Pumping Rate: 250 g.p.m.

iv. Case Nos.: 84CW060 and 98CW468.

J. Denver Well No. 4

i. Location: NE ¼, NE ¼, Section 5, Township 7 South, Range 67 West, 6th P.M., 471 feet from the North Section Line, 446 feet from the East Section Line, Douglas County, Colorado.

ii. Appropriation Date: April 27, 1983.

iii. Amount/Pumping Rate: 250 g.p.m.

iv. Case Nos.: 84CW060 and 98CW468.

K. Denver Well No. 5

i. Location: SW ¼, NW ¼, Section 33, Township 6 South, Range 67 West, 6th P.M., 2,349 feet from the North Section Line, 1,034 feet from the West Section Line, Douglas County, Colorado.

ii. Appropriation Date: April 27, 1983.

iii. Amount/Pumping Rate: 250 g.p.m.

iv. Case Nos.: 84CW060 and 98CW468.

L. Denver Well No. 6

i. Location: SW ¼, NE ¼, Section 32, Township 6 South, Range 67 West, 6th P.M., 1,713 feet from the North Section Line, 2,126 feet from the East Section Line, Douglas County, Colorado.

ii. Appropriation Date: April 27, 1983.

iii. Amount/Pumping Rate: 250 g.p.m.

iv. Case Nos.: 84CW060 and 98CW468.

M. Denver Well No. 7

i. Location: NW ¼, NE ¼, Section 4, Township 7 South, Range 67 West, 6th P.M., 421 feet from the North Section Line, 2,310 feet from the East Section Line, Douglas County, Colorado.

ii. Appropriation Date: April 27, 1983.

iii. Amount/Pumping Rate: 250 g.p.m.

iv. Case No.: 84CW060 and 98CW468.

N. Arapahoe Well No. 1

i. Location: NE ¼, NE ¼, NE ¼, Section 8, Township 7 South, Range 67 West, 6th P.M., 120 feet from the North Section Line, 570 feet from the East Section Line, Douglas County, Colorado.

ii. Appropriation Date: April 27, 1983.

iii. Amount/Pumping Rate: 500 g.p.m.

iv. Case No.: 84CW061

O. Arapahoe Well No. 2

i. Location: SW ¼, NW ¼, SE ¼, Section 4, Township 7 South, Range 67 West, 6th P.M., 1,349 feet from the South Section Line, 2,571 feet from the East Section Line, Douglas County, Colorado.

ii. Appropriation Date: April 27, 1983.

iii. Amount/Pumping Rate: 500 g.p.m.

iv. Case No.: 84CW061.

P. Arapahoe Well No. 3

i. Location: NE ¼, NE ¼, SW ¼, Section 9, Township 7 South, Range 67 West, 6th P.M., 2,050 feet from the South Section Line, 2,150 feet from the West Section Line, Douglas County, Colorado.

ii. Appropriation Date: April 27, 1983.

iii. Amount/Pumping Rate: 500 g.p.m.

iv. Case No.: 84CW061.

Q. Arapahoe Well No. 4

i. Location: NE ¼, NE ¼, NE ¼, Section 5, Township 7 South, Range 67 West, 6th P.M., 471 feet from the North Section Line, 446 feet from the East Section Line, Douglas County, Colorado.

ii. Appropriation Date: April 27, 1983.

iii. Amount/Pumping Rate: 500 g.p.m.

iv. Case No.: 84CW061.

R. Arapahoe Well No. 5

i. Location: SE ¼, SW ¼, NW ¼, Section 33, Township 6 South, Range 67 West, 6th P.M., 2,349 feet from the North Section Line, 1,034 feet from the West Section Line, Douglas County, Colorado.

ii. Appropriation Date: April 27, 1983.

iii. Amount/Pumping Rate: 500 g.p.m.

iv. Case No.: 84CW061.

S. Arapahoe Well No. 6

i. Location: NW ¼, SW ¼, NE ¼, Section 32, Township 6 South, Range 67 West, 6th P.M., 1,713 feet from the North Section Line, 2,126 feet from the East Section Line, Douglas County, Colorado.

ii. Appropriation Date: April 27, 1983.

iii. Amount/Pumping Rate: 500 g.p.m.

iv. Case No.: 84CW061.

T. Laramie-Fox Hills Well No. 1

i. Location: NE ¼, NE ¼, NE ¼, Section 8, Township 8 South, Range 67 West, 6th P.M., 120 feet from the North Section Line, 570 feet from the East Section Line, Douglas County, Colorado.

ii. Appropriation Date: April 27, 1983.

iii. Amount/Pumping Rate: 250 g.p.m.

iv. Case No.: 84CW062.

U. Laramie-Fox Hills Well No. 2

i. Location: SW ¼, NW ¼, SE ¼, Section 4, Township 7 South, Range 67 West, 6th P.M., 1,349 feet from the South Section Line, 2,571 feet from the East Section Line, Douglas County, Colorado.

ii. Appropriation Date: April 27, 1983.

iii. Amount/Pumping Rate: 250 g.p.m.

iv. Case No.: 84CW062.

V. Laramie-Fox Hills Well No. 3

i. Location: NE ¼, NE ¼, SW ¼, Section 9, Township 7 South, Range 67 West, 6th P.M., 2,050 feet from the South Section Line, 2,150 feet from the West Section Line, Douglas County, Colorado.

ii. Appropriation Date: April 27, 1983.

iii. Amount/Pumping Rate: 250 g.p.m.

iv. Case No.: 84CW062.

W. Laramie-Fox Hills Well No. 4

i. Location: NE ¼, NE ¼, NE ¼, Section 5, Township 7 South, Range 67 West, 6th P.M., 471 feet from the North Section Line, 446 feet from the East Section Line, Douglas County, Colorado.

ii. Appropriation Date: April 27, 1983.

iii. Amount/Pumping Rate: 250 g.p.m.

iv. Case No.: 84CW062.

X. Laramie-Fox Hills Well No. 5

i. Location: SE ¼, SW ¼, NW ¼, Section 33, Township 6 South, Range 67 West, 6th P.M., 2,349 feet from the North Section Line, 1,034 feet from the West Section Line, Douglas County, Colorado.

ii. Appropriation Date: April 27, 1983.

iii. Amount/Pumping Rate: 250 g.p.m.

iv. Case No.: 84CW062.

Y. Laramie-Fox Hills Well No. 6

i. Location: NW ¼, SW ¼, NE ¼, Section 32, Township 6 South, Range 67 West, 6th P.M., 1,713 feet from the North Section Line, 2,126 feet from the East Section Line, Douglas County, Colorado.

ii. Appropriation Date: April 27, 1983.

iii. Amount/Pumping Rate: 250 g.p.m.

iv. Case No.: 84CW062.

Z. Laramie-Fox Hills Well No. 7

i. Location: SW ¼, SE ¼, Section 33, Township 6 South, Range 67 West, 6th P.M.
ii. Appropriation Date: April 27, 1983.

iii. Amount/Pumping Rate: 250 g.p.m.

iv. Case No.: 84CW062.

AA. Well No. G-1

i. Location: SE ¼, SW ¼, Section 21, Township 7 South, Range 67 West, 6th P.M., 565 feet from the South Section Line, 1,911 feet from the West Section Line, Douglas County, Colorado.

ii. Appropriation Date: December 17, 1985.

iii. Amount/Pumping Rate: 2,000 g.p.m., conditional.

iv. Case No.: 85CW479.

BB. Well No. G-2

i. Location: SE ¼, SW ¼, Section 21, Township 7 South, Range 67 West, 6th P.M., 465 feet from the South Section Line, 2,183 feet from the West Section Line, Douglas County, Colorado.

ii. Appropriation Date: December 17, 1985.

iii. Amount/Pumping Rate: 2,000 g.p.m., conditional

iv. Case No.: 85CW479.

CC. Well No. G-3

i. Location: SE ¼, SW ¼, Section 21, Township 7 South, Range 67 West, 6th P.M., 373 feet from the South Section Line, 2,445 feet from the West Section Line, Douglas County, Colorado.

ii. Appropriation Date: December 17, 1985.

iii. Amount/Pumping Rate: 2,000 g.p.m., conditional

iv. Case No.: 85CW479.

DD. Well No. T-1

i. Location: SW ¼, NE ¼, Section 4, Township 7 South, Range 67 West, 6th P.M., 1,455 feet from the North Section Line, 2,155 feet from the East Section Line, Douglas County, Colorado.

ii. Appropriation Date: April 14, 1985.

iii. Amount/Pumping Rate: 150 g.p.m., conditional.

iv. Case No.: 85CW479.

EE. Well No. T-2

i. Location: SE ¼, NE ¼, Section 32, Township 6 South, Range 67 West, 6th P.M., 1,490 feet from the North Section Line, 278 feet from the East Section Line, Douglas County, Colorado.

ii. Appropriation Date: April 14, 1985.

iii. Amount/Pumping Rate: 150 g.p.m., conditional.

iv. Case No.: 85CW479.

FF. Well No. T-3

i. Location: NE ¼, NW ¼, Section 33, Township 6 South, range 67 West, 6th P.M., 340 feet from the North Section Line, 2,221 feet from the West Section Line, Douglas County, Colorado.

ii. Appropriation Date: April 14, 1985.

iii. Amount/Pumping Rate: 150 g.p.m., conditional.

iv. Case No.: 85CW479.

GG. Upper Dawson Aquifer Well No. 1:

i. Location: NE ¼, NE ¼, Section 8, Township 7 South, Range 67 West, 6th P.M., 120 feet from the North Section Line, 570 feet from the East Section Line, Douglas County, Colorado.

ii. Appropriation Date: December 17, 1985.

iii. Amount/Pumping Rate: 200 g.p.m..

iv. Case No.: 85CW466.

HH. Upper Dawson Aquifer Well No. 2:

i. Location: NE ¼, SE ¼, Section 4, Township 7 South, Range 67 West, 6th P.M., 1,349 feet from the South Section Line, 2,571 feet from the East Section Line, Douglas County, Colorado.

ii. Appropriation Date: December 17, 1985.

iii. Amount/Pumping Rate: 200 g.p.m..

iv. Case No.: 85CW466.

II. Upper Dawson Aquifer Well No. 3:

i. Location: NE ¼, SW ¼, Section 9, Township 7 South, Range 67 West, 6th P.M., 2,050 feet from the South Section Line, 2,150 feet from the East Section Line, Douglas County, Colorado.

ii. Appropriation Date: December 17, 1985.

iii. Amount/Pumping Rate: 200 g.p.m..

iv. Case No.: 85CW466.

JJ. Upper Dawson Aquifer Well No. 4:

i. Location: NE ¼, NE ¼, Section 5, Township 7 South, Range 67 West, 6th P.M., 471 feet from the North Section Line, 446 feet from the East Section Line, Douglas County, Colorado.

ii. Appropriation Date: December 17, 1985.

iii. Amount/Pumping Rate: 200 g.p.m..

iv. Case No.: 85CW466.

KK. Upper Dawson Aquifer Well No. 5:

i. Location: SW ¼, NW ¼, Section 33, Township 6 South, Range 67 West, 6th P.M., 2,349 feet from the North Section Line, 1,034 feet from the West Section Line, Douglas County, Colorado.

ii. Appropriation Date: December 17, 1985.

iii. Amount/Pumping Rate: 200 g.p.m..

iv. Case No.: 85CW466.

LL. Upper Dawson Aquifer Well No. 6:

i. Location: SW ¼, NE ¼, Section 32, Township 6 South, Range 67 West, 6th P.M., 1,713 feet from the North Section Line, 2,126 feet from the East Section Line, Douglas County, Colorado.

ii. Appropriation Date: December 17, 1985.

iii. Amount/Pumping Rate: 200 g.p.m..

iv. Case No.: 85CW466.

MM. Upper Dawson Aquifer Well No. 7:

i. Location: NW ¼, NE ¼, Section 4, Township 7 South, Range 67 West, 6th P.M., 421 feet from the North Section Line, 2,310 feet from the East Section Line, Douglas County, Colorado.

ii. Appropriation Date: December 17, 1985.

iii. Amount/Pumping Rate: 200 g.p.m..

iv. Case No.: 85CW466.

Any other wells that may be in addition to those named in Paragraph 3 as allowed under the decrees referenced in Paragraph 2.

4. Sources for the named structures:

A. Sources for Upper Dawson Aquifer Well Nos. 1 through 7:

i. Nontributary and not nontributary groundwater from the Upper Dawson aquifer and all East Plum Creek Alluvium as decreed in Case No. 85CW479 as described herein.

ii. Total Applicant's withdrawals from the Upper Dawson aquifer equal 127.5 acre-feet per year of nontributary groundwater pursuant to Case No. 85CW466.

iii. Applicant's Upper Dawson Well Nos. 1 through 7 will be used as both diversion points and injection points for storage by means of artificial recharge.

B. Sources for the Lower Dawson Aquifer Well Nos. 1 through 6:

i. Nontributary and not nontributary groundwater from the Upper Dawson aquifer and all East Plum Creek Alluvium as decreed in Case No. 85CW479 as described herein.

ii. Total Applicant's withdrawals from the Lower Dawson aquifer equal 162.9 acre-feet per year of nontributary groundwater and 354 acre-feet of not nontributary groundwater.

iii. Applicant's Lower Dawson Well Nos. 1 through 6 will be used as both diversion points and injection points for storage by means of artificial recharge.

C. Sources for the Denver Formation Well Nos. 1 through 7.

i. Nontributary and not nontributary groundwater from the Denver Formation and all East Plum Creek Alluvium sources as decreed in Case No. 85CW479 and as described herein.

ii. Total Applicant's withdrawals from the Denver Formation equal 1351.2 acre-feet per year of not nontributary groundwater

iii. Applicant's Denver Formation Well Nos. 1 through 7 will be used as both diversion points and injection points for storage by means of artificial recharge.

D. Sources for the Arapahoe Formation Well Nos. 1 through 6:

i. Nontributary groundwater from the Arapahoe Formation.

ii. Total Applicant's withdrawals from the Arapahoe Formation equal 1,724 acre-feet per year of nontributary groundwater.

iii. Applicant's Arapahoe Formation Well Nos. 1 through 6 will be used as both diversion points and injection points for storage by means of artificial recharge.

E. Sources for the Laramie-Fox Hills Aquifer Well Nos. 1 through 7:

i. Nontributary groundwater from the Laramie-Fox hills Formation as decreed in 84CW062.

ii. Total Applicant's withdrawals from the Laramie-Fox Hills Formation equal 696 acre-feet per year of nontributary groundwater (includes 129 acre-feet from Case Nos. 80CW052 and 81CW339).

iii. Applicant's Laramie-Fox Hills Formation Well Nos. 1 through 7 will be used as both diversion points and injection points for storage by means of artificial recharge.

F. Sources for Well Nos. G-1, G-2 and G-3:

i. East Plum Creek Alluvium, PCWA Treatment Plant (nontributary and not nontributary excess return flows from household use), nontributary and not nontributary irrigation from golf courses, nontributary and not nontributary irrigation flows from residences, Free River conditions (1996 Priority).

ii. Well Nos. G-1, G-2 and G-3 are decreed as alternate points of diversion for one another so that the total 6,000 gpm out of the East Plum Creek Alluvium may be withdrawn through any combination of Well Nos. G-1, G-2 and G-3.

iii. Well Nos. G-1, G-2 and G-3 will be used as both diversion points and injection points for storage by means of artificial recharge.

G. Sources for Well Nos. T-2 and T-3:

i. Well Nos. T-2 and T-3 are decreed as alternate points of diversion for one another so that the total 300 gpm out of the alluvium of the unnamed tributary of Happy Canyon Creek may be withdrawn through any combination of Well Nos. T-2 and T-3.

ii. Well Nos. T-2 and T-3 will be used as both diversion points and injection points for storage by means of artificial recharge.

H. Sources for Well No. T- 1:

i. Total Applicant's withdrawals from Well No. T-1 equal 150 gpm, conditional per year of nontributary groundwater.

ii. Well No. T-1 will be used as both diversion points and injection points for storage by means of artificial recharge.

J. Any other wells as allowed pursuant to this decree referenced herein.

5. Proposed Change: Applicant is not seeking to expand or enlarge its water rights. Applicant requests that the uses of the aquifer injection, storage and withdrawal be added to the decreed uses to the water rights referenced herein. Applicant requests that the above-described Wells be used as injection points and storage by means of artificial recharge and withdrawal.

6. Name and address of owner of land: Applicant.

WHEREFORE, Applicant prays that this honorable Court enter a decree granting this Application and for a finding that the changes 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.

2002CW298 U.S. DEPARTMENT OF THE INTERIOR, FISH & WILDLIFE. Application for Approval of Conditional Underground Water Right and Plan for Augmentation**, IN LARIMER COUNTY.** 1. Name, address, and telephone number of applicant: U.S. Department of the Interior, Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, CO 80225, Telephone (303) 236-5321, 2. Name of well, and permit or denial number: The Black-footed Ferret Conservation Center Well, Well Permit No. 056777-F. 3. Legal description of the wells: The location may include UTM coordinates based on Zone 13 and NAD27(CONUS) datum. In urban areas, include street address, lot, block, and subdivision: The well will be located in NW1/4 SE1/4 Section 1, Township 10 North, Range 68 West, 6th P.M., Larimer County, 2737 feet from the North section line and 2872 feet from the West section line. 4. A. Source: Fractured aquifer, tributary to Cache la Poudre River and Platte River systems. B. Depth: 380 feet. 5. A. Date of appropriation: October 29, 2001; B. How appropriation was initiated: Well Permit No. 056777-F was approved. C. Date water applied to beneficial use: n/a 6. A. Amounts claimed: 20 gpm up to 1 acre-foot 7. Use or proposed use: Domestic purposes and miscellaneous uses associated with the operation of the Black-footed Ferret Conservation Center. 8. Name and address of owner of the land upon which any structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Same as applicant. 9. Remarks: The Black-footed Ferret Conservation Center's primary purpose is to produce ferrets for reintroduction and reestablishment of wild populations in order to promote recovery of this endangered species. The Fish and Wildlife Service is designing and constructing several buildings for maintenance,

breeding, quarantine, administration, and a caretaker's residence, as well as 50-100 outdoor pens for breeding and preconditioning of Black-footed ferrets. Currently, the caretaker's residence and 48 outdoor pens are under construction. A groundwater well pumped at a maximum of 20 gallons per minute will supply water for domestic use in the caretaker's residence and propagation building, for washing the ferret pens, and for other miscellaneous purposes. Annual use will not exceed 1 acre-foot. 10. Name of the structures to be augmented: Black-footed Ferret Conservation Center Well 11. Previous decrees for water rights to be used for augmentation: 1. Name of structures: Mountain Supply Reservoir No. 20 refill; Mountain Supply Reservoir No. 20 Enlargement, a./k/a Cameron Pass Reservoir, a/k/a Joe Wright Reservoir. 2. Date entered: May 12, 1986; 3. Case No.: Case No. 82CW412 (W-128 and W-1424), Water Division No. 1. 4. Type of water right: Storage. 5. Legal description of point(s) of diversion or place of storage: The location may include UTM coordinates based on Zone 13 and NAD27(CONUS) datum. In urban areas, include street address, lot, block, and subdivision: Joe Wright Reservoir is located in Section 24 and Section 25, Township 7 North, Range 76 West, 6th PM, Larimer County, commencing at the NE corner of Section 24; thence South 21° 57' 09" West, 4394.36 feet; thence North 65° 13' 00" West, 351.98 feet; thence North 48° 13' 00" West, 1196.00 feet to the intersection of dam centerline and outlet works. 6.

2002CW299, ST. VRAIN VALLEY SCHOOL DISTRICT RE-1J, c/o Rex Hartman, Director of Operations and Maintenance, 395 South Pratt Parkway, Longmont, CO 80501, 303-682-7269. (Wendy S. Rudnik, Bernard, Lyons, Gaddis & Kahn, P.C., P. O. Box 978, Longmont, CO 80502-0978, 303-776-9900.) **APPLICATION FOR WATER RIGHTS IN BOULDER COUNTY. 2. Decreed Name of Structure for Which Change Is Sought**: Peck and Metcalf Ditch. **3. Previous Decree**: **a) Date Entered**: June 2, 1882 **Case No.**: Civil Action No. 1352 **Court**: Boulder County District Court **b) Decreed Point of Diversion**: The headgate of the Peck and Metcalf Ditch is located in Section 7, Township 2 North, Range 69 West of the 6th P.M., Boulder County, Colorado. (See map attached as Exhibit A.) **c) Source**: Dry Creek, a tributary to St. Vrain Creek. **d) Appropriation Date**: May 15, 1867 **Amount**: 3.57 cfs **e) Historic Use**: The water from the Peck and Metcalf Ditch historically irrigated 56.3 acres located in the SE ¼ of Section 7 and the SW ¼ of Section 8, Township 2 North, Range 69 West of the 6th P.M., Boulder County, Colorado as shown on the map attached as Exhibit A. Water from the Peck and Metcalf Ditch was used to irrigate alfalfa, corn, barley and dry beans. The average consumptive use of the historical irrigation was determined using the Blaney-Criddle analysis for the crops grown, using average temperature and precipitation data. It is estimated that the average annual diversions from the Peck and Metcalf Ditch were 172 acre-feet based on consumptive use of 86 acre-feet per year and a 50% irrigation efficiency. **4. Proposed Change**: Applicant proposes to change the point of diversion and the place of use of the Peck and Metcalf Ditch water. The point of diversion will be changed to a point located 516 feet from the south line and 779 feet from the west line of Section 7, Township 2 North, Range 69 West of the 6th P.M., Boulder County, Colorado. The place of use will be located on 30.5 acres located in the SW ¼ of Section 7, Township 2 North, Range 69 West of the 6th P.M., Boulder County, Colorado. This property is located approximately .5 miles upstream from the historically irrigated acreage. (See Silver Creek High School Irrigated Area on map attached as **EXHIBIT A**.) No other diversions exist between this proposed point of diversion and the original point of diversion. The Peck and Metcalf water will continue to be used for irrigation. **a) Amount of Consumptive Use at New Location**. As shown in Table 1 below, irrigation of lawn grass is 1.95 acre-feet per acre, totaling 60.45 feet per year for 30.5 acres. The annual consumptive use for pond evaporation is 8.94 acre-feet as shown in Table 1 below.

TABLE 1						
	(1)	(2)	(3)	(4)	(5)	(6)

Month	Historic Consumptive Use	Per Acre Cons.Use for Lawn Grass	Multiplied by 31 acres	Evaporative Loss	Irrigation Consumptive Use plus Evaporative Loss	Surplus or Deficit (-)
		Modified Blaney-Criddle Cons. Use Analysis	Column (2) times 31 acres	Evaporation from increased water surface	Column (3) plus Column (4)	Column (1) minus Column (5)
	(ac-ft)	(ac-ft/ac)	(ac-ft)	(ac-ft)	(ac-ft)	(ac-ft)
Jan.	0.00	0.00	0.00	0.28	0.28	-0.28
Feb.	0.00	0.00	0.00	0.32	0.32	-0.32
Mar.	0.01	0.00	0.00	0.41	0.41	-0.40
April	1.34	0.16	4.88	0.69	5.57	-4.23
May	7.60	0.22	6.71	0.93	7.64	-0.04
June	18.74	0.36	10.98	1.32	12.30	6.44
July	26.01	0.46	14.03	1.55	15.58	10.43
Aug.	21.00	0.38	11.59	1.35	12.94	8.06
Sept.	9.93	0.23	7.02	0.88	7.90	2.04
Oct.	1.29	0.14	4.27	0.65	4.92	-3.63
Nov.	0.00	0.00	0.00	0.32	0.32	-0.32
Dec.	0.00	0.00	0.00	0.24	0.24	-0.24
Total	**85.92**	**1.95**	**59.48**	**8.94**	**68.42**	**17.51**

b) Plan of Operation. At times when there is a downstream call senior to December 12, 2002, consumptive use greater than historic will replaced by releases made by the St. Vrain and Left Hand Water Conservancy District pursuant to its agreement with Applicant. (The City of Longmont shall also provide water to replace evaporative losses associated with the use of its own water rights, which do not include Peck and Metcalf Ditch water.) No releases will be required when the call is junior to December 12, 2002. Applicant may also use other sources acquired by Applicant and approved by the State Engineer's Office. Applicant reserves the right to use surplus historic consumptive use credits as shown in column 6 in the chart in ¶4.a. above to irrigate other nearby properties owned by the Applicant in the NW ¼ of Section 18 and the NE ¼ of Section 13, all in Township 2 North, Range 69 West of the 6th P.M., Boulder County, Colorado. **5. Name and Address of Owner of Land on Which Structures Are Located**. Snowcap Development, LLC, c/o Jim Cobb, Manager, P. O. Box 1101, Longmont, Colorado 80502-1101.

2002CW300 HOWARD RASMUSSEN, 1754 Weld County Road 16 ½, Longmont, CO 80504. (David N. Sonnesyn, 655 4th Ave., Suite 1 & 2, Longmont, CO 80501. Application for Water Rights (Surface), **IN WELD COUNTY.** The Howard Rasmussen Drain is located in the NW1/4SE1/4, S29, T2N, R68W, 6th P.M., 2650' from the S section line and 1500' form the E section line. Sour e: Ground water tributary to Idaho Creek and Boulder Creek. Appropriation: 9/1/1970 Amount claimed: 0.1 cfs (45 gal/per min) Use: Domestic purposes, including irrigation of lawn and garden, dist control and stock watering. If irrigation, complete the following: One acre irrigated located in the N1/2N ½ SE1/4, S29 as shown on the attached Ex. A. If non-irrigation, describe purpose fully.Stock watering and dust control located on said premises. (2 pages-Ex. A 1 page)

2002CW301 KERN RESERVOIR AND DITCH COMPANY. (Robert W. Brandes Jr., MYATT BRANDES & GAST PC, 323 S. College Avenue - Suite 1. Fort Collins, CO 80524-2845. Phone: (970) 482-4846 Fax: (970) 482-3038). **APPLICATION FOR CHANGE OF WATER RIGHTS AND FOR APPROVAL OF PLAN FOR AUGMENTATION, IN WELD COUNTY.**

1. Name, address, telephone number(s) (residence and business) of applicant(s):

Kern Reservoir and Ditch Company
c/o Lind, Lawerence and Ottenhoff, LLP
1011 11th Avenue
Greeley, CO 80631
(970) 353-2323

2. Name(s) of structure(s) to be augmented:
12 wells under construction or to be constructed at 11 municipal parks or municipal lands owned by the Town of Windsor, Colorado: Folkstone Park, Chimney Park North and South, Windsor Village, Highland Meadows, Poudre Park, Diamond Valley, Eastman Park, Windsor Community Recreation Center, Jacoby Farms School and Park, all shown on attached Exhibit 1.

Are there other water rights diverted from this structure(s)? ☐ Yes ☒ No

3. Previous decree(s) for water right(s) to be used for augmentation:
A. Date entered: December 9, 1904, revised October 28, 1909
B. Case No.: 1591
C. Court: Larimer County District Court adjudicating Priorities for Water District No. 3 of Water Division No. 1
D. Type of water right (surface, underground storage): Surface
E. Legal description of point(s) of diversion or place of storage: include distance and bearing from established government section corner or quarter corner; or distances from section lines, and indicate ¼ ¼, section number, township, range and meridian; include map). The location may include UTM coordinates based on Zone 13 and NAD27(CONUS) datum. In urban areas, include street address, lot, block, and subdivision:

Required Description: County of Weld	SW 1/4 of the	SE 1/4	Section 16	Township N or S ☒ ☐	Range E or W ☐ ☒	Principal Meridian 6th

Distance from section lines (section lines are typically not property lines)
300 Feet ☒ N ☐ S and 1700 Feet ☐ E ☒ W

Street Address:

Subdivision:	Lot:	Block:

Optional Additional Description: GPS location information in UTM format Required settings for GPS units are as follows: Format must be UTM; Zone must be 13; Units must be Meters Datum must be NAD27 (CONUS) and; Units must be set to true north.

Were points averaged? ☐ YES ☐ NO	Northing _____ Easting

F. Source: Cache La Poudre River and seepage
G. Amount: 1800 acre feet
H. Appropriation: February 10, 1882, Priority 1
I. Decreed use (if irrigation, include total acreage):
Storage of 78,408,000 cubic feet (1800 acre feet) of water for irrigation of approximately 1000 acres of farm land.

4. Historic use: (Include a description of all water rights to be used for augmentation, 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.)

The Kern Reservoir and Ditch Company (KRDC), formerly the Lake Supply Ditch Company, has the number one storage decree and priority out of the Cache La Poudre River, for storage of 1,800 acre feet in Windsor Lake, a/k/a Kern Reservoir. The Town of Windsor, Colorado owns 68% (68 shares) of KRDC. The KRDC utilizes the New Cache La Poudre Irrigation Company (a/k/a Greeley No. 2) Ditch headgate from the Cache la Poudre River to divert its rights and carry them to storage in Windsor Lake. Delivery to KRDC shareholders is through the Kern Lateral which flows south from Windsor Lake, and by direct diversions (pumping) from Windsor Lake. The Town of Windsor shares in KRDC were owned in the early 1900s by the Great Western Sugar Company, which sold its rights to Eastman Kodak, which in turn sold its rights to the Town. The usage of the water has gradually changed from agricultural irrigation to municipal irrigation or the land has been dried up during and since the 1970s. Water from the KRDC system was historically used as a primary or secondary supply to irrigate about 830.5 acres of farmland as shown on Exhibit 2 attached to the Application. Historic annual consumptive use of these lands, estimated by the modified Blaney-Criddle method, for the study period 1948-1977, was 1094.6 acre feet. The operation of the KRDC is tied to the operation of the Greeley No. 2 Ditch by an Operating Agreement under which KRDC uses the Greeley No. 2 Ditch to carry its diversions to Windsor Lake in exchange for New Cache Irrigation Company's use of the lake as an equalizing reservoir for its system. (See attached Exhibit 2)

5. Statement of plan for augmentation, covering all applicable matters under C.R.S. 37-92-103(9), 302(1)(2) and 305(8). Give full details of plan, including a description of all water rights to be established or changed by the plan.

The Town of Windsor is requesting to drill up to 12 new wells at 11 existing and planned town parks and one school land park for irrigation of trees and park lands. The Town of Windsor proposes to augment the consumptive use of the proposed park irrigation and losses associated with park water features with its ownership of the KRDC shares. The Town's ownership in Windsor Lake is presently used in part to irrigate the south one-half of Chimney Park, to irrigate some tree farming at Folkstone Park through flood irrigation, and supplies a sump/well to irrigate Windsor Village Park in addition to continued irrigation of agricultural lands. Any new groundwater supply wells planned by the Town at Folkstone, Chimney, Windsor Village, Highland Meadows, Poudre Park, Diamond Valley, Eastman Parks, the Community Recreation Center, Jacoby Farms Park and the Jacoby Farms School Park, will require augmentation by the Town's KRDC shares.

KRDC proposes conversion of its shares from irrigation to multiple use including municipal, irrigation, recreation and augmentation. The Town will ensure that the maximum depletions caused by ground water extraction at the existing and proposed parks will be augmented by the conversion of its KRDC shares. The Town will create an accounting procedure to be approved by the Division Engineer for this Augmentation Plan. The amount of water required to augment any new ground water irrigation system for the 11 parks is based on the consumptive use at the parks. The water consumptively used by these park systems will be delivered to the Cache La Poudre River in the quantity and timing corresponding to the ground water extraction and depletion analysis. Historic return flow volumes will be maintained, as will any carriage losses in the KRDC system, by the continued operation of the Kern Lateral to transport augmentation water and return flows to the Cache La Poudre River. The actual depletions caused by ground water extraction at the proposed parks will be replaced by the delivery of its changed KRDC shares. The installation of metering devices on all wells will be done in order to perform the actual augmentation accounting and will be the basis for the operational releases made to meet augmentation requirements, as calculated by the stream depletion analysis.

To protect water rights holders in the basin from injury as a result of this Augmentation Plan, the following terms and condition are proposed.

1. On a ditch-wide basis, sufficient lands under the KRDC will be removed from production (dried-up) in an amount commensurate with the requirement for replacement supplies because of park irrigation by ground water. Approximately 241.5 acres have already been removed from production due to residential development. As future augmentation needs are identified, sufficient additional lands will be permanently removed from production.

2. The operation of the KRDC will remain the same in the future; that is, diversions to storage will continue to be made from the Cache La Poudre River through the Greeley No. 2 Ditch and carried to Windsor Lake; the historic surface and subsurface return flows corresponding to those shares used to support the consumption of the irrigation of new park wells, will be carried in the KRDC system in the timing and volume as has historically occurred with the returns flowing into the Cache La Poudre River; and the historic net stream depletions will be credited to the Town of Windsor for use in this Augmentation Plan.

3. The Town of Windsor will install measuring devices as are reasonably determined by the Division Engineer and River Commissioner to properly administer this Plan.

4. Diversions and releases of return flow obligations will be measured and recorded on accounting sheets developed after consultation with the Division Engineer and River Commissioner.

5. The net stream depletions, which the Town of Windsor will utilize to meet replacement obligations of their irrigation of parklands by ground water extraction, will not injure other water users and may be fully consumed.

6. Name(s) and address(es) of owner(s) of the land on which structures is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use.
Town of Windsor, 301 Walnut Street, Windsor, Colorado 80550 – structures – municipal parks shown on the attached Exhibit 1. Kern Reservoir and Ditch Company, P.O. Box 699, Windsor, Colorado 80550 – storage

2002CW302 SOUTH SIDE RESERVOIR COMPANY., c/o Henry Hetzel, 1931 S. County Road 19, Loveland, CO 80537. Appplication for Change of Water Right, **IN LARIMER COUNTY.** South Side Reservoir Exchange decreed 6/29/1916 in Case No. CA4862 & 10077in Boulder County. Decreed point of diversion: Filling through the South Side Ditch from its point of diversion on the Big Thompson River at R69W, T5N, Sec 23, Q160NW Q40NE Q10NE in Larimer County, and from two branches of the Ryan Gulch, a tributary of the Big Thompson River. Source: Two branches of Ryan Gulch and occasionally from the Big Thompson River. Appropriation: 4/13/1904 Amount: 350.91 ac-ft, enlarged to 654 ac-ft 8/8/1921.

Case No.	Appro Date	Vol Amt	Adj Date	Padj Date	Admin No.	Action
4862	4/13/1904	350.91	6/29/1916	3/22/1890	19826	296 ASP 435,606 g.h. 20 Ft S Side Feeder 50.3cfs
10077	6/19/1907	350.9	11/14/1939	4/1/1931	29675.20988	798 Refill one a year
10077	8/18/1921	303.2	11/14/1939	4/1/1931	29675.26152	807 enlt 2 by Ryan Gulch
10077	6/15/1923	303.2	11/14/1939	4/1/1931	29675.26828	813 refill

Storage for irrigation through the South Side Ditch by exchange on the Big Thompson River. The record of exchanges since 1950 is in the Department of Water Resources " Hydrobase: ID 4142, Structure 35775. The South Side Ditch irrigates about 800 acres. 3. Proposed Change: We wish to have the court recognize and decree the South Side Reservoir's historic practice of exchange on the Big Thompson River. With permission of and under supervision of District Four Water Commissioners, and with all storage in priority, the water ahs been diverted for irrigation use at the South Side Ditch headgate by exchange, without injury to intervening rights. This has taken place between the South Side Reservoir's river outfall at R69W, T5N, S23, Q160NW Q40NE Q10NE in Larimer County, and the South Side Ditch point of diversion up stream at R70W T5N Sec12 Q160NW Q80SW Q10NW Larimer County. Diversions by exchange have been as high as 23 cubic feet per second and annual volume as much as 872 acre feet since 1950. Exchange is the historic means of delivering irrigation water form the South Side Reservoir since its constriction in 1904. (3 pages)

2002CW303 CITY OF IDAHO SPRINGS, c/o The Honorable Dennis Lunbery, Mayor, 1711 Miner Street, Post Office Box 907, Idaho Springs, Colorado 80452, (303) 573-1510 [c/o Raymond L. Petros, Jr., Petros & White, LLC, 730 17th Street, Suite 820, Denver, Colorado 80202, (303) 825-1980]. Application for Finding of Reasonable Diligence, in **Clear Creek County, Colorado**. 2. Name of structure: Idaho Springs Storage Reservoir, First Enlargement (hereinafter "First Enlargement"). 3. Description of conditional water right: A. Decree: Judgment and decree entered by the District Court in and for Clear Creek County, State of Colorado, on June 14, 1989, in Civil Action No. 84CW508. A finding of reasonable diligence was subsequently made in Case No. 95CW132 on December 16, 1996. B. Location: Beginning at the easterly point of contact of the dam axis with the existing ground, said point being situated whence the northwest corner of Section 6, Township 5 South, Range 73 West, 6th P.M., Clear Creek County, bears South 3E 10' East a distance of 2,350 feet. The First Enlargement will be an on-channel Reservoir located on Chicago Creek, in the W1/2, Section 6, Township 5 South, Range 73 West, 6th P.M. and the E1/2 Section 1, Township 5 South, Range 74 West, 6th P.M. Land to be inundated by the First Enlargement is wholly owned by Idaho Springs. C. Source: Chicago Creek and Chicago Creek drainage basin, tributary to Clear Creek, tributary to the South Platte River. D. Appropriation Date: May 17, 1982. E. Amount: 1,850 acre feet, conditional, with the right of successive refills in priority until this amount is diverted and stored annually. This amount is an enlargement of and in addition to the water right for the Idaho Springs Storage Reservoir, decreed by the District Court in and for Water Division No. 1 on February 18, 1972 in Case No. W-326 in the amount of 150 acre feet. F. Use: Municipal use, 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, lease, replacement, augmentation and exchange. 4. Detailed outline of work done to complete project and apply water to beneficial use:The conditional water right decreed in Case No. 84CW508 for the First Enlargement is critical to the City of Idaho Springs' ("Idaho Springs") water supply system. Idaho Springs is developing its water system in accordance with a long-term program for the phased construction of additional storage and the use of water rights as needed to meet the expanding residential, commercial and industrial water demands of Idaho Springs. During the subject Diligence Period (December 1996 to the present), Idaho Springs has spent considerable time and money in the development of its integrated water system, and large expenditures of money will be required in the future to

continue this development. Idaho Springs' efforts to develop its water system and the conditional water right that is the subject of this Application during the Diligence Period support a finding of reasonable diligence for the First Enlargement. These efforts include, but are not limited to, the work detailed in the affidavit of Dennis Lunbery, Mayor of Idaho Springs, attached hereto as Exhibit A, and summarized as follows: A. Reservoir Rehabilitation: Dam and spillway renovation, with total costs exceeding $1,500,000.00. B. Measuring Devices and Accounting Procedures: Installation and implementation of monitoring and accounting program, with total costs exceeding $5,900.00. C. Fish Habitat Structures: Construction of fish habitat structures, with total costs exceeding $2,145.00. D. Water Court Cases: Participated in water court cases in order to maintain and defend Idaho Springs' water rights. E. System Wide Improvements:
1. Measuring, Monitoring and Control. Total costs equaled $71,629.00 during the Diligence Period. 2. Water Treatment Plant Improvements. Replacement and upgrade of water treatment plan, with total costs in excess of $3.3 million dollars. 3. Mattie Dam Intake Structure. Rehabilitation of municipal intake structure, with total costs in excess of $350,000.00. 4. Watershed Protection. Total costs in excess of $120,000.00. 5. Distribution System. Improvement and maintenance of water delivery infrastructure, with total costs of approximately $27,500.00. F. Bond Payments and Water Fund Budgets. Total bond payments for water projects during the Diligence Period equal $1,049,842.00, and total water fund budgets during the Diligence Period equal $2,902,943.00. WHEREFORE, Idaho Springs respectfully requests that the Court enter a finding of reasonable diligence with respect to the subject conditional water storage right described in paragraph 3 above. (5 pages, 5-page exhibit)

2002CW304 PAMELA ROSE KIER, 6231 Fourmile Canyon, Boulder, CO 80302**.** Application for Water Storage Right**, IN BOULDER COUNTY.** Rose Ponds is located in the NW1/4NE1/4, S19, T1N, R71W, 6th P.M., 1200' from N and 1100' from W. Name and capacity of ditch or ditches use to fill reservoir: Roase ponds inlet Ditch: 5 cfs located in the NW1/4NE1/4, S19, T1N, R71W, 6th P.M., 1200' from N and 400' from W section line. Source: Fourmile Creek Appropriation: 12/31/1876 Amount cliam3ed: 0.8 af If non-irrigation describe purpose fully: Recreation, fish, wildlife preservation and propagation, aesthetic, well recharge, fire portection. Total capacity of reservoir in acre feet: 0.8 acre feet Active capacity: 0.8 Dead Storage: 0 Name and address of owner upon which water is or will be plae to beneficial use: Lakshmi LLC, 6231 Fourmile Canyon, Boulder, CO 80302. Remarks: Rose Ponds is a servies of interconnected ponds fed by a ditch out of Fourmile Creek. Water flows into the top pond, from there into the middle pond, and from there into the lower pond. Water flows back into the creek from the middle and lower ponds. (4 pages)

2002CW305 GERRARD FAMILY LIMITED PARTNERSHIP, LLP, c/o Gary Gerrard, Managing Partner, 1739 S. County Road 13C, Larimer, CO 80537, (970) 669-1463 (David A. Bailey, Schwarz, Semenoff, McNab & Bailey, P.C., 1600 Stout Street, Suite 1700, Denver, Colorado 80202, (303) 893-1815. Please direct all inquiries, correspondence and pleadings regarding this matter to the counsel for Applicant at the address set forth above.) Application for Water Right and Water Storage Right, **IN LARIMER COUNTY.** Name and description of structures and water rights: A. The Gerrard Seepage Ditch No. 1, the point of diversion of which is located in the NW¼ of the NE¼, Section 14, T. 5 N., R. 68 W., 6th P.M., approximately 1025 feet south of the North Section Line of said Section 14 and 1700 feet west of the East Section Line of said Section 14. The source of the water right is drainage and seepage water arising and accumulating on Applicant's property (generally, the NE¼, Section 14, T. 5 N., R. 68 W., 6th P.M.). The capacity of the ditch and the amount of water claimed herein is 1.0 cfs, absolute. The date of appropriation claimed herein is July 1, 1945, which is the date on which Applicant or its predecessors began diverting water through the ditch and applying it to beneficial use. The water right has been and will be used for irrigation of approximately 50 acres on Applicant's property described above. B. The Gerrard Seepage Ditch No. 2, the point of diversion of which is located in the SW¼ of the NE¼, Section 14, T. 5 N., R. 68 W., 6th P.M., approximately 1335 feet south of the North Section Line of said Section 14 and 1775 feet west of the East Section Line of said Section 14. The source of the water right is drainage and seepage water arising and accumulating on Applicant's property (generally, the NE¼, Section 14, T. 5 N., R. 68 W., 6th P.M.). The capacity of the ditch and the amount of water claimed herein is 1.0 cfs, absolute. The date of appropriation claimed herein is July 1, 1945, which is the date on which Applicant or its predecessors began diverting water through the ditch and applying it to

beneficial use. The water right has been and will be used for irrigation of approximately 50 acres on Applicant's property described above. C. The Gerrard Seepage Pond, the center point of which is located in the SW¼ of the NE¼, Section 14, T. 5 N., R. 68 W., 6th P.M., approximately 1850 feet south of the North Section Line of said Section 14 and 1900 feet west of the East Section Line of said Section 14. The source of the water right is drainage and seepage water arising and accumulating on Applicant's property (generally, the NE¼, Section 14, T. 5 N., R. 68 W., 6th P.M.), which is diverted through the Gerrard Seepage Ditch more particularly described above. The capacity of the pond and the amount claimed herein is 5.0 acre-feet, absolute. The date of appropriation claimed herein is July 1, 1945, which is the date on which Applicant or its predecessors began diverting water into the pond for application to beneficial use. The water right has been and will be used for irrigation of approximately 50 acres on Applicant's property described above. D. The Gerrard Seepage Pond First Enlargement, the center point of which will be located in the SW¼ of the NE¼, Section 14, T. 5 N., R. 68 W., 6th P.M., approximately 2350 feet south of the North Section Line of said Section 14 and 2150 feet west of the East Section Line of said Section 14. The source of the water right will be drainage and seepage water arising and accumulating on Applicant's property (generally, the NE¼, Section 14, T. 5 N., R. 68 W., 6th P.M.), which will be diverted through the Gerrard Seepage Ditch more particularly described above. The capacity of the pond and the amount claimed herein is 5.0 acre-feet, conditional. The date of appropriation claimed herein is December 23, 2002, which represents the concurrence of Applicant's intent to appropriate water and the date of filing of this application as demonstration of that intent. The water right will be used for irrigation of approximately 50 acres on Applicant's property described above. Name and address of owner of land owner of the land upon which any structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Applicant. WHEREFORE, Applicant prays for a decree adjudicating the water rights described more particularly above, together with such other and further relief as is appropriate.

2002CW306 TOWN OF ERIE. (Paul J. Zilis , Vranesh & Raisch, LLP, 1720 14th Street, #200, Boulder, CO 80302 Telephone: (303) 443-6151. Fax: (303) 443-9586. Email: pjz@vrlaw.com **APPLICATION FOR APPROVAL OF APPROPRIATIVE RIGHT OF SUBSTITUTION AND EXCHANGE, IN WELD COUNTY.**

1. Name, address, telephone number of applicant:

   Town of Erie
   c/o Public Works Director
   P. O. Box 750
   Erie, CO 80516
   (303) 926-2700

2. Name of appropriative right of substitution and exchange:

   Vista Ridge Exchange

3. Description of Substitution and Exchange:Pursuant to C.R.S. §§ 37-80-120, 37-83-104, and 37-92-302(1)(a), Applicant seeks adjudication of an appropriative right of substitution and exchange on Coal Creek, whereby reusable effluent which is available to Applicant is delivered to Coal Creek at Applicant's wastewater treatment plant to supply downstream appropriators, and an equivalent amount of water is diverted from Coal Creek at the Vista Ridge Pump and Pipeline for direct use or for storage for subsequent use by Applicant for the uses described in paragraph 6(e) below. The substitution and exchange reach on Coal Creek is between the upstream terminus located at the Vista Ridge pump and pipeline as described in paragraph 4(a) below and the downstream terminus located at Erie's wastewater treatment plant as described in paragraph 4(b) below. The exchange reach is approximately 3.5 miles in length, and to Applicant's knowledge and belief, there are no intervening water rights.

4. Location of Structures:

(a) Vista Ridge Pump and Pipeline:

Required Description: County Weld	NW 1/4 of the	SE 1/4	Section 30	Township 1 N ☒ or S ☐	Range 68 E ☐ or W ☒	Principal Meridian 6th
Distance from section lines (section lines are typically not property lines) 2,320 Feet from ☐ N ☒ S and 2,560 feet from the ☒ E ☐ W						
Street Address: N/A						
Subdivision: N/A			Lot N/A		Block N/A	

(b) Erie Wastewater Treatment Plant:

Required Description: County Weld	NE 1/4 of the	NW 1/4	Section 18	Township 1 N ☒ or S ☐	Range 68 E ☐ or W ☒	Principal Meridian 6th
Distance from section lines (section lines are typically not property lines) 825 Feet from ☒ N ☐ S and 1,900 feet from the ☐ E ☒ W						
Street Address: N/A						
Subdivision: N/A			Lot N/A		Block N/A	

A map showing the approximate locations of the above-described structures and the substitution and exchange reach on Coal Creek is attached to the Application as Exhibit 1.

5. Water and Water Rights to be Used for Substitution and Exchange:

Reusable effluent available at Applicant's wastewater treatment plant. Said sources include, but are not limited to:

(a) Windy Gap Project Water: The Applicant currently leases 8 Units of Windy Gap Project water, which water is available to Applicant and will be used as one of the sources of substitute supply for the substitution and exchange applied for herein for so long as said lease is in effect. In addition, Applicant intends to acquire by lease or purchase additional Windy Gap Units which will be utilized in this exchange. The water rights for the Windy Gap Project consist of the Jasper Pump and Pipeline; Jasper Reservoir; Windy Gap Pump, Pipeline and Canal; Windy Gap Pump, Pipeline and Canal First Enlargement; Windy Gap Pump, Pipeline and Canal Second Enlargement; and Windy Gap Reservoir. These water rights were originally decreed in Case No.

CA-1768, Grand County District Court on October 27, 1980, and in Case Nos. W-4001 and 80CW108, District Court, Water Division 5 on October 27, 1980. In addition, decrees awarding absolute water rights for municipal, industrial, irrigation, and recreational uses, including reuse, successive use and use to extinction for the Windy Gap Reservoir; Windy Gap Pump, Pipeline and Canal; and Windy Gap Pump, Pipeline and Canal, First and Second Enlargements were entered in Case No. 88CW169, Water Division 5 (February 6, 1989) and Case No. 89CW298, Water Division 5 (July 19, 1990). Windy Gap Project water is introduced, stored, carried, and delivered in and through the components of the Colorado Big Thompson Project, operated by the Northern Colorado Water Conservancy District. Windy Gap Project water is imported foreign water that is available for use, reuse, and successive use until extinction.

Applicant claims only the right to exchange Windy Gap water which has been used within Applicant's municipal system and discharged from its wastewater treatment plant in this Application. Applicant reserves the right to claim reuse of return flows from lawn grass, irrigation and all other uses in future Applications.

(b) Any other sources of reusable effluent which is or will be available at Applicant's wastewater treatment plant.

6. Description of Appropriative Right of Substitution and Exchange:

(a) Date of Initiation of Appropriation of Substitution and Exchange: February 26, 2002.

(b) How Appropriation was Initiated: By formation of intent to appropriate as evidenced by the Town of Erie Resolution No. 2002-08, physical staking of exchange locations, engineering studies, and by operation of said substitution and exchange pursuant to approval by the Office of the State Engineer.

(c) Date Water Applied to Beneficial Use: April 22, 2002

(d) Amount Claimed: 0.9 cfs ABSOLUTE; 1.0 cfs CONDITIONAL.

(e) Use: Municipal uses, including irrigation, lake level maintenance, industrial, construction, commercial, fire protection, recreation, piscatorial, storage, augmentation, exchange, replacement, and all other municipal uses. Such use shall include the right to make a fully consumptive use of the water for the above described purposes and to use, reuse and successively use the water to extinction.

7. Names and Addresses of Owners of Land on Which Structures are Located:

Town of Erie
P.O. Box 750
Erie, CO 80516

WHEREFORE, Applicant requests the Court to enter a Decree confirming and approving the appropriative right of substitution and exchange described herein.

2002CW307 TOWN OF ERIE Paul J. Zilis, Vranesh & Raisch, LLP, 1720 14th Street, #200 Boulder, CO 80302. Telephone: (303) 443-6151. Fax: (303) 443-9586 Email: pjz@vrlaw.com APPLICATION FOR SURFACE AND STORAGE WATER RIGHTS**, IN WELD COUNTY**

1. Name, address, telephone number of applicant:

Town of Erie
c/o Public Works Director
P. O. Box 750
Erie, CO 80516
(303) 926-2700

2. Name of structures:

Vista Ridge Pump and Pipeline

Vista Ridge Storage System

3. Legal description of point of diversion and location of reservoirs:

a. Vista Ridge Pump and Pipeline:

Required Description: County Weld	NW 1/4 of the	SE 1/4	Section 30	Township 1 N or S : 9	Range 68 E or W 9 :	Principal Meridian 6th P.M.
Distance of point of diversion from section lines (section lines are typically not property lines) 2,320 Feet from 9 N : S Section Line and 2,560 feet from the : E 9 W section line of said Section 30.						
Street Address: N/A						
Subdivision: N/A			Lot N/A		Block N/A	

(See map attached as Exhibit 1 for all structures herein.)

The water is pumped and stored in the reservoirs on the Vista Ridge Golf Course listed below:

b. Hole 7 Pond:

Required Description: County Weld	SE 1/4 of the	SW 1/4	Section 32	Township 1 N or S : 9	Range 68 E or W 9 :	Principal Meridian 6th P.M.
Distance of center of dam from section lines (section lines are typically not property lines) 300 Feet from 9 N : S and 2,400 feet from the 9 E : W						
Street Address: N/A						
Subdivision:			Lot		Block	

N/A	N/A	N/A

c. Hole 8A Pond:

Required Description: County Weld	SW 1/4 of the	SE 1/4	Section 32	Township 1 N or S : 9	Range 68 E or W 9 :	Principal Meridian 6th P.M.
Distance of center of dam from section lines (section lines are typically not property lines) 300 Feet from 9 N : S and 1,970 feet from the : E 9 W						
Street Address: N/A						
Subdivision: N/A			Lot N/A		Block N/A	

d. Hole 8B Pond:

Required Description: County Weld	SE 1/4 of the	SE 1/4	Section 32	Township 1 N or S : 9	Range 68 E or W 9 :	Principal Meridian 6th P.M.
Distance of center of dam from section lines (section lines are typically not property lines) 540 Feet from 9 N : S and 1,200 feet from the : E 9 W						
Street Address: N/A						
Subdivision: N/A			Lot N/A		Block N/A	

e. Hole 9 Pond:

Required Description: County Weld	NE 1/4 of the	SE 1/4	Section 32	Township 1 N or S : 9	Range 68 E or W 9 :	Principal Meridian 6th P.M.
Distance of center of dam from section lines (section lines are typically not property lines) 1,670 Feet from 9 N : S and 1,320 feet from the : E 9 W						
Street Address: N/A						
Subdivision: N/A			Lot N/A		Block N/A	

f. Hole 13 Pond:

Required Description: County Weld	NE 1/4 of the	SW 1/4	Section 33	Township 1 N or S : 9	Range 68 E or W 9 :	Principal Meridian 6th P.M.
Distance of center of dam from section lines (section lines are typically not property lines) 1,500 Feet from 9 N : S and 2,600 feet from the 9 E : W						
Street Address: N/A						
Subdivision: N/A			Lot N/A		Block N/A	

g. Hole 17 Pond:

Required Description: County Weld	SE 1/4 of the	NE 1/4	Section 32	Township 1 N or S : 9	Range 68 E or W 9 :	Principal Meridian 6th P.M.
Distance of center of dam from section lines (section lines are typically not property lines) 1,300 Feet from : N 9 S and 1,170 feet from the : E 9 W						
Street Address: N/A						
Subdivision: N/A			Lot N/A		Block N/A	

h. Hole 18 Pond:

Required Description: County Weld	NW 1/4 of the	SE 1/4	Section 32	Township 1 N or S : 9	Range 68 E or W 9 :	Principal Meridian 6th P.M.
Distance of center of dam from section lines (section lines are typically not property lines) 2,500 Feet from 9 N : S and 1,800 feet from the : E 9 W						
Street Address: N/A						
Subdivision: N/A			Lot N/A		Block N/A	

4. Sources:

Vista Ridge Pump and Pipeline: Coal Creek

Vista Ridge Storage System: 1) Coal Creek; 2) local drainage and storm runoff tributary to the reservoirs.

In addition to water diverted and stored under the priorities claimed herein, the system will also divert and store water pursuant to the operation of lawful exchanges and reusable water leased or purchased from upstream water users.

5. (a) Date of initiation of appropriation:

October 28, 2001

(b) How appropriation was initiated:

The appropriation of water rights was initiated when the Town of Erie approved at public meetings the Vista Ridge Golf Course and open space including the irrigation system, as ratified by Resolution. The appropriation date is based upon final construction acceptance of the facilities described herein. The facilities have since been constructed and put to use.

(c) Date water applied to beneficial use:

March 20, 2002

6. Amount claimed:

Vista Ridge Pump and Pipeline:

Absolute water right of 3.01 cfs based upon in-priority diversions and beneficial use between March 20 and March 31, 2002. (See Affidavit attached hereto as Exhibit 2.)

Conditional water right of 2.99 cfs based upon the pumping capacity of the Vista Ridge Pump and Pipeline.

Vista Ridge Storage System:

A. Amounts claimed:

NAME	AMOUNTS CLAIMED (acre-feet)
Hole 7 Pond	5.41 CONDITIONAL
Hole 8A Pond	8.45 CONDITIONAL
Hole 8B Pond	2.56 CONDITIONAL
Hole 9 Pond	7.32 CONDITIONAL
Hole 13 Pond	19.59 af ABSOLUTE 11.24 af CONDITIONAL

Hole 17 Pond	12.26 CONDITIONAL
Hole 18 Pond	5.80 CONDITIONAL
TOTAL	**19.59 af ABSOLUTE** **53.04 CONDITIONAL** **72.63 af TOTAL CAPACITY**

B. If off-channel reservoir, rate of diversion in cfs for filling reservoirs: 6.0 cfs

Absolute rate of diversion for storage of 3.01 cfs.

Conditional rate of diversion for storage of 2.99 cfs.

7. Use or proposed use:

Municipal uses, including irrigation of the Vista Ridge Golf Course and associated open space located in Sections 30, 32, and 33 of Township 1 North, Range 68 West of the 6th P.M., lake level maintenance, industrial, construction, commercial, fire protection, recreation, piscatorial, storage, and all other municipal purposes. Such use shall include the right to make a fully consumptive use of the water for the above-described purposes and to use, reuse and successively use the water to extinction.

8. Surface area of high water lines of reservoirs:

NAME	SURFACE AREA (ACRES)
Hole 7 Pond	0.83
Hole 8A Pond	1.49
Hole 8B Pond	0.45
Hole 9 Pond	1.09
Hole 13 Pond	3.09
Hole 17 Pond	1.61
Hole 18 Pond	0.94
TOTAL	**9.5**

A. Maximum height of dams in feet: Hole 7 Pond, Hole 8A Pond, Hole 8B Pond, Hole 17 Pond, and Hole 18 Pond are all excavated and lined ponds with no physical dam structures. Hole 9 Pond has a dam with a maximum height of 8 feet. Hole 13 Pond has a dam with a maximum height of 6 feet.

B. Length of dams in feet: As set forth above, Hole 7, Hole 8A Pond, Hole 8B Pond, Hole 17 Pond, and Hole 18 Pond are excavated ponds with no physical dam structures. Hole 9 Pond has a dam 150 feet in length. Hole 13 Pond has a dam 450 feet in length.

9. Total capacity of reservoirs in acre feet. The total capacity of the reservoirs are as set forth in paragraph 6 above, in the amounts of water claimed for each of the reservoirs. Those amounts represent the active capacity of each of the reservoirs. There is no dead storage associated with any of the reservoirs.

10. Names and addresses of owners upon which any structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed for beneficial use:

Vista Ridge Development Corp.
1333 W. 120th Avenue
Suite 100
Westminster, CO 80234

Town of Erie
645 Holbrook
P. O. Box 750
Erie, CO 80516

A portion of the Vista Ridge Pipeline is located within the Town of Erie easement on lands owned by WWD Limited Liability Properties, 2101 Ken Pratt Blvd., Suite 200, Longmont, Colorado.

11. Request for relief:

Applicant requests that the Court enter a decree, which determines that:

(a) Applicant has an absolute water right of 3.01 cfs from Coal Creek with an appropriation date of October 28, 2001.

(b) Applicant has a conditional water right of 2.99 cfs from Coal Creek with an appropriation date of October 28, 2001.

(c) Applicant has an absolute water storage right in the amount of 19.59 acre-feet.

(d) Applicant has conditional water storage rights in the amount of 53.04 acre-feet.

2002CW308 CITY OF BOULDER, c/o Kate Bernhardt, Parks and Recreation, P.O. Box 791, Boulder, CO 80306-0791 (Veronica A. Sperling, Moses, Wittemyer, Harrison and Woodruff, P.C., P.O. Box 1440, Boulder, CO 80306-1440, 303-443-8782). **APPLICATION FOR WATER STORAGE RIGHT, IN BOULDER COUNTY.** Name of reservoir: Viele Lake. Legal description of location of dam: Viele Lake dam is located in the SW1/4 SE1/4 of Section 8, Township 1 South, Range 70 West of the 6th P.M., Boulder County, Colorado. Viele Lake is located in Harlow Platts Park, immediately south of the City of Boulder's South Boulder Recreation Center located at 1360 Gillaspie Drive, Boulder, Colorado 80303. A map showing the approximate location of Viele Lake is attached to the application as Figure 1. If off-channel reservoir, name and capacity of ditch or ditches used to fill reservoir and legal description of each point of diversion: Not applicable. Source: Storm water runoff and other surface runoff from the drainage basin above Viele Lake, tributary to South Boulder Creek. Appropriation and application to beneficial use: Date of appropriation: February 18, 1969 for uses other than irrigation; December 19, 2002 for irrigation. How appropriation was initiated: For uses other than irrigation, acquisition of property, design and reconstruction of dam and subsequent storage of water and application to beneficial use; for irrigation use, formation of intent to appropriate followed by actions to further and give notice of the appropriation including, but not limited to, posting of signs at Viele Lake. Date water applied to beneficial use: June, 1971. Amount claimed: 73 acre-feet, ABSOLUTE for uses other than irrigation and CONDITIONAL for irrigation. Use: If irrigation, complete the following: Number of acres historically irrigated: Not applicable. Number of acres proposed to be irrigated: Approximately 22.2 acres. Legal description of acreage irrigated or to be irrigated: 22.2 acres at Harlow Platts Park located within the SW1/4 SE1/4 and the SE1/4 SW1/4 of Section 8, Township 1 South, Range 70 West of the 6th P.M., Boulder County, Colorado. A map showing the approximate location of the acreage to be irrigated

is attached to the application as Figure 2. If non-irrigation, describe purpose fully: Recreation, aesthetic, and maintenance and propagation of fish and wildlife. Surface area of high water line: 13.4 acres. Maximum height of dam in feet: 18.7 feet. Length of dam in feet: 480 feet. Total capacity of reservoir in acre-feet: Active capacity: 73 acre-feet. Dead storage: 0 acre-feet. Name and address of owner of land upon which any structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Applicant. Remarks or any other pertinent information: None.

2002CW309 BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLEAR CREEK AND THE CLEAR CREEK ECONOMIC DEVELOPMENT CORPORATION, Paul J. Zilis, Vranesh & Raisch, LLP, 1720 14th Street, #200,Boulder, CO 80302. Telephone: (303) 443-6151 Fax: (303) 443-9586 Email: pz@vrlaw.com Robert G. Cole, Collins, Cockrell & Cole PC, 390 Union Blvd., Ste. 400, Denver, CO 80228-1556. Telephone: (303)986-1556 Fax: (303)986-1755. APPLICATION FOR WATER STORAGE RIGHT**, IN CLEAR CREEK COUNTY.**

1. Name, address, and telephone numbers of applicants:

Board of county commissioners of the county of Clear Creek
P. O. Box 2000
Georgetown, CO 80444
(303)679-2312
Clear Creek Economic Development Corporation
P. O. Box 2030
Georgetown, CO 80444
(303)569-2133

2. Name of Reservoir:

A. Upper Johnson Gulch Reservoir

3. Legal Description of location of dam (include distance and bearing to outlet from established government section corner or quarter corner; or distance from section lines, and indicate 1/4 1/4, section number, township, range and meridian; include map):

Required Description: County Clear Creek	NW 1/4 of the	NE 1/4	Section 3	Township 4 N or S 9 :	Range 72 E or W 9 :	Principal Meridian 6th P.M.
Distance from section lines (section lines are typically not property lines) 900 Feet from : N 9 S and 1,900 feet from the : E 9 W						
Street Address: N/A						

Subdivision: N/A	Lot N/A	Block N/A

B. If off-channel reservoir, name and capacity of ditch or ditches used to fill reservoir, and legal description of each point of diversion: (include distance and bearing from established government section corner or quarter corner; or distances from section lines, and indicate 1/4 1/4, section number, township, range, and meridian, include map). N/A

4. Source: Johnson Gulch, a tributary of Clear Creek.

5. A. Date of appropriation: August 27, 2002

B. How appropriations were initiated: Physical staking of the dam site; field investigations; engineering analyses; adoption of a Resolution by the board of county commissioners of the county of Clear Creek at a public meeting; and authorization by the Board of Directors of the Clear Creek Economic Development Corporation.

C. Date water applied to beneficial use: N/A

6. Amount claimed:

A. In acre feet 75 ( ) Absolute (X) Conditional:

B. If off-channel reservoir, rate of diversion in cfs for filling the reservoir ( ) Absolute ( ) Conditional: N/A

7. Use:

A. If irrigation, complete the following: N/A

B. If non-irrigation, describe purpose fully:

All municipal purposes, including fire protection, irrigation of lawns, gardens and parks, domestic, commercial, industrial, recreational, fish and wildlife propagation, reservoir evaporation replacement, augmentation, and the right of reuse.

8. Surface area of high water line: 5.0 acres

A. Maximum height of dam in feet: 50 feet

B. Length of dam in feet: 600 feet

9. Total capacity of reservoir in acre feet:

Active capacity: 75 acre feet
Dead storage: 0 acre feet

10. Name(s) and address(es) of owner(s) of land on which structure(s) for the water right is located (land where dam is located and land within high water line):

Colorado Department of Transportation
4201 E. Arkansas
Denver, Colorado 80222-3400

Rick L. and Debra F. Williamson
1647 Elk Valley Drive
Evergreen, CO 80439

Carrie and Marek P. Kubesa
1033 Elk Valley Drive
Evergreen, CO 80439

Sarah L. Lewis
1191 Elk Valley Drive
Evergreen, CO 80439

11. Remarks or any other pertinent information: None

2002CW310 BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLEAR CREEK AND THE CLEAR CREEK ECONOMIC DEVELOPMENT CORPORATION, Paul J. Zilis, Vranesh & Raisch, LLP, 1720 14th Street, #200, Boulder, CO 80302. Telephone: (303) 443-6151. Fax: (303) 443-9586 Email: pz@vrlaw.com. Robert G. Cole, Collins, Cockrell & Cole PC, 390 Union Blvd., Ste. 400, Denver, CO 80228-1556. Telephone: (303) 986-1551. Fax: (303) 986-1755. **APPLICATION FOR APPROVAL OF APPROPRIATIVE RIGHTS, OF SUBSTITUTION AND EXCHANGE, IN CLEAR CREEK COUNTY**.

1. Name, address, and telephone numbers of applicants:

Board of county commissioners of the county of Clear Creek
P. O. Box 2000
Georgetown, CO 80444
(303)679-2312

Clear Creek Economic Development Corporation
P. O. Box 2030
Georgetown, CO 80444
(303)569-2133

2. Name of Appropriative Rights of Substitution and Exchange:

A. Johnson Gulch Exchange

B. Clear Creek Reservoir Nos. 3 and 4 Exchange

C. Ball Placer Reservoir Exchange

D. Clear Creek Exchange

E. Idaho Springs Reservoir Exchange

F. Upper Beaver Brook Reservoir Exchange

3. Description of Substitutions and Exchanges:

Pursuant to C.R.S. § 37-80-120, 37-83-104, and 37-92-302(1)(a), Applicants seek adjudication of appropriative rights of substitution and exchange whereby water which is available to them is delivered to Clear Creek in order to supply downstream appropriators, and an equivalent amount of water is diverted from the tributaries to or the mainstem of Clear Creek as described in paragraph 4 below.

4. Location of Structures and Exchange Reaches:

All Exchange Reaches are located in Clear Creek County, except as provided below:

A. Johnson Gulch Exchange: The exchange reach will be located on Johnson Gulch, a tributary to Clear Creek. The upstream terminus will be Upper Johnson Gulch Reservoir, which will have a dam located in the NW 1/4 NE 1/4 of Section 3, T4S, R72W, 6th P.M. at a point approximately 900 feet from the North section line and 1,900 feet from the East section line of said Section 3. The downstream terminus will be the confluence of Johnson Gulch and the mainstem of Clear Creek in the SE 1/4 SE 1/4, Section 34, T3S, R72W, 6th P.M., at a point approximately 210 feet from the South section line and 950 feet from the East section line of said Section 34. The Applicants will also utilize the Johnson Gulch Exchange to store water in Clear Creek Reservoir No. 2, which will be located within the exchange reach.

B. Clear Creek Reservoir Nos. 3 and 4 Exchange: The exchange reach will be located on an unnamed tributary to Clear Creek which will fill Clear Creek Reservoir Nos. 3 and 4. The upstream terminus will be Clear Creek Reservoir No. 4, which will have a dam located in the SW 1/4 NW 1/4, Section 34, T3S, R72W, 6th P.M. at a point approximately 300 feet from the West section line and 1,800 feet from the North section line of said Section 34. The downstream terminus of said exchange will be the confluence of the unnamed tributary which fills Clear Creek Reservoir No. 4 and the mainstem of Clear Creek in the NE 1/4 SW 1/4, Section 34, T3S, R72W, 6th P.M., at a point approximately 1,400 feet from the West section line and 2,050 feet from the South section line of said Section 34.

C. Ball Placer Reservoir Exchange: The exchange reach will be located on Bard Creek, a tributary to Clear Creek and on the West Fork of Clear Creek. The upstream terminus will be the Ball Placer Pipeline, which will be located in the NW 1/4 NW 1/4, Section 33, T3S, R74W, 6th P.M., at a point approximately 320 feet from the West section line and 480 feet from the North section line of said Section 33. The downstream terminus of the exchange will be the confluence of West Fork of Clear Creek and the mainstem of Clear Creek in the NW 1/4 SE 1/4 Section 27, T3S, R74W, 6th P.M., at a point approximately 2,010 feet from the South section line and 2,160 feet from the East section line of said Section 27. Water will also be exchanged within the exchange reach from the confluence of Bard Creek and West Fork of Clear Creek to the upper terminus of the exchange reach.

D. Clear Creek Exchange: The exchange reach will be located on the mainstem of Clear Creek. The upstream terminus will be the Bakerville Reservoir No. 2 which will have a dam located in T4S, R75W, 6th P.M. at a point on Clear Creek whence the NW 1/4 of Section 22, T4S, R75W, 6th P.M. bears N 86° 0' E a distance of 11,000 feet. The downstream terminus of said exchange will be the confluence of the West Fork of Clear Creek and the mainstem of Clear Creek located in the NW 1/4 SE 1/4 Section 27, T3S, R74W, 6th P.M., at a point approximately 2,010 feet from the South section line and 2,160 feet from the East section line of said Section 27. Water from the downstream terminus and an intermediate point within the exchange reach at the confluence of the South Fork of Clear Creek and the mainstem of Clear Creek will be exchanged upstream to both Bakerville Reservoir No. 1, which is located within the exchange reach and Bakerville Reservoir No. 2, which is the upstream terminus of the exchange reach.E.Idaho Springs Reservoir Exchange: The exchange reach is located on Chicago Creek, a tributary to Clear Creek. The upstream terminus is Idaho Springs Reservoir located on Chicago Creek in the SE 1/4 NE 1/4, Section 1, T5S, R74W, 6th P.M., at a point approximately 2,380 feet from the North section line and 160 feet from the East section line of said Section 1. The downstream terminus of said exchange is the confluence of Chicago Creek and Clear Creek at a point in the SE 1/4 SE 1/4, Section 35, T3S, R73W, 6th P.M., at a point approximately 530 feet from the South section line and 630 feet from the East section line of said Section 35. Said exchange shall only be made with the written consent of the City of Idaho Springs to store water in the Idaho Springs Reservoir.

F. Upper Beaver Brook Reservoir Exchange: The exchange reach will be located on Beaver Brook, a tributary to Clear Creek. The upstream terminus of the Upper Beaver Brook Reservoir Exchange will be the Upper Beaver Brook Reservoir located in the SW 1/4 SE 1/4, Section 15, T4S, R72 W, 6th P.M., at a point approximately 100 feet from the South section line and 2,270 feet from the East section line of said Section 15. The downstream terminus of said exchange will be the confluence of Beaver Brook and Clear Creek located in the NE 1/4 NW 1/4, Section 3, T4S, R71W, 6th P.M., at a point approximately 1,370 feet from the North section line and 2,320 feet from the West section line of said Section 3. The exchange reach lies within both Clear Creek and Jefferson Counties. This exchange will only be operated pursuant to a written agreement to use Upper Beaver Brook Reservoir.

A map showing the approximate locations of the above-described structures and the substitution and exchange reaches are attached to the Application as Exhibit 1.

5. Water and Water Rights to be Used for Substitutions and Exchanges: All water available to Applicants for substitution and exchange purposes. Said sources currently include, but will not limited to the following:

5.1 Vidler Tunnel Water Rights: The Applicant, board of county commissioners of the county of Clear Creek currently owns 31 acre feet of fully consumable water from the Vidler Tunnel, with the option to acquire an additional 44 acre feet. The Vidler Tunnel system water rights are comprised of the following:

A. Rice Ranch Rights. A total of 361 consumptive acre feet, at a total maximum diversion rate of 31.22 cfs, was decreed by the District Court in and for Water Division No. 5, in Case Nos. W-217 and W-2110, as being historically attributable to the following described water rights:

(1) Rice Ditch, decreed for 4.50 cfs with a May 3, 1893 appropriation date and a March 2, 1910 adjudication date. The originally decreed headgate of the Rice Ditch is located on the left (south) bank of the Snake River in the NW 1/4 SE 1/4 of Section 22, T. 5 S., R 77 W., 6th P.M.;

(2) Soda Creek Ditch, decreed for 2.72 cfs with a July 1, 1900 appropriation date and March 10, 1952 adjudication date. The originally decreed headgate of the Soda Creek Ditch is located on the right (east) bank of the Soda Creek at a point whence the South quarter corner of Section 27, T. 5 S., R 77 W., 6th P.M., bears South 10°5' East a distance of 940 feet;

(3) Phillips Ditch, decreed for 4.00 cfs with a June 1, 1904 appropriation date and a March 2, 1910 adjudication date. The originally decreed headgate of the Phillips Ditch is located on the left (west) bank of the Keystone Creek in the SW 1/4 SW 1/4 of Section 14, T. 5 S., R. 77 W., 6th P.M.;

(4) Rice Ditch - Riley Enlargement, decreed for 10.00 cfs with a July 5, 1914 appropriation date and an October 26, 1937 adjudication date. The originally decreed headgate of the Riley Enlargement is located on the left (south) bank of the Snake River at a point whence the SW corner of Section 22, T. 5 S., R 77 W., 6th P.M., bears S. 54°46' West a distance of 3845 feet; and

(5) Rice Ditch - Rice Enlargement, decreed for 10.00 cfs with a July 5, 1914 appropriation date and a March 10, 1952 adjudication date. The originally decreed headgate of the Rice Enlargement is the same as the Rice Ditch - Riley Enlargement.

B. Arduser Ditch Rights. A total of 52.5 consumptive acre feet, at a total maximum diversion rate of 3 cfs, was decreed by the Summit County District Court in Case No. 2350 as being historically attributable to the Arduser Ditch, Ditch No. 230, Priority No. 249, decreed by the Summit County District Court in Civil Action No. 1709 for 3 cfs, with a September 28, 1934 appropriation date and an October 26, 1937 adjudication date.

5.2 Henderson Mine Water. The Applicant currently has a long-term lease for 12 acre feet of fully consumable water from the Henderson Mine which has the following water rights:

A. Date entered:

(1) Water Division No. 1 Decrees: Decreed as conditional on September 5, 1973, and made absolute on July 16, 1980.

(2) Water Division No. 5 Decrees: Decreed as conditional on August 10, 1973, and made absolute on March 17, 1978.

B. Case Nos.:

(1) Water Division No. 1 decrees: Case Nos. W-7158, W-715877, 81CW275 and 85CW235.

(2) Water Division No. 5 decrees: Case Nos. W-1700 and W-1700A-77.

C. Courts: District Courts, Water Division Nos. 1 and 5, Colorado.

D. Type of water right (surface, underground storage): non-tributary groundwater.

E. Legal description of points of diversion or place of storage:

Beginning at a point at the center of Shaft No. 1 whence USLM Mineral Monument Rue bears N. 73 decrees 42' E a distance of 3208.4 feet. This is an unsurveyed area but appears to be in Section 25, Township 3 South, Range 76 West of the 6th P.M., Clear Creek County.

Alternate Point of Diversion: Henderson Shaft No. 2 -- Beginning at a point at the center of Shaft No. 2 whence USLM Mineral Monument Rue bears N. 77 degrees 16' 46" E a distance of 4931.33 feet. This is an unsurveyed area but appears to be in Section 25, Township 3 South, Range 76 West of the 6th P.M., Clear Creek County.

Note: The Rue Mineral Monument is located at North Latitude 39 degrees 46' 17" and West Longitude 105 degrees 49' 58".

F. Source: non-tributary groundwater from the Henderson Mine.

G. Amount: 5 cfs absolute from Water Division 1; 0.349 cfs absolute from Water Division 5.

H. Appropriation: April 1, 1967

I. Decreed use (if irrigation, include total acreage): industrial, domestic, irrigation, municipal, piscatorial, recreational, and all other lawful uses.

5.3 Any other sources of water which are or will be available to Applicant for substitution and exchange purposes.

6. Description of Appropriative Rights, Substitution and Exchange.

6.1 Dates of Initiation of Appropriations of Substitutions and Exchanges:

a. Johnson Gulch Exchange: December 19, 2002
b. Clear Creek Reservoir Nos. 3 and 4 Exchange: December 19, 2002
c. Ball Placer Reservoir Exchange: December 19, 2002
d. Clear Creek Exchange: December 19, 2002
e. Idaho Springs Reservoir Exchange: June 2, 2002
f. Upper Beaver Brook Reservoir Exchange: December 19, 2002

6.2 How appropriations were initiated: The appropriations for the Johnson Gulch, Clear Creek Reservoir Nos. 3 and 4, Ball Placer, and Clear Creek Exchanges were initiated by formation of intent to appropriate as evidenced by the board of county commissioners of the county of Clear Creek Resolution No. R-02-178, authorization by the board of the Clear Creek Economic Development Corporation, physical staking of the exchange reaches, the purchase and lease of water to be utilized in said exchanges and the filing of Water Applications in Case Nos. 00CW265 and 01CW290. The appropriation of the Idaho Springs Reservoir Exchange was initiated by the operation of said exchange under approval of the Office of the State Engineer commencing on June 2, 2002. The appropriation of the Upper Beaver Brook Reservoir Exchange was initiated by the board of county commissioners of the county of Clear Creek Resolution No. R-02-178, and the execution of a lease for the use of Upper Beaver Brook Reservoir in order to operate said exchange.

6.3 Date water applied to beneficial use:

a. Johnson Gulch Exchange: N/A
b. Clear Creek Reservoir Nos. 3 and 4 Exchange: N/A
c. Ball Placer Reservoir Exchange: N/A
d. Clear Creek Exchange: N/A
e. Idaho Springs Reservoir Exchange: June 2, 2002
f. Upper Beaver Brook Reservoir Exchange: N/A

6.4 Amounts claimed:

a. Johnson Gulch Exchange: 1.0 cfs CONDITIONAL
b. Clear Creek Reservoir Nos. 3 and 4 Exchange: 0.5 cfs CONDITIONAL
c. Ball Placer Reservoir Exchange: 5.0 cfs CONDITIONAL
d. Clear Creek Exchange: 5.0 cfs CONDITIONAL

e. Idaho Springs Reservoir Exchange: 2.0 cfs, of which 1.0 cfs is ABSOLUTE; and 1.0 cfs CONDITIONAL

f. Upper Beaver Brook Reservoir Exchange: 0.5 cfs CONDITIONAL

6.5 Uses: All municipal uses including domestic, irrigation, lake level maintenance, industrial, commercial, fire protection, recreation, piscatorial, storage, augmentation, exchange, replacement and all other municipal uses. Such uses shall include the right to fully consumptive uses of the water for the above-described purposes and to use, reuse and successfully use the water to extinction.

7. Names and Addresses of Owners of Lands on Which Structures are Located:

Clear Creek County
P. O. Box 2000
Georgetown, CO 80444

Colorado Department of Transportation
4201 E. Arkansas
Denver, CO 80222-3400

U.S. Forest Service
Arapahoe-Roosevelt Natl. Forest
240 W. Prospect
Fort Collins, CO 80526

Town of Empire
203 G
Empire, CO 80438

Sarah L. Lewis
1191 Elk Valley Drive
Evergreen, CO 80439

City of Idaho Springs
1711 Miner Street, Box 907
Idaho Springs, CO 80452

Lookout Mountain Water District
24903 Clubhouse Circle
Golden, CO 80401

Carrie and Marek P. Kubesa
1033 Elk Valley Drive
Evergreen, CO 80439

Rick L. and Debra F. Williamson
1647 Elk Valley Drive
Evergreen, CO 80439

WHEREFORE, Applicant requests the Court to enter a Decree confirming and approving the appropriative rights of substitution and exchange described herein.

2002CW311 CENTENNIAL WATER AND SANITATION DISTRICT, 62 West Plaza Drive, Highlands Ranch, CO 80129 (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 DILIGENCE, IN DOUGLAS COUNTY.** Name of structure: Spring Gulch Diversion Point. Describe conditional water right (as to each structure) giving the following from the Referee's Ruling and Judgment and Decree: Date of Original Decree, Case No. and Court: July 10, 1989, Case No. 86CW332, District Court, Water Division No. 1. A decree finding diligence was entered on December 16, 1996, in Case No. 95CW161, District Court, Water Division No. 1. Legal Description: On Spring Gulch in Section 8, Township 6 South, Range 68 West, of the 6th P.M., at a point approximately 1550 feet from the South section line and 2600 feet from the East section line. Source: Spring Gulch, tributary to the South Platte River. Appropriation date: October 17, 1985. Amount: 2.0 cfs, CONDITIONAL. Use: Municipal, domestic, industrial, commercial, irrigation, stockwatering, recreation, and fish and wildlife purposes on Highlands Ranch and at other locations within the South Platte River drainage. Depth (if

well): Not applicable. Outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: During the diligence period, Centennial developed and received State Engineer approval of accounting procedures required by the decree in Case No. 85CW415, District Court, Water Division No. 1, to quantify outdoor use return flows in the Spring Gulch drainage basin. In addition, on April 3, 2001, Centennial reached agreement with the State Engineer that outdoor use return flows exist in the Spring Gulch drainage basin, as determined in accordance with the methodologies described in paragraphs 1.53 and 1.54 of the decree in Case No. 85CW415. Under the subject conditional water right, Centennial may divert up to a total of 2 cfs of the natural flow in the Spring Gulch drainage basin. Quantification of reusable outdoor use return flows is necessary in order to account for diversions under the subject conditional water right. The subject conditional water right is part of a unified water supply system that is being constructed to supply water to Highlands Ranch, for municipal and other purposes. During the diligence period, Centennial engaged in the following efforts to develop its municipal water and wastewater systems, at the approximate costs indicated:

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Facility	Period	Approximate Cost
Pump Station at South Platte Reservoir	2000-2002	$ 4,578,000
Pipeline from Pump Station at South Platte Reservoir to McLellan Reservoir	1996-2002	3,400,000
Denver Basin Wells	1996-2002	4,579,000
Wastewater Treatment Plant	1998-2001	1,600,000
Water Treatment Plant	1998-2001	6,715,000
Water and Wastewater Pipelines	1996-2002	16,715,000
Treated Water Pump Station	1998-2001	1,042,000
Pump Station at McLellan Reservoir	1997-2001	4,773,000

South Platte Reservoir	1996-2002	10,500,000
Diversion Structures at Last Chance Ditch No. 2 and Nevada Ditch	1998-2002	783,000
TOTAL		**$54,685,000**

	Period	Approximate Cost
2002CW312 CENTENNIAL WATER AND SANITATION DISTRICT, 62 West Plaza Drive, Highlands Ranch, CO 80129 (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 DILIGENCE, IN DOUGLAS COUNTY.** Name of structure: Marcy Gulch Diversion Point. Describe conditional water right (as to each structure) giving the following from the Referee's Ruling and Judgment and Decree: Date of Original Decree, Case No. and Court: July 10, 1989, Case No. 86CW333, District Court, Water Division No. 1. A decree finding diligence was entered on December 16, 1996, in Case No. 95CW164, District Court, Water Division No. 1. Legal Description: On Marcy Gulch in Section 5, Township 6 South, Range 68 West, of the 6th P.M., at a point approximately 2050 feet from the South section line and 150 feet from the West section line. Source: Marcy Gulch drainage basin, tributary to the South Platte River. Appropriation date: October 17, 1985. Amount: 2.5 cfs, CONDITIONAL. Use: Municipal, domestic, industrial, commercial, irrigation, stockwatering, recreation and fish and wildlife purposes on Highlands Ranch and at other locations within the South Platte River drainage. Depth (if well): Not applicable. Outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: During the diligence period, Centennial developed and received State Engineer approval of accounting procedures required by the decree in Case No. 85CW415, District Court, Water Division No. 1, to quantify outdoor use return flows in the Marcy Gulch drainage basin. In addition, on April 3, 2001, Centennial reached agreement with the State Engineer that outdoor use return flows exist in the Marcy Gulch drainage basin, as determined in accordance with the methodologies described in paragraphs 1.53 and 1.54 of the decree in Case No. 85CW415. Centennial also constructed a gaging station on Marcy Gulch in September 2001 to measure stream flows, obtained ann addition, during the diligence period, Centennial has spent in excess of $900,000 obtaining decrees for water rights that are part of its unified water supply system and for participating as an objector in various Water Court cases to protect its water rights, including the subject conditional water right, from injury due to claims of other		

Pump Station at South Platte Reservoir	2000-2002	$ 4,578,000
Pipeline from Pump Station at South Platte Reservoir to McLellan Reservoir	1996-2002	3,400,000
Denver Basin Wells	1996-2002	4,579,000
Wastewater Treatment Plant	1998-2001	1,600,000
Water Treatment Plant	1998-2001	6,715,000
Water and Wastewater Pipelines	1996-2002	16,715,000
Treated Water Pump Station	1998-2001	1,042,000
Pump Station at McLellan Reservoir	1997-2001	4,773,000
South Platte Reservoir	1996-2002	10,500,000

Diversion Structures at Last Chance Ditch No. 2 and Nevada Ditch	1998-2002	783,000
TOTAL		**$54,685,000**

In addition, during the diligence period, Centennial has spent in excess of $900,000 obtaining decrees for water rights that are part of its unified water supply system and for participating as an objector in various Water Court cases to protect its water rights, including the subject conditional water right, from injury due to claims of other water users. If claim to make absolute: Not applicable. Names and addresses of owners of land on which structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Water will be placed to beneficial use within Centennial's service area including, but not limited to, Highlands Ranch and other locations in the South Platte River basin. It is not practical to identify the names and addresses of the owners of all such property. Applicant is the owner of the land on which the structure will be located. WHEREFORE, Centennial requests the Court to enter a decree finding that Centennial has proceeded with reasonable diligence toward the completion of the appropriation of the subject conditional water right and continuing the subject conditional water right in full force and effect for an additional diligence period.

2002CW313 CENTENNIAL WATER AND SANITATION DISTRICT, 62 West Plaza Drive, Highlands Ranch, CO 80129 (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 DILIGENCE, IN DOUGLAS COUNTY.** Name of structures: Dad Clark Gulch Diversion Point No. 1 and Dad Clark Gulch Diversion Point No. 2. Describe conditional water right (as to each structure) giving the following from the Referee's Ruling and Judgment and Decree: Date of Original Decree, Case No. and Court: July 10, 1989, in Case No. 86CW334, District Court, Water Division No. 1. A decree finding diligence was entered on December 16, 1996, in Case No. 95CW162, District Court, Water Division No. 1. Legal description: Dad Clark Gulch Diversion Point No. 1: In Section 3, Township 6 South, Range 68 West, of the 6th P.M., at a point approximately 700 feet from the North section line and 100 feet from the West section line. Dad Clark Gulch Diversion Point No. 2: In Section 3, Township 6 South, Range 68 West, of the 6th P.M., at a point approximately 2250 feet from the North section line and 1050 feet from the West section line. Source: Dad Clark Gulch drainage basin, tributary to the South Platte River. Appropriation date: October 17, 1985. Amount: Dad Clark Gulch Diversion Point No. 1: 1.0 cfs, CONDITIONAL. Dad Clark Gulch Diversion Point No. 2: 3.0 cfs, CONDITIONAL. Use: Municipal, domestic, industrial, commercial, irrigation, stockwatering, recreation, and fish and wildlife purposes on Highlands Ranch and at other locations within the South Platte River drainage. Depth (if well): Not applicable. Outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: During the diligence period, Centennial developed and received State Engineer approval of accounting procedures required by the decree in Case No. 85CW415, District Court, Water Division No. 1, to quantify outdoor use return flows in the Dad Clark Gulch drainage basin. Centennial also constructed a gaging station on Dad Clark Gulch to measure stream flows and repaired the gaging station after an embankment washout, at an approximate cost of $68,300. Under the subject conditional water rights, Centennial may divert up to a total of 4 cfs of the natural flow in the Dad Clark Gulch drainage basin. Quantification of reusable outdoor use return flows and measurement of flows in Dad Clark Gulch are necessary in order to account for diversions under the subject conditional water rights. The subject conditional water rights are part of a unified water supply system that is being constructed to supply water to Highlands Ranch, for municipal and other purposes.

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During the diligence period, Centennial engaged in the following efforts to develop its municipal water and wastewater systems, at the approximate costs indicated:

Facility	**Period**	**Approximate Cost**
Pump Station at South Platte Reservoir	2000-2002	$ 4,578,000
Pipeline from Pump Station at South Platte Reservoir to McLellan Reservoir	1996-2002	3,400,000
Denver Basin Wells	1996-2002	4,579,000
Wastewater Treatment Plant	1998-2001	1,600,000
Water Treatment Plant	1998-2001	6,715,000
Water and Wastewater Pipelines	1996-2002	16,715,000
Treated Water Pump Station	1998-2001	1,042,000
Pump Station at McLellan Reservoir	1997-2001	4,773,000

South Platte Reservoir	1996-2002	10,500,000
Diversion Structures at Last Chance Ditch No. 2 and Nevada Ditch	1998-2002	783,000
TOTAL		**$54,685,000**

In addition, during the diligence period, Centennial has spent in excess of $900,000 obtaining decrees for water rights that are part of its unified water supply system and for participating as an objector in various Water Court cases to protect its water rights, including the subject conditional water rights, from injury due to claims of other water users. If claim to make absolute: Not applicable. Names and addresses of owners of land on which structures are or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Water will be placed to beneficial use within Centennial's service area including, but not limited to, Highlands Ranch and other locations in the South Platte River basin. It is not practical to identify the names and addresses of the owners of all such property. To the best of Centennial's knowledge and information, the name and address of the owner of the land on which the structures will be located are as follows: Shea Homes, c/o Jeffrey H. Donelson, 9135 S. Ridgeline Boulevard, Suite 100, Highlands Ranch, Colorado 80129. WHEREFORE, Centennial requests the Court to enter a decree finding that Centennial has proceeded with reasonable diligence toward the completion of the appropriations of the subject conditional water rights and continuing the subject conditional water rights in full force and effect for an additional diligence period.

2002CW314 CENTENNIAL WATER AND SANITATION DISTRICT, 62 West Plaza Drive, Highlands Ranch, CO 80129 (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 DILIGENCE, IN DOUGLAS COUNTY.** Name of structures: Big Dry Creek Diversion Point No. 1 and Big Dry Creek Diversion Point No. 2. Describe conditional water right (as to each structure) giving the following from the Referee's Ruling and Judgment and Decree: Date of Original Decree, Case No. and Court: July 10, 1989, Case No. 86CW335, District Court, Water Division No. 1. A decree finding diligence was entered on December 16, 1996, in Case No. 95CW159, District Court, Water Division No. 1. A decree changing the point of diversion for Big Dry Creek Diversion Point No. 2 was entered on December 18, 1996, in Case No. 95CW160, District Court, Water Division No. 1. Legal Description: Big Dry Creek Diversion Point No. 1: In Section 1, Township 6 South, Range 68 West, of the 6th P.M., at a point approximately 400 feet from the North section line and 1150 feet from the East section line. Big Dry Creek Diversion Point No. 2: In Section 6, Township 6 South, Range 67 West, of the 6th P.M., at a point approximately 1600 feet from the North section line and 120 feet from the East section line. Source: Big Dry Creek drainage basin, tributary to the South Platte River. Appropriation date: October 17, 1985. Amount: Big Dry Creek Diversion Point No. 1: 1.0 cfs, CONDITIONAL. Big Dry Creek Diversion Point No. 2: 2.5 cfs, CONDITIONAL. Use: Municipal, domestic, industrial, commercial, irrigation, stockwatering, recreation, and fish and wildlife purposes on Highlands Ranch and at other locations within the South Platte River drainage. Depth (if well): Not applicable. Outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: During the diligence period, Centennial developed and received State Engineer approval of accounting procedures required by the decree in Case No. 85CW415, District Court, Water Division No. 1, to quantify outdoor use return flows in the Big Dry Creek drainage basin. Centennial also conducted studies, including surveying, geotechnical drilling and design engineering, and obtained license agreements, related to the location and design of a gaging station to measure flows on Big Dry Creek and of a diversion facility for Big Dry Creek Diversion Point No. 2, at an approximate cost of $57,400. Under the subject conditional water rights, Centennial may divert up to a total of 3.5 cfs of the natural flow in the Big Dry Creek drainage basin. Quantification of reusable outdoor use return flows and measurement of flows in Big Dry Creek are necessary in order to account for diversions under the subject conditional water rights. The subject conditional water rights are part of a unified water supply system that is being constructed to supply water to Highlands Ranch, for municipal and other purposes. During the diligence period, Centennial engaged in the following efforts to develop its municipal water and wastewater systems, at the approximate costs indicated:

Facility	Period	Approximate Cost
Pump Station at South Platte Reservoir	2000-2002	$ 4,578,000
Pipeline from Pump Station at South Platte Reservoir to McLellan Reservoir	1996-2002	3,400,000
Denver Basin Wells	1996-2002	4,579,000
Wastewater Treatment Plant	1998-2001	1,600,000
Water Treatment Plant	1998-2001	6,715,000
Water and Wastewater Pipelines	1996-2002	16,715,000
Treated Water Pump Station	1998-2001	1,042,000
Pump Station at McLellan Reservoir	1997-2001	4,773,000

South Platte Reservoir	1996-2002	10,500,000
Diversion Structures at Last Chance Ditch No. 2 and Nevada Ditch	1998-2002	783,000
TOTAL		**$54,685,000**

In addition, during the diligence period, Centennial has spent in excess of $900,000 obtaining decrees for water rights that are part of its unified water supply system and for participating as an objector in various Water Court cases to protect its water rights, including the subject conditional water rights, from injury due to claims of other water users. If claim to make absolute: Not applicable. Names and addresses of owners of land on which structures are or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Water will be placed to beneficial use within Centennial's service area including, but not limited to, Highlands Ranch and other locations in the South Platte River basin. It is not practical to identify the names and addresses of the owners of all such property. To the best of Centennial's knowledge and information, the names and addresses of the owners of the land on which the structures will be located are as follows: Big Dry Creek Diversion Point No. 1: Shea Homes, c/o Jeffrey H. Donelson, 9135 S. Ridgeline Boulevard, Suite 100, Highlands Ranch, Colorado 80129. Big Dry Creek Diversion Point No. 2: Fairways & Greens, Inc., 9000 Creekside Way, Highlands Ranch, Colorado 80129. WHEREFORE, Centennial requests the Court to enter a decree finding that Centennial has proceeded with reasonable diligence toward the completion of the appropriations of the subject conditional water rights and continuing the subject conditional water rights in full force and effect for an additional diligence period.

2002CW315 CENTENNIAL WATER AND SANITATION DISTRICT, 62 West Plaza Drive, Highlands Ranch, CO 80129 (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 DILIGENCE, IN DOUGLAS COUNTY.** Name of structure: Willow Creek Diversion Point. Describe conditional water right (as to each structure) giving the following from the Referee's Ruling and Judgment and Decree: Date of Original Decree, Case No. and Court: July 10, 1989, Case No. 86CW336, District Court, Water Division No. 1. A decree finding diligence was entered on December 16, 1996, in Case No. 95CW163, District Court, Water Division No. 1. Legal Description: In Section 5, Township 6 South, Range 67 West, of the 6th P.M., at a point approximately 100 feet from the North section line and 1170 feet from the East section line. Source: Willow Creek drainage basin, tributary to the Little Dry Creek and the South Platte River. Appropriation date: October 17, 1985. Amount: 1.0 cfs, CONDITIONAL. Use: Municipal, domestic, industrial, commercial, irrigation, stockwatering, recreation, and fish and wildlife purposes on Highlands Ranch and at other locations within the South Platte River drainage. Depth (if well): Not applicable. Outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: During the diligence period, Centennial developed and received State Engineer approval of accounting procedures required by the decree in Case No. 85CW415, District Court, Water Division No. 1, to quantify outdoor use return flows in the Willow Creek drainage basin. Under the subject conditional water right, Centennial may divert up to a total of 1 cfs of the natural flow in the Willow Creek drainage basin. Quantification of reusable outdoor use return flows is necessary in order to account for diversions under the subject conditional water right. The subject conditional water right is part of a unified water supply system that is being constructed to supply water to Highlands Ranch, for municipal and other purposes. During the diligence period, Centennial engaged in the following efforts to develop its municipal water and wastewater systems, at the approximate costs indicated:

Facility	Period	Approximate Cost
Pump Station at South Platte Reservoir	2000-2002	$ 4,578,000
Pipeline from Pump Station at South Platte Reservoir to McLellan Reservoir	1996-2002	3,400,000
Denver Basin Wells	1996-2002	4,579,000
Wastewater Treatment Plant	1998-2001	1,600,000
Water Treatment Plant	1998-2001	6,715,000
Water and Wastewater Pipelines	1996-2002	16,715,000
Treated Water Pump Station	1998-2001	1,042,000
Pump Station at McLellan Reservoir	1997-2001	4,773,000

South Platte Reservoir	1996-2002	10,500,000
Diversion Structures at Last Chance Ditch No. 2 and Nevada Ditch	1998-2002	783,000
TOTAL		**$54,685,000**

In addition, during the diligence period, Centennial has spent in excess of $900,000 obtaining decrees for water rights that are part of its unified water supply system and for participating as an objector in various Water Court cases to protect its water rights, including the subject conditional water right, from injury due to claims of other water users. If claim to make absolute: Not applicable. Names and addresses of owners of land on which structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: Water will be placed to beneficial use within Centennial's service area including, but not limited to, Highlands Ranch and other locations in the South Platte River basin. It is not practical to identify the names and addresses of the owners of all such property. To the best of Centennial's knowledge and information, the name and address of the owner of the land on which the structure will be located are as follows: Shea Homes, c/o Jeffrey H. Donelson, 9135 S. Ridgeline Boulevard, Suite 100, Highlands Ranch, Colorado 80129. WHEREFORE, Centennial requests the Court to enter a decree finding that Centennial has proceeded with reasonable diligence toward the completion of the appropriation of the subject conditional water right and continuing the subject conditional water right in full force and effect for an additional diligence period.

2002 CW 316 **METRO WASTEWATER RECLAMATION DISTRICT,** 6450 York Street, Denver, CO 80229, (J. Albert Sebald or Robert V. Aghazarian, Inman, Flynn & Biesterfeld. P.C., 1660 Lincoln Street, Suite 1700, Denver, CO 80264, 303-861-5300, fax 303-831-2746). Application For Change of Water Right And For an Alternate Point of Diversion, **IN ELBERT COUNTY.** 2. Name of Right/Structures: Middlemist Ditch, Middlemist Ditch No. 2, and Middlemist Reservoir. 3. Previous Decrees: (a) Entered June 29, 1925, case no. 2412, Weld County District Court; (b) Decreed points of diversion: (i) Middlemist Ditch on the east bank of Beaver Creek, also known as Middlemist Creek, in the SW1/4, Sec. 36, T6S, R57W of the 6th P.M.; (ii) Middlemist Ditch #2 on the west bank of Beaver Creek, also known as Middlemist Creek, in the SW1/4, Sec.25, T6S, R57W of the 6th P.M; and (iii) the Middlemist Reservoir (an in- stream reservoir across Beaver Creek, also known as Middlemist Creek) located in the NW1/4NW1/4 of Section 36 and the SW1/4 of Section 25, T6S, R57W of 6th P.M.; (c) Appropriation date and amount: (i) Middlemist Ditch (5-19-02, 143.9 cfs); (ii) Middlemist Ditch # 2 (6-8-03, 28.25 cfs); and (iii) the Middlemist Reservoir (6-8-03, 234 AF); and (d) Historic Use: the water diverted under the above described water rights has been used to irrigate two tracts: (i) one of approximately 640 acres located in Sec. 26, T6S, R57W of the 6th P.M.; and (ii) one of approximately 400 acres located in Sections 25 and 36, T6S, R57W of the 6th P.M.. 4. Proposed Changes and Alternate Point of Diversion: the permitted uses under the Middlemist Ditch, Middlemist Ditch # 2, and Middlemist Reservoir shall change from irrigation to irrigation, commercial, and agricultural uses and the alternate point of diversion will be at a nearby well to be located in the SE1/4NW1/4, Section 25, R57W, T6S of the 6th P.M. 5. Terms And Conditions: the maximum annual amount to be diverted at the well shall not exceed ten

(10) acre feet per year (with the annual amount determined by a meter on the well) and there shall be an appropriate dry-up of five (5) acres currently irrigated under the decreed rights in order to compensate for the consumptive use involved with diversions at the alternate point of diversion and with the changes of use pertaining to the new well. 6. Land Owner: the name and address of the owner of the land on which the structures are located, upon which the water is or will be stored, and upon which water is or will be placed to beneficial use is: Metro Wastewater Reclamation District, 6450 York Street, Denver, CO 80229.

2002CW317 BIJOU IRRIGATION COMPANY. Michael D. Shimmin , Vranesh & Raisch, LLP, P.O. Box 871, Boulder, CO 80306-0871. Telephone: (303) 443-6151 Fax: (303) 443-9586 Email: mds@vrlaw.com
APPLICATION FOR WATER RIGHTS, INCLUDING DIRECT FLOW, STORAGE, GROUND WATER RECHARGE, AND AUGMENTATION IN WELD and MORGAN COUNTIES.

1. **Name, Mailing Address, Telephone Number of Applicant:**

Bijou Irrigation Company
229 Prospect Street
P.O. Box 972
Fort Morgan, CO 80701
Telephone: (970) 867-2222

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 3 NE 3 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
McCracken	112 acre ft.	14 acres	8 feet	7 acres in NE3SW3, Sec. 30, T4N, R58W & 7 acres in SE3NW3, Sec. 30, T4N, R58W
Weimer 1	30 acre ft.	5 acres	9 feet	NW3NE3, Sec. 30, T4N, R58W

Weimer 2	7.5 acre ft.	2 acre	9 feet	SE3SW3, Sec. 19, T4N, R58W
Weimer 3	45 acre ft.	5 acres	9 feet	2.5 acres in NE3SW3, Sec. 19, T4N, R58W & 2.5 acres in NW3SE3, Sec. 19, T4N, R58W
Weimer 4	15 acre ft.	1.5 acres	9 feet	NE3NE3, Sec. 19, T4N, R58W
Sanctuary	64 acre ft.	8 acres	8 feet	5 acres in SE3SE3, Sec. 33, T4N, R58W & 3 acres in NE3NE3, Sec. 4, T3N, R58W

4. **Source:** South Platte River.

5. **Date and manner of initiation of appropriation:** December 5, 2002, 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 4,000 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 (ABijou 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 16 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
McCracken	1900
Weimer 1	1470
Weimer 2	1490
Weimer 3	1100
Weimer 4	750
Sanctuary	1080

ii. SDF values for new lateral ditch reaches:

LAYTON LATERAL DITCH REACHES

REACH	LOCATION	SDF
1	NE3 SW3, Sec. 28, T4N, R59W to SW3 NE3, Sec. 34, T4N, R59W	3630
2	SW3 NE3, Sec. 34,T4N, R59W to SW3 SW3, Sec. 35, T4N, R59W	4320
3	SW3 SW3, Sec. 35, T4N, R59W to NW3 SW3, Sec. 36, T4N, R59W	4320
4	NW3 SW3, Sec. 36, T4N, R59W to SW3 SE3, Sec. 25, T4N, R59W	3630
5	SW3 SE3, Sec.25, T4N, R59W to SE3 SE3, Sec. 25, T4N, R59W	3000
6	SE3 SE3, Sec. 25, T4N, R59W to SW3 SE3, Sec. 30, T4N, R58W	1470

NO. 3 BIJOU LATERAL REACH

REACH	LOCATION	SDF
1	NW3 NE3, Sec. 14, T3N, R59W to NE3 NE3, Sec. 14, T3N, R59W	4882
2	NE3 NE3, Sec. 14, T3N, R59W to SE3 SW3, Sec. 12, T3N, R59W	4320
3	SE3 SW3, Sec. 12, T3N, R59W to SW3 SE3, Sec. 7, T3N, R58W	3630
4	SW3 SE3, Sec. 7, T3N, R58W to Corner in SE3 SE3, Sec. 7, T3N, R58W	3315
5	Corner in SE3 SE3, Sec. 7, T3N, R58W to SW3 NW3, Sec. 8, T3N, R58W	2048
6	SW3 NW3, Sec. 8, T3N, R58W to Sanctuary Headgate in concrete pipe	no shrink

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	Owners
McCracken	William R. McCracken 12031 MCR T Fort Morgan, CO 80701

Weimer 1, 2, 3, 4	Adam Weimer, Jr. 20405 MCR 13 Fort Morgan, CO 80701
Sanctuary	The Sanctuary of Morgan County, Colorado 14587 Highway 34 Fort 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.

2002-CW-318 Ground Water Management Subdistrict of the Central Colorado Water Conservancy District, 3209 West 28th Street, Greeley, Colorado 80631. Telephone: (970) 330-4540. Kim R. Lawrence, Lind, Lawrence & Ottenhoff, LLP, 1011 11th Avenue, Greeley, CO, 80631, (970)356-9160. Application to Make Absolute and for Finding of Reasonable Diligence in WELD COUNTY. 2. Name of Structure: Lupton Bottom Ditch Recharge Project. 3. Conditional Water Right, 94CW199 decreed 12/16/96. A. Legal Description of Diversion: The headgate of the Lupton Bottom Ditch, located just North of Wattenburg in Section 19, Township 1 North, Range 66 West on the West bank of the South Platte River in the Northwest Quarter of the Northwest Quarter of the Southwest quarter of said section. B. Source of Water: South Platte River and its tributaries. C. Date of Appropriation: October 18, 1994. D. Amount: 100 c.f.s., Conditional. E. Use: Augmentation, recharge, replacement and exchange. 4. Outline of What Has Been Done Toward Completion: A headgate, two flumes and three stilling wells were installed by Agreement dated 1/18/97 with the Company to measure water recharged at a cost of $2,747.00. Applicant entered into an Agreement with the Lupton Bottoms and Lupton Meadows Ditch Companies for use of Wheeler Lake for recharge on March 3, 1998. Applicant entered into an Agreement with Lupton Bottoms and Lupton Meadows Ditch Companies, dated April 20, 1999 for purchase of excess capacity in the Lupton Bottoms Ditch for delivery of water to Koenig Reservoir along with the right to the recharge in the ditch. Applicant has diverted at a rate of up to 22.15 c.f.s and recharged the following volumes: 1993, 161.40 a.f.; 1994, 178.77 a.f.; 1995, 155.61 a.f.; 1996, 427.35 a.f.; 1997, 759.36 a.f.; 1998, 943.04 a.f.; 1999, 358.89 a.f.; 2000, 323.61 a.f.; and in Wheeler Lake, 1997, 179.85 a.f.; 1999, 232.77 a.f.; 2001, 137.42 a.f. Applicant has expended approximately $139,881.00 for engineering, legal, construction and operation during the diligence period.

5. Claim To Make Absolute and for Diligence: Applicant seeks to make 22.15 c.f.s of the appropriation absolute with the balance remaining conditional and seeks a finding of reasonable diligence for the conditional water right.

2002-CW-319 Edward and Suzanne Bridgeman, 621 Majestic Parkway, Woodland Park, Colorado 80863. Kim R. Lawrence, Lind, Lawrence & Ottenhoff, LLP, 1011 11th Avenue, Greeley, CO, 80631, (970)356-9160. Application for Underground Water Rights in Teller County. a. Name of Structure: Bridgeman Well μ 223799. b. In the SW¼ SE¼, Section 15, Township 12 South, Range 69 West of the 6th P.M., Teller County, Colorado, approximately 350 feet north and 1500 feet west from the Southeast corner of said section. c. Source: Groundwater tributary to Trout Creek. d. Depth: 400 feet. e. Date of Appropriation: February 28, 2000. f. How Appropriation Was Initiated: Issuance of well permit. g. Amount Claimed: 15 g.p.m., absolute. h. Use: Fire protection, household use inside up to 3 dwellings, irrigation of up to 1 acre of lawns and gardens and watering of domestic animals, pursuant to §37-92-602(3)(b)(I)(A), C.R.S., on a tract of 35 acres being Lot 4, Majestic Park Amended Division of land, Teller County. 2. John T. Burns and Karol Burns, 600 North Forest Avenue, Glen Ellyn, Illinois 60137. a. Name of Structure: Burns Well μ 244594. b. In the NW¼ SE¼, Section 15, Township 12 South, Range 69 West of the 6th P.M., Teller County, Colorado, approximately 2100 feet north and 2120 feet west from the Southeast corner of said section. c. Source: Groundwater tributary to Trout Creek. d. Depth: 400 feet. e. Date of Appropriation: October 2, 2002. f. How Appropriation Was Initiated: Issuance of well permit. g. Amount Claimed: 15 g.p.m., absolute. h. Use: Fire protection, household use inside up to 3 dwellings, irrigation of up to 1 acre of lawns and gardens and watering of domestic animals, pursuant to §37-92-602(3)(b)(I)(A), C.R.S., on a tract of 35 acres being Lot 5, Majestic Park division of land, Teller County. 3. Curtis L. Grina and Susan Grina, 216 Patricia Point, Woodland Park, Colorado 80863-2317. a. Name of Structure: Grina Well μ 224846. b. In the NE¼ SE¼, Section 15, Township 12 South, Range 69 West of the 6th P.M., Teller County, Colorado, approximately 2500 feet north and 100 feet west from the Southeast corner of said section. c. Source: Groundwater tributary to Trout Creek. d. Depth: 500 feet. e. Date of Appropriation: April 7, 2000. f. How Appropriation Was Initiated: Issuance of well permit. g. Amount Claimed: 15 g.p.m., absolute. h. Use: Fire protection, household use inside up to 3 dwellings, irrigation of up to 1 acre of lawns and gardens and watering of domestic animals, pursuant to §37-92-602(3)(b)(I)(A), C.R.S., on a tract of 35.05 acres being Lot 8, Majestic Park division of land, Teller County. 4. Doug Hammett and Susan Hammett, 512 Kyle Heights, Woodland Park, Colorado 80863.

a. Name of Structure: Hammett Well μ 223736. b. In the SW¼ NE¼, Section 15, Township 12 South, Range 69 West of the 6th P.M., Teller County, Colorado, approximately 1600 feet south and 2000 feet west from the Northeast corner of said section. c. Source: Groundwater tributary to Trout Creek. d. Depth: 400 feet. e. Date of Appropriation: February 23, 2000. f. How Appropriation Was Initiated: Issuance of well permit. g. Amount Claimed: 15 g.p.m., absolute. h. Use: Fire protection, household use inside up to 3 dwellings, irrigation of up to 1 acre of lawns and gardens and watering of domestic animals, pursuant to §37-92-602(3)(b)(I)(A), C.R.S., on a tract of 35 acres being Lot 13, Majestic Park division of land, Teller County. 5. Frank King and Colleen King, 368 Patricia Point, Woodland Park, Colorado 80863. a. Name of Structure: King Well μ 228891. b. In the SE¼ NE¼, Section 15, Township 12 South, Range 69 West of the 6th P.M., Teller County, Colorado, approximately 2500 feet south and 1320 feet west from the Northeast corner of said section. c. Source: Groundwater tributary to Trout Creek. d. Depth: 400 feet. e. Date of Appropriation: September 22, 2000. f. How Appropriation Was Initiated: Issuance of well permit. g. Amount Claimed: 15 g.p.m., absolute. h. Use: Fire protection, household use inside up to 3 dwellings, irrigation of up to 1 acre of lawns and gardens and watering of domestic animals, pursuant to §37-92-602(3)(b)(I)(A), C.R.S., on a tract of 35 acres being Lot 7, Majestic Park division of land, Teller County. 6. Joe Kinlaw and Angelia Kinlaw, 3170 Cathedral Spires, Colorado Springs, Colorado 80904. a. Name of Structure: Kinlaw Well μ 230163. b. In the SW¼ NW¼, Section 14, Township 12 South, Range 69 West of the 6th P.M., Teller County, Colorado, approximately 1400 feet south and 600 east west from the Northeast corner of said section. c. Source: Groundwater tributary to Trout Creek. d. Depth: 560 feet. e. Date of Appropriation: February 16, 2001. f. How Appropriation Was Initiated: Issuance of well permit. g. Amount Claimed: 15 g.p.m., absolute. h. Use: Fire protection, household use inside up to 3 dwellings, irrigation of up to 1 acre of lawns and gardens and watering of domestic animals, pursuant to §37-92-602(3)(b)(I)(A), C.R.S., on a tract of 35 acres being Lot 9, Majestic Park division of land, Teller County. 7. David Mellum and Sandy Mellum, 1595 Capadaro Court, Monument, Colorado 80132-3401. a. Name of Structure: Mellum Well μ 230165. b. In the NW¼ NW¼, Section 14, Township 12 South, Range 69 West of the 6th P.M., Teller County, Colorado, approximately 600 feet south and 600 feet east from the Northwest corner of said section. c. Source: Groundwater tributary to Trout Creek. d. Depth: 400 feet. e. Date of Appropriation: November 27, 2000. f. How Appropriation Was Initiated: Issuance of well permit. g. Amount Claimed: 15 g.p.m., absolute. h. Use: Fire protection, household use inside up to 3 dwellings, irrigation of up to 1 acre of lawns and gardens and watering of domestic

animals, pursuant to §37-92-602(3)(b)(I)(A), C.R.S., on a tract of 35 acres being Lot 10, Majestic Park division of land, Teller County. 8. Name and Address of Owners of Structures: Applicants.

2002-CW-320 The Lower South Platte Water Conservancy District Water Activity Enterprise (District), 100 Broadway Plaza, Suite 12, Sterling, Colorado 80751. Telephone: (970) 522-1378. Kim R. Lawrence, Lind, Lawrence & Ottenhoff, LLP, 1011 11th Avenue, Greeley, CO, 80631, (970)356-9160. Application for Water Rights and Approval of Plan for Augmentation, **IN SEDGWICK COUNTY**. PLAN FOR AUGMENTATION 2. Structures to Be Augmented: 65 wells located on 46 parcels as described in the following table, LSPWAE Wells μ 1 & 2. Each well is augmented pursuant to a Contract with the District. The plan is intended to augment any replacement well or alternate point of diversion well authorized in connection with one of the listed wells.

	Well Name/Permit No.	Quarter/Quarter	Section	Township	Range	Decree
01	Stanley Andersen 5964-F	NW/SW	2	11N	45W	W-2176
02	Bill Andersen 6249-F	NW/SW	35	12N	45W	W-2177
03	Georgia Bauer 13518-R	NW/NW	2	11N	45W	W-3065
04	Harlan Benker 5758-F	NE/SE	28	12N	45W	W-2146
05	Jack Sheaffer 3829-F	Lot 4	22	12N	44W	W-4195
06	Hjalmer Thode 185-RF, 56206-F	NW/NW	21	12N	44W	W-5015
07	George Dracon 10622-F	NW/SE	30	12N	44W	
08	Farmers Grain 6609-F, 56207-F	SE/SE	20	12N	44W	W-2492
09	Kontny Enterprises 15295-R	NW/SE	34	12N	45W	W-4995
10	Jim Fraker 12965-R, 57806-F	SW/NE	34	12N	45W	W-3233
11	Jim Fraker 13119	SW/NW	35	12N	45W	W-3186
12	Jim Fraker 9206-F	SW/NW	35	12N	45W	W-3186
13	Wayne Kinnison 13090-F	SW/NE	36	12N	45W	W-6077
14	David Kinnison 13091-F	NE/SW	31	12N	44W	W-6077
15	Steve Gerk 13168-R	NE/NE	30	12N	44W	W-4758
16	Tim Haynes 11913-R	SE/NE	2	11N	45W	W-4758
17	Tim Haynes 13169-R	NW/NE	2	11N	45W	W-4758
18	Wayne Kinnison 11405-R	NW/NW	29	12N	44W	W-4762
19	Wayne Kinnison 11735-R	NE/SE	30	12N	44W	W-5102
20	Wayne Kinnison 6248-F, 57807-F	SE/NW	29	12N	44W	W-4762
21	Irvin Hanson 10615-R	NW/NW	31	12N	44W	W-5007

22	Ted/Kyle Watchorn 3551-F	NW/NE	15	11N	45W	W-6078
23	E. Lyle Johnson 2356-F	SW/SE	20	12N	43W	W-2998
24	Julesburg School 2716-F	NE/SE	29	12N	44W	W-5005
25	Julesburg School 4986-F	NW/NW	28	12N	44W	W-5005
26	Julesburg, Town 6194-F, 57791-F	NE/SW	29	12N	44W	W-6014
27	Julesburg, Town 10185-FR	SE/NE	29	12N	44W	W-6014
28	Julesburg, Town 21160-RF	SW/NE	29	12N	44W	W-6014
29	Julesburg, Town 51615-FR	NE/NE	29	12N	44W	W-6014
30	Julesburg, Town DePoorter Lake	SE/SE	28	12N	44W	
31	Julesburg, Town 04387-F	SE/SE	29	12N	44W	W-1992

	Well Name/Permit No.	Quarter/Quarter	Section	Township	Range	Decree

32	Jim Kontny 6024-F	NW/NW	32	12N	44W	W-6832
33	Jim Kontny Unreg.	SE/NW	28	12N	44W	W-2493
34	Mac Land Corp. 11707-RF	NE/NE	25	12N	45W	W-2577
35	Mac Land Corp. 9453-F	SW/NE	29	12N	44W	W-2602
36	Mac Land Corp. 11706-R	NW/NE	25	12N	45W	W-2577
37	Byron Harms 19548-F	NW/SE	25	12N	45W	W-5000
38	Larry & June Poncetta 809-F	NW/NW	25	12N	44W	
39	Ovid Cemetery 43899-F	SW/NW	34	12N	45W	94CW124
40	Ovid, Town of 19552-RF	SE/NE	29	12N	45W	W-5018
41	Ovid, Town of 19550-F	SE/NE	29	12N	45W	W-5018
42	Ovid, Town of 19551-F	SE/NE	29	12N	45W	W-5018
43	Ovid, Town of 19553-F	SE/NE	29	12N	45W	W-5018
44	Ruby Porter 2324-F	SE/SE	24	12N	44W	W-5001
45	Ruby Porter 6605-R	SW/SW	19	12N	43W	W-5001

46	Faye Radel 11202	SW/SW	35	12N	45W	W-2471
47	Janet Rosencrans 4510-F	NW/NE	28	12N	44W	W-4195
48	Cal & Cindy Dyer 49481-F	SW/SW	25	12N	45W	W-4995 97CW347
49	Joyce Beavers 2249-F	SW/SE	21	12N	44W	W-3900
50	Orval Sowder 5751-F	NE/SE	28	12N	45W	W-2158
51	Donald Spillman 15966-R	Lot 4	20	12N	44W	W-3053
52	Donald Spillman 4444-F	Lot 4	20	12N	44W	W-3053
53	Elizabeth Sterns Est. 14293-R	SW/NW	34	12N	45W	W-3054
54	Hjalmer Thode R-10613	SW/SW	29	12N	44W	W-5006
55	R. Randall, G. Lanckriet 10617-R	NW/NW	11	11N	45W	W-5006
56	R. Randall, G. Lanckriet **15323-R**	**SW/SE**	**2**	**11N**	**45W**	**W-5004 92CW038**
57	**R. Randall, G. Lanckriet 10083-R**	**NE/NW**	**11**	**11N**	**45W**	**W-5006**
58	**Tim Haynes 12991-F**	**NW/NW**	**1**	**11N**	**45W**	**W-3055**
59	**Cal Watson 6241-RF**	**NW/NE**	**10**	**11N**	**45W**	**W-5021**

60	George Wegman Unreg.	NE/NW	33	12N	44W	W-3056
61	George Wegman Unreg.	SW/NW	33	12N	44W	W-3056
62	Bruce Gerk 5214-F	SE/NW	30	12N	44W	W-5023
63	Leon Woodhams 6026-F	NW/SW	9	11N	45W	W-2659
64	Ed Zorn 4487-F, 56205-F	NE/SW	21	12N	44W	W-6832
65	William Thode R-4522	SW/SW	30	12N	44W	W-5011

The plan will not be limited to these wells as the District is allowed by statute to include additional lands and wells, but such inclusions will only be made in accordance with statute and District policy. All wells must be within the boundaries of the District. To the extent the Court determines any amendment to this plan is necessary to include other wells, such amendments will be filed. Are there other rights diverted from these structures? Yes, see additional well permits in column 2 above. 3. Decreed Water Rights to be Used for Augmentation: (All are in Water Division μ 1, see Figure 1) 3.1 Lower South Platte Recharge Project. Case μ 90CW182 decreed 1/22/92. The point of diversion is in the Northeast Quarter of the Northwest Quarter of Section 24, Township 11 North, Range 47 West of the 6th P.M., Sedgwick County, Colorado, at the diversion works of the Peterson Ditch on the North bank of the South Platte River at a point from which the Northwest Corner of said Section bears North 77□2'W 1815.2 feet. The water is conveyed down the Peterson Ditch to a point in the South One-half of the Southwest Quarter of Section 26, Township 12 North, Range 45 West of the 6th P.M., Sedgwick County, Colorado, approximately 1650 feet North and 1100 feet East from the Southwest corner of said section where water is diverted into the recharge structures. 35.0 c.f.s., absolute; 30 c.f.s., conditional; appropriation, 5/2/89, from the South Platte River for augmentation and other uses. The decree allows the addition of recharge sites. 3.2 Liddle Ditch Recharge Project. Case μ 97CW108 decreed 12/4/97. The point of diversion is at the headgate of the Liddle Ditch, located in Section 5, Township 11 North, Range 45 West of the 6th P.M., Sedgwick County, Colorado. 26 c.f.s., conditional; appropriation, 2/4/97, from the South Platte River for augmentation and other uses. The decree allows the addition of recharge sites. 4. Water Rights to be Used for Augmentation: (All are in Water Division μ 1, see Figure 1). 4.1. LSPWAE Well μ 1, Permit μ 55669-F and LSPWAE Well μ 2, Permit μ 56046-F. See ¶7 and ¶8. 4.2 Julesburg Irrigation District (JID). Pursuant to an Agreement with JID, the Applicant purchases augmentation credits from JID. JID recharges water in three reaches of the Peterson Ditch. Reach 1, from the South Platte River to Lodgepole Creek. Reach 2, from Lodgepole Creek to Applicant's check structure. Reach 3, from Applicant's check structure to the end of the State Line Ditch. Reach 1 is located in Townships 11 and 12 North and Ranges 45 through 47 West. Reach 2 is located in Township 12 North, Range 45 West. Reach 3 is located in Township 12 North and Ranges 44 through 46 West. JID has filed an Application in Case μ 95CW283 for recharge in the Peterson Ditch for augmentation purposes in the amount of 185 c.f.s. with an appropriation date of 12/29/95. JID also operates 3 alternate point wells decreed in Case μ W-7971, Permit μ 25298-F, 25299-F and 25300-F, for delivery of water for augmentation

recharge. 4.3 The District, pursuant to Contracts is entitled to credits from recharge sites owned by the parties at locations and with the SDF's shown below. All the sites are filled from the Peterson Ditch pursuant to the JID Application in Case µ 95CW283 or the District's Decree in Case µ 90CW182.

Name	Location (all in Sedgwick County and the 6th P.M.)	SDF
Faye Radel	SE SE Section 35, T12N, R45W	375
David Kinnison	NE NW Section 31 T12N, R44W	790
Mac Land Corp	SW NE Section 25 T12N, R45W	1340
Bruce Gerk	NW SE Section 19 T12N, R44W	1230
Farmers Grain	NE SE Section 20 T12N, R44W	790
James Kontny	SW NE Section 28 T12N, R44W	105
Wayne Kinnison	NE NE Section 30 T12N, R44W	1080
Hjalmer Thode	NE NW Section 28 T12N, R44W	195
JID (Harms)	NW SE Section 25 T12N, R45W	1200
Hanson	NW Ne Section 31 T12N, R44W	715
Town of Julesburg	SE NE Section 26 T12N, R45W	1470

4.4 The District has the right to recharge credits generated by the Tamarack Project which is operated by the South Platte Lower River Group. The recharge project is filed in Water Court Water Division µ1 as Case µ's 96CW1063 and 98CW463 by the Colorado Division of Wildlife. 4.5 The District purchases replacement water pumped from Structures µ 6, 8, 10, 20, 26 and 64 in ¶2, which wells are permitted for that purpose. 4.6 The District seeks approval to add water rights it acquires by purchase or lease to be used as replacement sources for this plan of augmentation. Applicant proposes that for reservoir water 60% and for direct flow water 50% of the previous 5 years average releases be available for augmentation purposes. If the Water Court has quantified the historic use of the same type of shares to be used for replacement water, Applicant proposes to use the consumptive use and return flow obligations found in such a decree, unless changed circumstances indicate a different historic use should be used. 5. Plan for Augmentation: 5.1. No replacement sources will be changed pursuant to this application. All changes of water rights for replacement sources will be filed as separate applications or amendments to this application. 5.2 Diversions from the wells listed in ¶2 cause depletions to the South Platte River and it's tributaries. To the extent that those depletions are out of priority, the purpose of this plan is to provide for replacement of such out of priority depletions in time, location and amount to the extent necessary to prevent

injury to senior water rights. Due to the location of the depletions, replacement is not required during the period October 15 to April 15. 5.3 Current Method for Determination of Well Depletions. The District's current method of determining well depletions is based on well pumping data. The District collects actual well pumping data each year based on power records and determines the amount pumped based on well efficiency tests made on each well within the last three years. Data has been collected since 1993. The amount of water projected for next year's pumping is based on a rolling average of the last five years of pumping. Based on approval by the State Engineer the consumptive use of the total pumping is estimated to be 40% for well water applied by flood irrigation and 75% applied by sprinkler irrigation. The consumptive use of the well water is lagged using the SDF method to determine the cumulative depletion for each well. The District recognizes that the use of these factors in a decreed plan would require a detailed analysis not yet completed. Instead of pursuing this analysis, the District proposes to implement a plan to change the method by which it determines well depletions from the current method to the future method, described in ¶5.4, over the next 5 years, such plan to be implemented prior to the entry of the decree in this case. 5.4 Future Method for Determination of Well Depletions. 5.4.1. The historic consumptive use for each parcel is estimated for the period 1974 – 2002 and future years are added. This history is necessary to determine the long term resulting depletion attributed to the 65 wells after consideration of alluvial lagging effects. The modified Blaney-Criddle crop evapotranspiration method is used to estimate monthly crop potential consumptive use for the crops historically grown over the period. These crops include predominantly corn and alfalfa with some irrigated pasture. The consumptive use model is a water budget that includes surface water inputs, effective precipitation and soil moisture storage. A monthly water budget is simulated for each parcel for every month of the applicable period. This budget included the distinction between flood and sprinkler acres. After credit of any applicable surface water sources, effective precipitation and soil moisture the model estimates the amount of alluvial water to fulfill the net crop water irrigation requirement not met by the surface water supplies. 5.4.2. Many of the parcels have surface water rights that irrigate the parcel with the well serving as a supplemental supply. The surface rights are principally from the Julesburg Irrigation District, the Liddle Ditch and the Peterson Ditch. The budget includes the application of surface supplies assuming a 60 percent field application efficiency for flood irrigation and an 80 percent field application efficiency for pivot and sprinkler irrigation. It is assumed that each system has a ditch conveyance loss of 15 percent. 5.4.3. The on-site monthly alluvial depletions for the 65 alluvial wells, are lagged to the South Platte River using the SDF method. It is assumed that the alluvial surface water component is 40 percent of the total

alluvial return flow component, leaving 60 percent as deep percolation. The alluvial surface water component is assumed to return directly to the South Platte River within the same month the alluvial water was pumped from the well. The remaining deep percolation component attributed to the irrigation wells was lagged back to the South Platte River using the farm SDF value. The description of this method is to provide notice as required by law, and does not state all the calculations or assumptions made. The actual method finally approved by the Water Court may vary from this proposal. 5.4.4.Using the above described method, and given the data and information currently available, monthly river depletions for 2003 for the 65 wells are estimated as follows:

April	May	June	July	August	Sept	October	Total
351.75	276.54	56.15	80.37	338.49	644.9	340.81	2089.01

These estimates are not fixed but will vary year to year and change based on changes in annual and monthly data, based on changed assumptions and methodology during the pendency of this application. 5.5 Replacement of Out of Priority Depletions. The District will make replacement of out-of-priority depletions that cause material injury to senior vested water rights from the sources identified in ¶4. 5.6 Accounting and Reporting. The District currently maintains accounting of it's replacement plan and makes reports to the State and Division Engineers and proposes to continue to prepare accounting and make reports. 6. The District reserves the right to operate pursuant to the 2002 Amended Rules and Regulations, Case μ 02CW108, or terms contained therein, until a decree is entered in this case, to the extent such Rules are approved by the Water Court or are otherwise legally effective. The District reserves the right to operate pursuant to §37-92-308 C.R.S. or any amendments thereto. APPLICATION FOR WATER RIGHTS 7. Name of Structure: LSPWAE Well μ 1, Permit μ 55669-F. 7.1. In the SW¼ SW¼, Section 21, Township 12 North, Range 44 West of the 6th P.M., Sedgwick County, Colorado, approximately 1300 feet North and 2610 feet west from the Southeast corner of said section. 7.2. Source: Groundwater tributary to the South Platte River. 7.3. Depth: 105 feet. 7.4. Date of Appropriation: April 3, 2001. 7.5. How Appropriation Was Initiated: Action of Board to file well permit. 7.6. Amount Claimed: 3000 g.p.m., absolute; 638 a.f., absolute, 862 a.f., conditional. 7.7. Use: Augmentation, replacement and exchange. 8. Name of Structure: LSPWAE Well μ 2, Permit μ 56046-F. 8.1. In the NW¼ SE¼, Section 20, Township 12 North, Range 44 West of the 6th P.M., Sedgwick County, Colorado, approximately 1450 feet south and 450 feet east from the Northwest corner of said section. 8.2. Source: Groundwater tributary to the South Platte River. 8.3. Depth: 210 feet. 8.4. Date of Appropriation: June 4, 2001. 8.5. How Appropriation Was

Initiated: Action of Board to file well permit. 8.6. Amount Claimed: 3700 g.p.m., absolute; 1300 g.p.m conditional; 1400 a.f., absolute, 3600 a.f., conditional. 8.7. Use: Augmentation, replacement and exchange. 9. Name and Address of Owners of Structures: The wells listed in ¶2 are owned by the wells owners, each who have a Contract with the District. The District either owns or has the right to use the land and structures upon which the replacement sources are located.

2002CW321 LEFT HAND WATER DISTRICT, c/o Kathy Peterson, General Manager, P.O. Box 210, Niwot, Colorado 80544 (303-530-4200). (Jeffrey J. Kahn and Wendy S. Rudnik, Bernard, Lyons, Gaddis & Kahn, P.C., P.O. Box 978, Longmont, CO 80502-0978 (303-776-9900.) **APPLICATION FOR CONFIRMATION AND CONDITIONAL APPROPRIATION OF EXCHANGE RIGHTS IN BOULDER COUNTY.** 2. **Description of Exchange**: (a) Downstream Point: A point on St. Vrain Creek where the St. Vrain Supply Canal delivers Colorado-Big Thompson water ("C-BT water") to St. Vrain Creek located in the NW ¼, NW ¼ of Section 20, Township 3 North, Range 70 West, 6th P.M., Boulder County, Colorado, at a point located approximately 1,000 feet east of the west line of Section 20, and 750 feet south of the north line of Section 20. (b) Upstream Point: A point on the South Fork of St. Vrain Creek where the Left Hand Ditch headgate is located opposite the head of James Creek in the SE ¼ of Section 36, Township 2 North, Range 73 West, 6th P.M., Boulder County, Colorado. (c) Source of Exchange Water: The District owns C-BT water pursuant to water allotment contracts between Northern Colorado Water Conservancy District and the District, which have been and may in the future be used as a source of substitute supply to be delivered to the downstream point identified in (a) above. An appropriate amount of water may then be taken at the upstream point identified in (b) above. (d) Amount of Exchange: 30 cfs, ABSOLUTE; 20 cfs, CONDITIONAL. (e) Date of initiation of appropriation: June 1, 2002 for 30 cfs, ABSOLUTE by operation of the exchange, and December 19, 2002, for 20 cfs, CONDITIONAL by District resolution. (f) Use of Exchanged Water: Municipal use including domestic and industrial use. 3. **Owner of Facilities**: (a) The Left Hand Ditch Headgate is owned and operated by Left Hand Ditch Company, Richard Behrmann, President, P.O. Box 229, Niwot, Colorado 80544. (b) The St. Vrain Supply Canal is owned by the United States Bureau of Reclamation and operated by Northern Colorado Water Conservancy District c/o Eric Wilkinson, General Manager, P.O. Box 679, Loveland, Colorado 80537.

2002CW322 GUENZI FAMILY LAND, LLLP, 17976 County Road 36, Sterling, CO 80751. Ph: 970-330-3200. (P. Andrew Jones, Lind, Lawrence & Ottenhoff LLP, 1011 11th Avenue, Greeley, CO 80631 Phone Number: (970) 356-9160 FAX Number: (970-356-1111 E-mail: paj@llolaw.com). **APPLICATION FOR WATER RIGHTS In LOGAN County**

1. Name, Address and Telephone Number of Applicant:

Guenzi Family Land, LLLP
17976 County Road 36
Sterling, CO 80751
970-330-3200

APPLICATION FOR CONDITIONAL WATER RIGHTS

2. Name of Structure: Guenzi Pond

A. Location of Dam: In the Northeast Quarter of the Southwest Quarter of Section 1, Township 8 North, Range 53 West of the 6th P.M., Logan County, Colorado, 1830 feet from the South section line and 2540 feet from the West section line.

B. Name and Capacity of Ditches used to fill reservoir, and legal descriptions of points of diversion: Reservoir is located on stream.

C. Sources: Natural springs.

D. Date of Appropriation: June 15, 1920.

E. How appropriation was initiated: Construction of Reservoir, application to beneficial use.

F. Amount claimed: 11.03 acre feet, absolute, with a right to fill and refill as source is in priority.

G. Uses: Fish and wildlife, irrigation of 76 acres in the Southeast quarter of the Southeast quarter of Section 1, Township 8 North, Range 53 West, the Northwest ¼ of Section 7, Township 8 North, Range 52 West, and the South ½ of the Southwest ¼ of Section 6, Township 8 North, Range 52 West.

H. Surface area at high water line: 2.69 acres.

1. Maximum Height of Dam in Feet: 9'10"
2. Length of Dam in feet: 680 feet.

I. Total capacity of reservoir in acre feet: 11.03 acre feet

1) Active Capacity: 6.19 acre feet
2) Dead Storage: 4.84 acre feet

J. Name and address of land where structures will be located: Applicant

3. Name of Structure: Guenzi East Stock Pond

A. Location of Dam: In the Northwest Quarter of the Southeast Quarter of Section 1, Township 8 North, Range 53 West of the 6th P.M., Logan County, Colorado, 1448 feet from the East section line and 1480 feet from the South section line.

B. Name and Capacity of Ditches used to fill reservoir, and legal descriptions of points of diversion: Reservoir is located on stream.

C. Sources: Natural springs.

D. Date of Appropriation: December 31, 1930.

E. How appropriation was initiated: Construction of Reservoir, application to beneficial use.

F. Amount claimed: 2.2 acre feet, absolute, with a right to fill and refill as source is in priority.

G. Uses: Stock watering, fish and wildlife.

H. Surface area at high water line: .44 acre.

1. Maximum Height of Dam in Feet: 9'0"
2. Length of Dam in feet: 200 feet.

I. Total capacity of reservoir in acre feet: 2.2 acre feet

1) Active Capacity: 0 acre feet
2) Dead Storage: 2.2 acre feet

J. Name and address of land where structures will be located: Applicant

2002CW323, CONCERNING THE APPLICATION FOR WATER RIGHTS OF **New World West Lotowners, being Kenneth and Shirley Ann Berry, Ordean and Evelyn Dravland, Thomas and Lisa Fadio, Lois Lee, William and Andrea McQuire, Gordon and Cynthia Morgan, Chester and Frances Penk, Glendon and Naomi Schantz, John and Mildred Schmall, Frances Warga, Dale and Helenka Moisse, and Virgil and Donna Wischmeier**, Applicants, APPLICATION FOR UNDERGROUND WATER RIGHTS AND UNDERGROUND WATER RIGHTS FROM NOT NONTRIBUTARY AND NONTRIBUTARY SOURCES, IN THE NONTRIBUTARY UPPER AND LOWER ARAPAHOE AND LARAMIE-FOX HILLS AND THE NOT NONTRIBUTARY DENVER AQUIFERS, **IN ARAPAHOE COUNTY**. 1. Names and Address of Applicants: New World West Lotowners, et al., c/o 71 Algonquian St., Aurora, Colorado 80018 (303) 364-2905. The names and legal descriptions of the Applicants described in the caption are described on Attachment A hereto. (Carmen S. Hall, Esq., Petrock & Fendel, P.C., 700 Seventeenth Street, Suite 1800, Denver, Colorado 80202 (303) 534-0702). 2. Well Permits: Well permits will be applied for prior to construction of the wells, which are the subject of this application. 3. Legal Description of Wells and Subject Property: The property which is the subject of this application are individual residential lots located in the New World West Subdivision, comprised of approximately 25.2 acres, which is located in the N1/2SW1/4 of Section 2, T4S, R65W of the 6th P.M. (Subject Property). The acreage and legal description of each of each of the lots are more particularly described on Attachment A hereto, and the location of the lots within the subdivision are shown on Attachment B hereto. Applicants will own a pro-rata interest in the total amount of groundwater requested herein underlying their respective lots. The wells which will withdraw the subject groundwater will be located at any location on the Subject Property. 4. Source of Water Rights: The source of the groundwater to be withdrawn from the Arapahoe and Laramie-Fox Hills aquifers underlying the Subject Property is nontributary groundwater as described in §37-90-103(10.5), C.R.S. 5. Underground water rights pursuant to Section 37-92-602(4), C.R.S.: There are existing wells located on the lots which are located in the Denver or Arapahoe aquifers which were previously permitted for exempt uses pursuant to Section 37-92-602, C.R.S. Applicants will adjudicate these wells pursuant to Section 37-92-604(4), C.R.S. The appropriation date for each well will be the date the permit was issued and the rate of flow for each well will not exceed 15 gpm for domestic uses. 6. 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. Applicants estimate that the following annual amounts are representative of the aquifers underlying the Subject Property. Parts of this water may be reserved underlying certain lots for use through exempt wells, if necessary:

Aquifer	Saturated Thickness	Annual Amount
Upper Arapahoe	84 feet	4 acre-feet
Lower Arapahoe	106 feet	5 acre-feet
Laramie-Fox Hills	161 feet	6 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. 7.Well Fields: Applicants request that this Court determine that Applicants have the right to withdraw all of the legally available groundwater lying below their respective lands, through wells or any additional wells which may be completed in the future, as Applicants' well fields, subject to Rule 11.B of the Statewide Nontributary Ground Water Rules (2 CCR 402-7). 8.Proposed Use: The water will be used, reused, successively used, and after use leased, sold, or otherwise disposed of for the following beneficial purposes: municipal, domestic, industrial, commercial, irrigation, livestock watering, fire protection, and augmentation purposes. 9. 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. 10. Remarks: A. Applicants claim the right to withdraw more than the average annual amounts estimated in paragraph 6 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. B. 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: 11. 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; 12. 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 pursuant to §37-92-305(11), C.R.S. and Denver Basin Rule 9.A.; and B. Vested or conditionally decreed water rights of others will not be materially injured by the withdrawals of groundwater proposed herein. FURTHER, Applicants pray that this Court grant such other relief as it deems proper in the premises.

2002CW324, CONCERNING THE APPLICATION FOR WATER RIGHTS OF **Gun Club Estates Lotowners**, **being Frank and Janice Adams, Lawrence and Gail Baird, Stephen Bates, John and Murielene Benskin, Stephen and Wayne Brantley, Robert and Adelina Gray, Robert and Alice Hinton, Maria Karczewski, Gary and Colleen Krall, Timothy and Joanna Kraus, Robert and Angelina Mann, Edwin and Roxanne Marker, Fred and Barbara Mould, Kirk and Melissa Reed Mulbach, Paul and Cora Parsons, Thomas and Connie Rossignol, John Weber, Harold Willman, Joan Bellin, Randall Cole, Gary and Lynette Dahl, Virgil, LouAnn and Lois Jones, Linda Potter, Anna Reid**, Applicants, APPLICATION FOR UNDERGROUND WATER RIGHTS AND UNDERGROUND WATER RIGHTS FROM NOT NONTRIBUTARY AND NONTRIBUTARY, IN THE NONTRIBUTARY UPPER AND LOWER ARAPAHOE AND LARAMIE-FOX HILLS AND THE NOT NONTRIBUTARY DENVER AQUIFERS, **IN ARAPAHOE COUNTY**. 1. Names and Address of Applicants: Gun Club Estates Lotowners, et al., c/o 71 Algonquian St., Aurora, Colorado 80018 (303) 364-2905. The names and legal descriptions of the Applicants described in the caption are described on Attachment A hereto. (Carmen S. Hall, Esq., Petrock & Fendel, P.C., 700 Seventeenth Street, Suite 1800, Denver, Colorado 80202 (303) 534-0702). 2.Well Permits: Well permits will be applied for prior to construction of the wells, which are the subject of this application. 3. Legal Description of Wells and Subject Property: The property which is the subject of this application are individual residential lots located in the Gun Club Estates Subdivision, comprised of approximately 69 acres, which is located in the SW1/4 of Section 18, T4S, R65W of the 6th P.M. (Subject Property). The acreage and legal description of each of each of the lots are more particularly described on Attachment A hereto, and the location of the lots within the subdivision are shown on Attachment B hereto. Applicants will own a pro-rata interest in the total amount of groundwater requested herein underlying their respective lots. The wells which will withdraw the subject groundwater will be located at any location on the Subject Property. 4. Source of Water Rights: The source of the groundwater to be withdrawn from the Arapahoe and Laramie-Fox Hills aquifers underlying the Subject Property is nontributary groundwater as described in §37-90-103(10.5), C.R.S. 5. Underground water rights pursuant to Section 37-92-602(4), C.R.S.: There are existing wells located on the lots which are located in the Denver or Arapahoe aquifers which were previously permitted for exempt uses pursuant to Section 37-92-602, C.R.S. Applicants will adjudicate these wells pursuant to Section 37-92-604(4), C.R.S. The appropriation date for each well will be the date the permit was issued and the rate of flow for each well will not exceed 15 gpm for domestic uses. 6. 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. Applicants estimate that the following annual amounts are representative of the aquifers underlying the Subject Property. Parts of this water may be reserved underlying certain lots for use through exempt wells, if necessary:

Saturated Annual

Aquifer	Thickness	Amount
Upper Arapahoe	112 feet	13 acre-feet
Lower Arapahoe	106 feet	13 acre-feet
Laramie-Fox Hills	150 feet	15 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. 7. Well Fields: Applicants request that this Court determine that Applicants have the right to withdraw all of the legally available groundwater lying below their respective lands, through wells or any additional wells which may be completed in the future, as Applicants' well fields, subject to Rule 11.B of the Statewide Nontributary Ground Water Rules (2 CCR 402-7). 8. Proposed Use: The water will be used, reused, successively used, and after use leased, sold, or otherwise disposed of for the following beneficial purposes: municipal, domestic, industrial, commercial, irrigation, livestock watering, fire protection, and augmentation purposes. 9. 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. 10. Remarks: A. Applicants claim the right to withdraw more than the average annual amounts estimated in paragraph 6 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. B. 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: 11. 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; 12. 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 pursuant to §37-92-305(11), C.R.S. and Denver Basin Rule 9.A.; and B. Vested or conditionally decreed water rights of others will not be materially injured by the withdrawals of groundwater proposed herein. FURTHER, Applicants pray that this Court grant such other relief as it deems proper in the premises.

2002-CW-325 Larry R. Poncetta and June Poncetta, 20155 County Road 28, Julesburg, Colorado 80737. Telephone: (970) 474-4431. Kim R. Lawrence, Lind, Lawrence & Ottenhoff, LLP, 1011 11th Avenue, Greeley, CO, 80631 (970)356-9160. Application for Water Right**, IN SEDGWICK COUNTY**. I. Name of Structure: Poncetta Well µ 1-35809-F. 2.1 In the NW¼ NW¼, Section 25, Township 12 North, Range 44 West of the 6th P.M., Sedgwick County, Colorado, approximately 400 feet south and 1000 feet east from the Northwest corner of said section. 2.2 Source: Groundwater tributary to the South Platte River. 2.3 Depth: 84 feet. 2.4 Date of Appropriation: October 29, 1984. 2.5 How Appropriation Was Initiated: Application for permit. 2.6 Amount Claimed: 600 g.p.m., absolute. 2.7 Use: Irrigation of 70 acres in the NE¼ NW¼, Section 25, Township 12 North, Range 44 West of the 6th P.M., Sedgwick County, Colorado. 3. Augmentation for the well is provided by the Lower South Platte Water Conservancy District Water Activity Enterprise pursuant to a Class D Contract. The District is filing an application for a plan for augmentation in the Water Court, Water Division µ1, contemporaneously herewith, which seeks approval of a decree for augmentation of this well. 4. Name and Address of Owners of Structures: Applicant owns the well.

2002CW326 J.A. Cattle Company, **In Douglas County**, **Application for Adjudication of Underground Water Rights From Nontributary and Not-Nontributary Sources in the Upper Dawson, Lower Dawson, Dawson, Denver, Arapahoe, and Laramie-Fox Hills Aquifers in Douglas County**. (William A. Paddock, K.G. Moore, CARLSON, HAMMOND AND PADDOCK, L.L.C., 1700 Lincoln Street, Suite 3900, Denver, CO 80203-4539. Ph: (303)861-9000, Fax: (303) 861-9026. Email: bpaddock@chp-law.com. Name and Address of Applicant: J.A. Cattle Company, c/o Jay O'Brien, P.O. Box 15305, Amarillo, TX 79105. This

Application seeks a determination of Applicant's rights to all nontributary and not-nontributary groundwater in the Upper Dawson, Lower Dawson, Dawson, Denver, Arapahoe and Laramie-Fox Hills Aquifers (collectively, "Denver Basin Aquifers") underlying 6,261.1 acres more or less located in all or parts of Sections 3, 10, 11, 12, 13,14, 15, 22, 23, 24, 25, 26 and 27 of Township 9 South, Range 67 West and in Sections 18, 19, and 20 of Township 9 South, Range 66 West of the 6th P.M., in Douglas County, Colorado, and more particularly described in Exhibit A to the application and shown on the map attached as Exhibit B to the application. The real property described in Exhibit A is referred to in the application as the "Land." The Applicant's rights to the groundwater underlying the Land are hereafter referred to as the "Water Rights." Legal Description of Wells: Applicant proposes to initially construct 53 wells on the Land for withdrawal of the Water Rights, one each into the Upper and the Lower Dawson Aquifers, 10 into the Dawson Aquifer, 23 into the Denver Aquifer, 11 into the Arapahoe Aquifer, and 7 into the Laramie-Fox Hills Aquifer. Applicant may construct these wells at any location on the Land, as long as the well is not located within 600 feet of another well not owned by Applicant and in the same aquifer in accordance with §37-90-137(2), C.R.S. The proposed well locations and their estimated depths below ground surface are:

Well No.	Estimated Depth (Top -Bottom)	Proposed Well Location
UTDW-1	__-720	NW¼ NW¼ sec. 18, T9S, R66W, 6th P.M., at a point 590 feet from north section and 420 feet from west section line.
UTDW-2	__-400	NE¼ NW¼ sec. 20, T9S, R66W, 6th P.M., at a point 1140 feet from north section line and 1970 feet from west section line.
LTDW-1	770-920	NW¼ NW¼ sec. 18, T9S, R66W, 6th P.M., at a point 590 feet from north section line and 520 feet from west section line.
LTDW-2	450-640	NE¼ NW¼ sec. 20, T9S, R66W, 6th P.M., at a point 1140 feet from north section line and 2070 feet from west section line.
TDW-1	__-850	SE¼ SE¼ sec. 10, T9S, R67W, 6th P.M., at a point 590 feet from south section and 530 feet from east section line.
TDW-2	__-790	SW¼ NE¼ sec. 4, T9S, R67W, 6th P.M., at a point 1370 feet from north section line and 2290 feet from east section line.
TDW-3	__-900	NE¼ SW¼ sec. 13, T9S, R67W, 6th P.M. at a point 2290 feet from south section line and 1400 feet from west section line.
TDW-4	__-930	SE¼ NW¼ sec. 15, T9S, R67W, 6th P.M. at a point 2320 feet from north section line and 1820feet from west section line.
TDW-5	__-1010	NW¼ NE1/4 sec. 22, T9S, R67W, 6th P.M., at a point 910 feet from north section line and 1910 feet from east section line.
TDW-6	__-990	SE¼ NE¼ sec. 23, T9S, R67W, 6th P.M., at a point 2440 feet from north section line and 930 feet from east section line.
TDW-7	__-530	NE¼ NE¼ sec. 27, T9S, R67W, 6th P.M., at a point 240 feet from north section line and 410 feet from east section line.
TDW-8	__-400	SE¼ NW¼ sec. 27, T9S, R67W, 6th P.M., at a point 1910 feet from north section line and 1990 feet from west section line.
TDW-9	__-850	NW¼ SW¼ sec. 18, T9S, R66W, 6th P.M., at a point 2440 feet from south section line and 370 feet from west section line.
TDW-10	__-770	SW¼ SW¼ sec. 19, T9S, R66W, 6th P.M., at a point 670 feet from south section line and 850 feet from west section line.

TDW-11	__-660	NE¼ NE¼ sec. 19, T9S, R66W, 6th P.M., at a point 680 feet from north section line and 920 feet from east section line.
TDW-12	__-740	SE¼ SW¼ sec. 20, T9S, R66W, 6th P.M., at a point 900 feet from south section line and 1700 feet from west section line.
TKD-1	940-1740	SE¼ SW¼ sec. 10, T9S, R67W, 6th P.M., at a point 470 feet from south section line and 1740 feet from west section line.
TKD-2	890-1710	SE¼ SE¼ sec. 10, T9S, R67W, 6th P.M., at a point 590 feet from south section line and 430 feet from east section line.
TKD-3	850-1680	NW¼ NW¼ sec. 11, T9S, R67W, 6th P.M., at a point 1090 feet from north section line and 510 feet from west section line.
TKD-4	850-1690	SW¼ NE¼ sec. 4, T9S, R67W, 6th P.M., at a point 1370 feet from north section line and 2190 feet from east section line.
TKD-5	980-1820	NE¼ SW¼ sec. 13, T9S, R67W, 6th P.M., at a point 2290 feet from south section line and 1500 feet from west section line.
TKD-6	1000-1820	SE¼ SE¼ sec. 14, T9S, R67W, 6th P.M., at a point 660 feet from south section line and 300 feet from east section line.
TKD-7	860-1690	NW¼ NE¼ sec. 14, T9S, R67W, 6th P.M., at a point 370 feet from north section line and 1490 feet from east section line.
TKD-8	960-1770	NW¼ SW¼ sec. 14, T9S, R67W, 6th P.M., at a point 2290 feet from south section line and 800 feet from west section line.
TKD-9	960-1750	SE¼ NW¼ sec.15, T9S, R67W, 6th P.M., at a point 2320 feet from north section line and 1920 feet from west section line.
TKD-10	1060-1850	NW¼ NE¼ sec. 22, T9S, R67W, 6th P.M., at a point 910 feet from north section line and 1810 feet from east section line.
TKD-11	990-1790	NW¼ NW¼ sec. 23, T9S, R67W, 6th P.M., at a point 420 feet from north section line and 1130 feet from west section line.
TKD-12	690-1500	SE¼ SW¼ sec. 23, T9S, R67W, 6th P.M., at a point 1250 feet from south section line and 1800 feet from west section line.
TKD-13	1060-1880	SE¼ NE¼ sec. 23, T9S, R67W, 6th P.M., at a point 2440 feet from north section line and 830 feet from east section line.
TKD-14	1010-1840	SE¼ SE¼ sec. 23, T9S, R67W, 6th P.M., at a point 150 feet from south section line and 70 feet from east section line.
TKD-15	1000-1850	NE¼ SW¼ sec. 24, T9S, R67W, 6th P.M., at a point 1620 feet from south section line and 2560 feet from west section line.
TKD-16	820-1690	NE¼ NE¼ sec. 24, T9S, R67W, 6th P.M., at a point 970 feet from north section line and 750 feet from east section line.
TKD-17	600-1400	SW¼ NW¼ sec. 26, T9S, R67W, 6th P.M., at a point 1500 feet from north section line and 680 feet from west section line.
TKD-18	590-1380	NE¼ NE¼ sec. 27, T9S, R67W, 6th P.M., at a point 240 feet from north section line and 310 feet from east section line.
TKD-19	450-1220	SE¼ NW¼ sec. 27, T9S, R67W, 6th P.M., at a point 1910 feet from north section line and 2090 feet from west section line.
TKD-20	940-1830	NW¼ SW¼ sec. 18, T9S, R66W, 6th P.M., at a point 2440 feet from south section line and 470 feet from west section line.
TKD-21	860-1760	SW¼ SW¼ sec. 19, T9S, R66W, 6th P.M., at a point 670 feet from south section line and 950 feet from west section line.
TKD-22	820-1760	NE¼ NE¼ sec. 19, T9S, R66W, 6th P.M., at a point 680 feet from north section line and 820 feet from east section line.
TKD-23	710-1690	NE¼ NW¼ sec. 20, T9S, R66W, 6th P.M., at a point 1240 feet from north section line and 2020 feet from west section line.

TKD-24	830-1800	SE¼ SW¼ sec. 20, T9S, R66W, 6th P.M., at a point 900 feet from south section line and 1800 feet from west section line.
KA-1	1750-2310	SE¼ SE¼ sec. 10, T9S, R67W, 6th P.M., at a point 490 feet from south section line and 530 feet from east section line.
KA-2	1740-2310	SW¼ NE¼ sec. 4, T9S, R67W, 6th P.M., at a point 1470 feet from north section line and 2240 feet from east section line.
KA-3	1870-2400	NE¼ SW¼ sec. 13, T9S, R67W, 6th P.M., at a point 2190 feet from south section line and 1450 feet from west section line.
KA-4	1790-2320	SE¼ NW¼ sec. 15, T9S, R67W, 6th P.M., at a point 2420 feet from north section line and 1870 feet from west section line.
KA-5	1880-2390	NW¼ NE¼ sec. 22, T9S, R67W, 6th P.M., at a point 1010 feet from north section line and 1910 feet from east section line.
KA-6	1920-2480	SE¼ NE¼ sec. 23, T9S, R67W, 6th P.M., at a point 2540 feet from north section line and 930 feet from east section line.
KA-7	1410-1920	NE¼ NE¼ sec. 27, T9S, R67W, 6th P.M., at a point 340 feet from north section line and 410 feet from east section line.
KA-8	1250-1740	SE¼ NW¼ sec. 27, T9S, R67W, 6th P.M., at a point 2070 feet from north section line and 1990 feet from west section line.
KA-9	1900-2400	NW¼ SW¼ sec. 18, T9S, R66W, 6th P.M., at a point 2340 feet from south section line and 370 feet from west section line.
KA-10	1830-2320	SW¼ SW¼ sec. 19, T9S, R66W, 6th P.M., at a point 570 feet from south section line and 850 feet from west section line.
KA-11	1850-2310	NE¼ NE¼ sec. 19, T9S, R66W, 6th P.M., at a point 780 feet from north section line and 870 feet from east section line.
KA-12	1920-2370	SE¼ SW¼ sec. 20, T9S, R66W, 6th P.M., at a point 800 feet from south section line and 1700 feet from west section line.
KLF-1	2780-3140	SE¼ SE¼ sec. 10, T9S, R67W, 6th P.M., at a point 490 feet from south section line and 430 feet from east section line.
KLF-2	2860-3230	NW¼ NE¼ sec. 22, T9S, R67W, 6th P.M., at a point 1070 feet from north section line and 1810 feet from east section line.
KLF-3	2880-3250	SE¼ NE¼ sec. 23, T9S, R67W, 6th P.M., at a point 2540 feet from north section line and 830 feet from east section line.
KLF-4	2350-2730	NE¼ NE¼ sec. 27, T9S, R67W, 6th P.M., at a point 340 feet from north section line and 310 feet from east section line.
KLF-5	2180-2560	SE¼ NW¼ sec. 27, T9S, R67W, 6th P.M., at a point 2010 feet from north section line and 2090 feet from west section line.
KLF-6	2860-3180	NW¼ SW¼ sec. 18, T9S, R66W, 6th P.M., at a point 2340 feet from south section line and 470 feet from west section line.
KLF-7	2720-3070	SW¼ SW¼ sec. 19, T9S, R66W, 6th P.M., at a point 570 feet from south section line and 950 feet from west section line.
KLF-8	2750-3060	SE¼ SW¼ sec. 20, T9S, R66W, 6th P.M., at a point 800 feet from south section line and 1800 feet from west section line.

The Applicant intends that the Wells and Water Rights be a well field in accordance with Rule 4.A(6), Rule 4.A(13), and Rule 11.B of the Statewide Nontributary Groundwater Rules, 2 C.C.R. 402-7. Applicant requests the right to change the location of each well on the Land to any point within the boundaries of the Land overlying the appropriate portion of the aquifers without the necessity of filing any further amendments, republishing or petitioning the court for the reopening of any decree entered herein. The date of appropriation, date the water was applied to

beneficial use, and the manner of initiation of the water rights are not applicable to these Water Rights. Total Amount of Water Claimed: Pursuant to C.R.S. §37-90-137(4), the Applicant seeks to appropriate and have confirmed its rights to all the groundwater in the Upper Dawson, Lower Dawson, Dawson, Denver, Arapahoe, and Laramie-Fox Hills Aquifers underlying the Land over the statutorily prescribed 100-year life for these aquifers. Applicant has utilized the Denver Basin Rules of the State Engineer, 2 C.C.R. 402-6, to estimate the specific yield and the average thickness of the saturated aquifer materials in each aquifer beneath the Land. By use of these values, the Applicant estimates that it is entitled to withdraw the following amounts of groundwater from these aquifers beneath the Land:

Aquifer	Acreage	Specific Yield	Saturated Thickness (Feet)	Acre-Feet Per Year
Upper Dawson (UTWD)	225.4	20%	145	65
Lower Dawson (LTWD)	225.4	20%	88	40
Dawson (TWD)	6,035.7	20%	160	1,931
Denver (TKD)	6,261.1	17%	529	5,628
Arapahoe (KA)	6,261.1	17%	372	3,963
Laramie-Fox Hills (KLF)	6,261.1	15%	185	1,734

Although the Applicant has estimated the amounts of groundwater available for appropriation from the aquifers based upon the Denver Basin Rules, as more site-specific data is obtained, different aquifer characteristics and sand thicknesses may be shown to exist and the total amount of groundwater available may change. Accordingly, the Applicant requests the right to revise these estimates and to obtain a decree for whatever amount of groundwater is shown to underlie the Land without the necessity of amending this Application or of republishing the same. The State Engineer has classified the groundwater in the Upper Dawson and Dawson Aquifers and 348.2 acre-feet of the groundwater in the Denver Aquifer underlying the Land as being not-nontributary groundwater as defined in C.R.S. §37-90-103(10.7). The Applicant asserts that as a matter of geological and hydrological fact, the not-nontributary groundwater in the Upper Dawson, Dawson, and Denver Aquifers underlying the Land is available for withdrawal by the wells described herein; that the not-nontributary water in the Denver Aquifer is more than one mile from any point of contact with any natural stream, including its alluvium, on which water rights would be injuriously affected by any stream depletion; and that the withdrawal of not-nontributary groundwater from these aquifers will not deplete the aquifers at an average annual rate greater than one percent of the total amount of groundwater in those aquifers underlying the Land. The Applicant asserts that all of the groundwater in the Lower Dawson, all but 348.2 acre-feet of groundwater in the Denver, and all of Arapahoe and Laramie-Fox Hills Aquifers underlying the Land is nontributary, and that the withdrawal of groundwater from these aquifers from beneath the Land, under the terms and conditions stated herein, will not result in material injury to the vested water rights of others and will not, within 100 years, deplete the flow of a natural stream at an annual rate greater than one-tenth of one percent of the annual rate of

withdrawal. The Applicant requests that this court determine that it has the right to appropriate, withdraw, and use all of the groundwater lying beneath the Land in the Denver Basin Aquifers, and that each well in the same aquifer on the Land be designated as a point of diversion for all of the groundwater in that aquifer and that the pumping rates for each well be allowed to exceed the nominal pumping rates to the extent necessary to withdraw the total amount of groundwater available annually from the Denver Basin Aquifers. In addition to the wells described in Paragraph 3, the Applicant may need to construct additional wells, including supplemental, replacement, or alternate point of diversion wells to recover the entire decreed amount of water in these aquifers. Applicant requests the right to construct such additional wells as are necessary in order to maintain its groundwater production from the aquifers. The Applicant also requests that each well in the same aquifer described herein, and all additional wells, including supplemental, replacement, and/or alternate point of diversion wells, constructed in the same aquifer be determined to constitute a "well field" as that term is defined in the Statewide Nontributary Groundwater Rules, 2 CCR 402-7, Rule 4(a)(13). The Applicant requests the right to withdraw from any combination of wells in the same aquifer including any additional wells, an amount of groundwater in excess of the annual amount decreed so long as the sum of the total withdrawals from the wells does not exceed the product of the number of years since the date of issuance of the well permits or entry of decree herein (whichever occurs first) multiplied by the allowed average annual withdrawal volume for the aquifers as decreed herein. Amount of Water Claimed in Gallons Per Minute ("g.p.m."): Upper and Lower Dawson, 200 g.p.m. per well; Dawson, 300 g.p.m. per well; Denver, 400 g.p.m. per well; Arapahoe, 500 g.p.m. per well; and Laramie-Fox Hills,400 g.p.m. per well. The rates of flow for wells to be constructed are estimates only. Applicant requests the right to exceed the rates stated herein to the extent required to obtain its full entitlement of groundwater from each aquifer. Proposed Use of Water: The Water Rights will be used, reused, and successively used and otherwise disposed of for all purposes including municipal, domestic, industrial, commercial, fire protection, irrigation, stockwatering, recreation, fish and wildlife, sanitary purposes, storage, augmentation, or exchange as needed. The groundwater may be produced for immediate application to beneficial use, or for storage and subsequent application to beneficial use. Such use may be made by the Applicant, or by others, either on or off the Land. The Applicant for itself, its successors and assigns, claims the right to consume totally all but 2% of the total amount of nontributary groundwater withdrawn annually. The Applicant, in addition, for itself, its successors and assigns, claims the right to consume totally all groundwater withdrawals of the not-nontributary groundwater which withdrawals are augmented as required by law. Names and Addresses of Owners of Land Upon Which Wells Are Located: The Applicant owns the land upon which the wells are located. A conservation easement for the land is jointly held by the Board of County Commissioners for Douglas County, whose address is 100 Third St., Castle Rock, CO 80104, and the Conservation Fund whose address is 1800 N. Kent St., # 1120, Arlington, VA 22209. Remarks: Well Permits. Applicant will file any required well permit applications prior to construction of any well necessary to withdraw the groundwater decreed herein. The Applicant requests a determination that a failure to construct any of its wells within the period of time specified in the well permits to be issued not be deemed to extinguish the underlying water right. The Applicant further requests a determination that, at such time as the Applicant is prepared to drill its wells, the State Engineer shall issue new well permits to replace any well permits that

have expired and that said well permits be issued in accordance with the terms of the decree herein. Augmentation of Depletions. Applicant requests a determination that it is entitled to a decree determining its rights to groundwater from the not-nontributary Upper Dawson, Dawson, and Denver Aquifers as requested herein without the necessity of first obtaining approval of a plan for augmentation to replace depletions from the exercise of such rights. Pursuant to §37-90-137(4) and (9), the owner of this groundwater must obtain approval of such a plan for augmentation prior to use of the not-nontributary groundwater claimed herein. Retained Jurisdiction. The Applicant requests the court to retain jurisdiction over this case pursuant to §37-92-305(11), as necessary to provide for the adjustment of the annual amount of withdrawal allowed to conform to actual local aquifer characteristics from adequate information obtained from well drilling or test holes, including determination of actual specific yield and saturated thickness values. The Applicant requests the court to enter a decree: Granting the Application and awarding the water rights and right to withdraw the groundwater claimed and confirming Applicant's right to all of the groundwater in the Denver Basin Aquifers underlying the Land; specifically determining as a matter of hydrological and geological fact that unappropriated nontributary groundwater in an amount not less than that described in Paragraph 5 herein is available for withdrawal from the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills Aquifers by the wells described herein and that the withdrawal of groundwater in the amounts claimed will not deplete these aquifers at an average annual rate greater than 1% of the total amount of water in these aquifers beneath the Land; specifically determining as a matter of hydrological and geological fact that unappropriated not-nontributary ground water is available for withdrawal from the Upper Dawson, Dawson, and Denver Aquifers as described herein, and that the withdrawal of such groundwater will not deplete these aquifers at an average annual rate greater than 1% of the total amount of water in these aquifers beneath the Land; specifically determining the average number of acre-feet of groundwater projected to be available for withdrawal annually from the wells requested herein, and confirming that if site-specific data causes a revision to such numbers, the Applicant will nevertheless be entitled to withdraw the full amount of groundwater below the Land without the necessity of amending or republishing its Application; specifically determining that the Applicant's full annual acre-foot entitlement from the Denver Basin Aquifers beneath the Land may be produced through any combination of wells constructed in the same aquifer and that the pumping rates for the wells may exceed the pumping rate specified in Paragraph 6, above, or specified in any future determinations for additional wells, in order to produce said full acre-foot allocation of water from the aquifers; specifically determining that each new well requested herein and all additional wells including supplemental, replacement, and/or alternate point of diversion wells constructed in the same aquifer to withdraw the Water Rights be determined to be a “well field” as those wells qualify for administration as a well field as that term is defined in the Statewide Nontributary Groundwater Rules, 2 CCR 402-7, Rule 4(a)(13); specifically determining that the Applicant has the right to use, reuse, and successively use to extinction all but 2% of the nontributary groundwater withdrawn from the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills Aquifers, and all not-nontributary groundwater withdrawn from the Upper Dawson, Dawson, and Denver Aquifers that are augmented in accordance with the law, and that the Applicant may sell, transfer, assign, or dispose of this groundwater in any manner whatsoever; specifically determining that the Applicant is entitled to a decree confirming its water rights to the not-nontributary groundwater

from the Upper Dawson, Dawson, and Denver Aquifers without the necessity of first obtaining approval of a plan for augmentation to replace depletions; directing the State Engineer promptly to grant well permit applications for construction of the wells pursuant to the terms and conditions of the decree and to grant such other and additional well permits as are necessary to allow the Applicant to maintain production levels from the aquifers; specifically determining that the groundwater rights decreed herein are not deemed extinguished by the expiration of well permits and further directing the State Engineer to consider the groundwater decreed herein as appropriated unless and until such time as the court enters a decree determining the groundwater rights to have been abandoned; directing the State Engineer to timely issue new well permits upon request of the Applicant at such time as the Applicant is ready to construct its wells in the event the original well permits have expired; specifically determining that for the purposes of applying Section 37-90-137(10), the earlier of (a) any decree granted in this case; or (b) the original date of filing of the well permit application of the wells requested herein, is the date which will be used by the State Engineer when considering any future well permit applications for additional wells requested in exercise of groundwater rights to be decreed herein; specifically determining that the Applicant may withdraw the groundwater from any combination of the proposed wells in the same aquifer in excess of the annual volume decreed, so long as the total volume of water withdrawn from the aquifers does not exceed the product of the total number of years since date of entry of the decree herein or issuance of the well permit (whichever occurs first) multiplied by the allowed annual withdrawal volume for each aquifer as determined by the decree; specifically determining that the Applicant may change the location of any of the proposed wells from the locations described to any point within the boundaries of the Land without the necessity of filing any further amendments to this Application, republishing this Application, or reopening the decree; specifically determining that the amount of groundwater found to be available beneath the Land, and all other determinations contained in the decree, will control the contents of the well permits to be issued by the State Engineer; retaining jurisdiction over the water rights decreed herein as necessary to provide for adjustment in the allowed annual amount of withdrawal to conform to actual local aquifer characteristics. (13 pages, plus exhibits)

2002CW327 GK LAKE, LLC, c/o George Kast, 1767 Denver West Boulevard, Golden, CO 80401. (Wayne B. Schroeder, GRIMSHAW & HARRING, P.C, 1700 Lincoln Street, Sutie 3800, Denver, CO 80203. Phone Number: (303)839-3800 Fax Number: (303) 839-3838 E-mail: wbs@grimshawharring.com; alderman@grimshawharring.com; mam@grimshawharring.com. Applciation for Water Storage right, **IN ADAMS COUNTY.**

1. Name, address, telephone number(s) (residence and business) of applicant(s): GK Lake LLC, c/o George Kast, 1767 Denver West Boulevard, Golden, Colorado 80401, (303) 215-1100. 2. Name of Reservoir: Mayham Reservoir. 3.A. Legal description of location of dam: (include distance and bearing from established government section corner or quarter corner; or distances from section lines, and indicate ¼ ¼, section number, township, range and meridian; include map). The location may include UTM coordinates based on Zone 13 and NAD27(CONUS) datum. In urban areas, include street address, lot, block, and subdivision:

Required Description: County **ADAMS**	_NE_ 1/4 of the	__SE__ 1/4	Section **6**	Township ___3___ N or S ☐☒	Range ___68___ E or W ☐☒	Principal Meridian **6th**

The dam is located approximately 600' northwest of the SE corner of the N1/2 E1/4 SE1/4, Section 6, Township 3 South, Range 68 West.
Street Address: No street address. The subject property is bounded by Sheridan Blvd. on the West, Lowell Blvd. on the East, 64th Avenue on the South, and 69th Avenue on the North. Mayham Reservoir is also known as Hidden Lake.

4. Source: Consolidated Juchem Ditch and Reservoir Company wastewater, delivered through a 15" RCP running northward along Tennyson Street to an outfall at the South side of Mayham Reservoir; waste, seepage and stormwater; and wastewater flows from wastewater systems of City of Arvada and City of Westminster draining into Mayham Reservoir. 5. A. Date of appropriation: October 1, 1987. How appropriation was initiated: excavation of reservoir, and addition of capacity, to a total of 1600 acre feet, by Mayham Reservoir Corporation; and subsequent refilling of reservoir by Mayham Reservoir Corporation; Adoption of Resolution of GK Lake, LLC; on March 19, 2002, announcement of plans for use of the water by GK Lake LLC to members of North Hidden Lake Owners Association and Yacht Club Community Association and others at public meeting March 19, 2002; and use of reservoir by Applicant's water ski club for water skiing during summer of 2002.

Date water applied to beneficial use: May 1, 1990. 6. Amount claimed: A. In acre feet 1600 **[X]** Absolute
□ Conditional. B. If off-channel reservoir, rate of diversion in cfs for filling the reservoir:

_____

□ Absolute □ Conditional

7. Use: A. If irrigation, complete the following:
(1) Number of acres historically irrigated: _____
(2) Total number of acres proposed to be irrigated: _____

Legal description of acreage irrigated or to be irrigated: B. If non-irrigation, describe purpose fully: Recreation, including fishing, swimming, boating and water skiing; flood control; and for aesthetic amenity. 8. Surface area of high water line: approximately 90 acres. Maximum height of dam in feet: Approx. 10. Length of dam in feet: Approx. 50. 9. Total capacity of reservoir in acre feet: approx. 1600. Active capacity approx. 600 Dead storage approx 1000. 10. Name(s) and address(es) of owner(s) of the land upon which any structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use. (Identify where dam is located and land within high water line.).

The Trust for Public Land
116 New Montgomery
Fourth Floor
San Francisco, CA 94105

East Bay Senior Housing Inc.
2250 Eaton Street, #B
Denver, CO 80214-1276

North Hidden Lake Association
PO Box 1123
Westminster, CO 80030-1123

Reinaldo E. & Marianne Gallegos
6731 Lowell Blvd.
Denver, CO 80221-2650

George Kast
3388 W. 62nd Avenue
Denver, CO 80221

Hyland Hills Metropolitan Parks
and Recreation District
1800 W. 89th Ave.
Federal Heights, CO 80260

Mayham Reservoir Corporation
c/o Wayne B. Schroeder
1700 Lincoln Street, Suite 3800
Denver, CO 80203-4538

Urban Drainage and Flood Control District
2480 W. 26th Ave.
Denver, CO 80211

Brothers Redevelopment Inc.
2250 Eaton Street, #B
Denver, CO 80214-1276

Adams County
450 S. 4th Ave.
Brighton, CO 80601-3137

All ownerships have some property within high water line. Dam is on Hyland Hills Metropolitan District land. 11. Remarks or any other pertinent information: Mayham Reservoir was awarded Priority No. 1, Clear Creek Waste and Seepage, with a priority date of May 1, 1890. The water right was declared partially abandoned in Consolidated Cases Nos. W-7110, 81CW133, 81CW186, 81CW238and 81CV2469, leaving 535 A.F. Additional proceedings are pending under Case No. 72CW7110. Some irrigation use will continue, using some or all of the 535 A.F. The entire 1600 A.F. will be used for the uses described in paragraph 7.B. Each year, the Urban Drainage and Flood Control District has requested Mayham Reservoir Corporation's cooperation to continue the use of the reservoir to provide significant flood water retention to reduce the 100-year flood discharge downstream from the reservoir, to the benefit of the citizens of Adams County. Although the primary uses to be made of the waters stored in the reservoir are for the recreation and other uses described in paragraph 7.B., the applicant will endeavor to cooperate with the Urban Drainage and Flood Control District to continue to provide flood control benefit to the citizens of Adams County, provided, however, that no rights of any kind are recognized in the Urban Drainage and Flood Control District or any other person by this Application.

2002CW328 **ROLAND DIXON**, Box 105, Bellvue, Colorado 80512, (970) 221-1546. Application for Water Rights and for Approval of Change of Water Right and Plan for Augmentation **IN LARIMER COUNTY**. David F. Jankowski, David C. Taussig, White & Jankowski, LLP, 511 Sixteenth Street, Suite 500, Denver, Colorado 80202, (303) 595-9441.

2. **Change of water right:** Applicant is the owner of 50 inches of water adjudicated to the Pleasant Valley and Lake Canal ("PVLC"), and seeks to change a portion of that water right as follows. a. Previous decree: Case No. 320, Larimer County, April 11, 1882, Larimer County District Court. b. Decreed point of diversion: A point on the south side of the Cache La Poudre River approximately at the center of the SW/4 of section 14, T8N, R70W, 12 chains and 90 links east of the SW corner of said quarter section. c. Source: Cache La Poudre River. d. Appropriation dates: September 1, 1861 and June 10, 1864. e. Amount: 49.60 c.f.s. Applicant's 50 inches of these appropriations are referred to herein as Applicant's "PVLC Water." f. Historical use: Irrigation on S/2 SW/4 of section 24 and N/2 NW/4 of section 25, T8N, R70W, 6th P.M., Larimer County, Colorado, generally known as Applicant's Pleasant Valley Farm. A map showing the location of the Pleasant Valley Farm is attached to the application as Exhibit 1. A summary of State of Colorado diversion records for the Pleasant Valley and Lake Canal is attached to the application as Exhibit 2. Applicant may rely on these records to the extent they accurately represent diversions by the PVLC, or may rely on other evidence of diversions of the PVLC. g. Proposed change: Applicant requests a decree of this Court allowing up to one inch of his PVLC Water to be used for piscatorial, wildlife habitat, stock watering, recreation and aesthetic purposes and for augmentation, substitution, replacement and exchange, in addition to its presently decreed irrigation use. The PVLC Water will be diverted, stored and used for these purposes in Lone Bear Pond and Little Bear Pond, as described in part 3, below. The augmentation plan in which the PVLC Water may be used is described in part 4, below.

3. **Application for water rights:** Applicant requests a decree confirming the following water rights. a. Name of Structure: Lone Bear Pond ("Pond I"). i. Location of Pond: NE/4 NE/4, section 25, T8N, R70W, 6th P.M., Larimer County, Colorado. ii. Amount claimed: 6 acre-feet, at a rate of 0.1 c.f.s., absolute. Applicant will fill and refill Pond I to keep it full. iii. Source: Underground water tributary to the Cache La Poudre River, waste water and return flows which are diverted and stored at Pond I. iv. Date of appropriation: January 10, 1996. Applicant does not claim a right to recapture irrigation waste water or return flow under its original decreed priority. v. Uses: Piscatorial, wildlife habitat, stock watering, recreation and aesthetic purposes. Evaporation of groundwater from Pond I will be replaced under the plan for augmentation in part 4, below. b. Name of Structure: Little Bear Pond ("Pond II"). i. Location of Pond: NE/4 NE/4, section 25, T8N, R70W, 6th P.M., Larimer County, Colorado. ii.

Amount claimed: 2 acre-feet, at a rate of 0.1 c.f.s., absolute. Applicant will fill and refill Pond II to keep it full. iii. Source: Underground water tributary to the Cache La Poudre River, waste water and return flows which are diverted and stored at Pond II. iv. Date of appropriation: January 10, 1996. Applicant does not claim a right to recapture irrigation waste water or return flow under its original decreed priority. v. Uses: Piscatorial, wildlife habitat, stock watering, recreation and aesthetic purposes. Evaporation of groundwater from Pond II will be replaced under the plan for augmentation in part 4, below.

4. **Plan for augmentation:** a. Introduction: This Plan for Augmentation will cover and replace out of priority evaporative depletions of tributary underground water from the surface of Ponds I and II in the manner described below. b. Places of diversion and storage under the Plan for Augmentation: Lone Bear Pond and Little Bear Pond, located as described in paragraph 3, above. c. Water rights to be used for augmentation, substitution, replacement and exchange, which are collectively referred to herein as the "Augmentation Supplies." i. Up to one inch of PVLC water, as described above. ii. Water purchased by Applicant from the West Fort Collins Water District. iii. Water released from Joe Wright Reservoir under lease with the City of Fort Collins, Colorado. d. Uses: Piscatorial, wildlife habitat, stock watering, recreation and aesthetic purposes. e. Description of operation of Plan for Augmentation, including exchange: i. The Ponds are unlined excavations filled by tributary underground water, irrigation waste water and irrigation return flows. Use of the Ponds for the purposes claimed in this application may result in depletions to the Cache La Poudre River through evaporation of tributary underground water from the surface of the Ponds. A portion of this evaporation is in excess of evapotranspiration which historically occurred at the Ponds' locations before their construction. ii. The combined maximum total surface area of the Ponds is 0.96 acres. Maximum annual net evaporation from the ponds in excess of historical evapotranspiration is 0.55 acre-feet. f. Replacement of depletions: i. Applicant will replace all injurious out of priority net depletions to the Cache La Poudre River resulting from evaporation of water stored in the Ponds, in the maximum amount of 0.55 acre-feet annually using water available under the Augmentation Supplies. ii. In coordination with the Division Engineer or his assistants, Applicant will make water available to the Cache La Poudre River from the Augmentation Supplies in all or any of the following ways: (1) PVLC Water: Applicant may divert PVLC Water in an annual maximum amount of 0.55 acre-feet into the Ponds, which is the total amount of annual evaporative depletion from the surface of the Ponds. When Applicant does so, all evaporative depletions will be attributable to the PVLC Water. (2) Applicant purchases water from the West Fort Collins Water District. Applicant may deliver an annual maximum amount of 0.55 acre-feet of District water into the Ponds. When Applicant does so, all evaporative depletions will be attributable to the water supplied by the District. (3) Joe Wright Reservoir or other water supplied by Fort Collins: Water stored in Joe Wright Reservoir has been used by the Applicant under lease with Fort Collins as the replacement supply for evaporative depletions from Lone Bear Pond since 1996 under a substitute supply plan approved by the State Engineer. Water has been released from Joe Wright Reservoir by Fort Collins as required by the Water Commissioner. Applicant may make water available from Joe Wright Reservoir in the maximum annual amount of 0.55 acre-feet. Applicant will use Joe Wright Reservoir water only if he is able to secure a lease of such water from Fort Collins. Applicant may also use any other water which may be available by lease from Fort Collins that may be introduced to the Cache La Poudre River at a location above the Ponds. iii. Applicant has determined that there is sufficient water available from the augmentation supplies identified in this application to replace out of priority net depletions from operation of the Ponds even if all such depletions are out of priority for the entire year. Therefore, the Plan for Augmentation claimed herein can be operated without injury to the owners and users of water rights on the Cache La Poudre River.

5. **Name and address of owners of lands on structures will be located:** a. Applicant, at the address shown above. b. Pleasant Valley and Lake Canal Company, P.O. Box 421, 160 West Mountain Avenue, Fort Collins, Colorado 80522.

6. **Additional information:** Well permit number 51560F was issued for the Lone Bear Pond by the State Engineer on May 10, 1996. The substitute water supply plan was first approved by the State Engineer on October 18, 1996, and has been reapproved annually. (5 pages plus Exhibits 1 and 2.)

2002CW329 RAY NELLOR, Applicant, CILIBERTO & ASSOCIATES, LLC

Carrie L. Ciliberto, Sheela S. Parameswar, 1660 Lincoln Street, Suite 1700, Denver, Colorado 80264. Telephone: (303) 861-4300 APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION, **IN DOUGLAS COUNTY.**

1. Name, address and telephone number of Applicant:

Ray Nellor
7909 E. Jones Road
Larkspur, CO 80118
(303) 663-5953

Please send all correspondence to:

Carrie L. Ciliberto, Esq.
Ciliberto & Associates, LLC
1660 Lincoln Street, Suite 1700
Denver, Colorado 80264

2. Names and locations of structures to be augmented: Well Permit No. 180571, located in the SE ¼ of the SE ¼ of Section 14, Township 10 South, Range 66 West approximately 255 feet from the South line and approximately 255 feet from the East line in Douglas County. No other water rights are diverted from these structures.

3. Previous decrees for water rights to be used for augmentation: Not applicable.

4. Historic use: Well Permit No. 180571 was previously permitted to utilize the Upper Dawson aquifer for in-house use only. The Upper Dawson aquifer underlying the Subject Property is considered not nontributary as described in §37-90-103(10.7) C.R.S.

5. Statement of plan for augmentation: Applicant owns approximately 5.6 acres of land. Applicant will use the one well described above to provide domestic water service, irrigation of less than one acre of grass and trees, and domestic animal watering for up to two horses. The amount of augmentation required during the pumping period is that amount of depletion occurring in the 100th year. The depletion rate at year 100 is 10.33%. The proposed annual withdrawal is 2.53 acre-feet. It is estimated that the above-referenced uses will result in 0.261 acre-foot of depletion per year.

Source of augmentation water: During pumping, return flows from the use of not nontributary groundwater from the Upper Dawson aquifer will be sufficient to replace depletions. Applicant will reserve 115 acre-feet of Laramie-Fox Hills aquifer water to replace post-pumping depletions.

Denver Basin Ground Water Availability:

Aquifer	Annual Avaliability Acre-feet/year	Status
Dawson	3.62	NNT
Laramie-Fox Hills	1.76	NT
TOTAL	5.38	

Water Demand:

Use	Annual Use (acre-feet)	Return Flow (acre-feet)
In House	0.33	0.30
Horse	0.20	0.18
Irrigation	2.00	0.30
TOTAL	2.53	0.78

The return flows to the stream are based on 90% for septic and horses and 15% return flow for irrigation.

6. Name and address of owners of land where structures are located: The well is located on the Applicant's property.

WHEREFORE, Applicant prays that this honorable Court will enter a Decree granting this Application, and for a finding that the use of the well described herein pursuant to the plan of augmentation described

herein will prevent injury to owners and users of senior vested and conditional water rights, and for such other relief as this Court deems just and proper in the premises.

2002CW330 L.G. EVERIST, INC., an Iowa Corporation, Timothy J. Flanagan, Steve Fox, Fowler, Schimberg & Flanagan, P.C., 1640 Grant Street, Suite 300, Denver, Colorado 80203 Phone Number: (303) 298-8603 Fax Number: (303) 298-8748 E-mail: t_flanagan@fsf-law.com / s_fox@fsf-law.com. **APPLICATION FOR CONDITIONAL WATER STORAGE RIGHT, AND DIRECT FLOW RIGHT, IN WELD COUNTY**.

1. NAMES, ADDRESS AND TELEPHONE NUMBER OF APPLICANT:

L.G. Everist, Inc., an Iowa Corporation
Attention: James A. Sittner
7321 East 88th Avenue, Suite 200
Henderson, Colorado 80640
(303) 287-4656

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

Timothy J. Flanagan, Esq.
Steve Fox, Esq.
Fowler, Schimberg & Flanagan, P.C.
1640 Grant Street, Suite 300
Denver, CO 80203
(303) 298-8603

2. NAME OF RESERVOIR:

The Fort Lupton Reservoir will consist of one or more water storage cells surrounded by an impermeable bentonite-based slurry wall keyed into the shale bedrock of a reclaimed sand and gravel pit. Application is also made for two new surface diversions and a wellfield diversion to serve this new Reservoir.

3. LOCATION:

A. Legal Description: The Fort Lupton Reservoir will be located within:

1. The S ½ of the NW¼ of Section 30, Township 2 North, Range 66 West of the 6th P.M., Weld County, Colorado;

2. Those portions of Lots 3 and 4 according to the Division No. 3 Plat of the Lupton Meadows Land Company which lie within the N ½ of the NW ¼ of Section 30, Township 2 North, Range 66 West of the 6 P.M., Weld County, Colorado; and

3. That portion of Lot 5 according to the Division No. 3 Plat of the Lupton Meadows Land Company which lies south and west of the centerline of the South Platte River and which lies within the NW ¼ of the NE ¼ of Section 30, Township 2 North, Range 66 West of the 6th P.M., Weld County, Colorado

B. Points of Diversion:

1. The Fort Lupton Diversion No. I which has not yet been constructed is planned to divert on the west bank of the South Platte River in the NW ¼ of the NW ¼ of the SE ¼ of Section 30, Township 2 North, Range 66 West of the 6th P.M., Weld County, Colorado. The point of diversion for the Fort Lupton Diversion No. 1 bears North 03°30’ East, 2,530 feet, more or less, from the South

Quarter Corner of Section 30, Township 2 North, Range 66 West of the 6th P.M., Weld County, Colorado.

2. The Fort Lupton Diversion No. 2 which has not yet been constructed is planned to divert on the west bank of the South Platte River in the NW ¼ of the NE 1/4 of Section 30, Township 2 North, Range 66 West of the 6th P.M., Weld County, Colorado. The point of diversion for the Fort Lupton Hill Diversion bears North 16 º 0' East, 4,195 feet, more or less, from the South Quarter Corner of Section 30, Township 2 North, Range 66 West of the 6th P.M., Weld County, Colorado.

3. The Fort Lupton Reservoir Wellfield which has not yet been constructed is planned to pump water from wells located on the west side of the South Platte River in the NW ¼ of the NE ¼ of Section 30, Township 2 North, Range 66 West of the 6th P.M., Weld County, Colorado.

4. The Lupton Bottom Ditch Delivery will utilize capacity of the existing Lupton Bottom Ditch that diverts from the South Platte River on the west bank of the South Platte River in the West ½ of Section 19, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado.

4. SOURCE FOR RESERVOIR:

South Platte River

5. PRIORITY:

A. Date of Appropriation: December 19, 1999.

B. How Appropriation was Initiated: Filing of a State Mining Permit (Permit No. M-99-120, a Special Use Permit with Weld County (Permit No. USR-1255) and a Substitute Supply Plan with the State Engineer's Office.

C. Date Water Applied to Beneficial Use: Not applicable.

6. AMOUNT CLAIMED:

A. Fort Lupton Reservoir: 4,500 acre-feet (conditional) with right of fill and refill.

B. Fort Lupton Diversion No. 1: 50 cfs (conditional).

C. Fort Lupton Diversion No. 2: 50 cfs (conditional).

D. Fort Lupton Reservoir Wellfield: A wellfield with any combination of wells with a total pumping capacity of 15 cfs (conditional). An estimated 6 wells will be required.

E. Lupton Bottom Ditch Delivery: 150 cfs (conditional).

7. PROPOSED USE:

The water diverted under the water right sought herein will be used directly or by exchange for irrigation, agricultural, commercial, municipal, and all industrial uses including but not limited to mining, processing, manufacturing, industrial, irrigation, recreation, piscatorial, lake and reservoir evaporation, augmentation and replacements including exchanges with other water uses. The Applicant seeks the right to fully consume such water diverted under these water rights by direct use, storage and subsequent release, reuse, successive use, further exchange and disposition to the point of extinction.

8. SIZE OF THE RESERVOIR:

A. Surface Area: 135 acres.

B. Maximum Depth: 45 feet.

9. TOTAL CAPACITY OF RESERVOIR:

A. Active capacity: 4,500 acre-feet.

B. Dead storage: -0- acre-feet.

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

A. The Applicant owns the property in the S ½ of the NW ¼ of Section 30 upon which a portion of the Fort Lupton Reservoir will be located.

B. The Applicant owns the property upon which the Fort Lupton Diversion No. 1 facility will be located.

C. The Fort Lupton Diversion No. 2, the Reservoir Wellfield facilities, and a portion of the Fort Lupton Reservoir will be located on property owned by Gomer and Julane M. Hill, 12526 Weld County Road 18, Fort Lupton, CO 80621.

D. The Lupton Bottom Ditch Company, c/o Howard Cantrell, P.O. Box 305 Fort Lupton, CO 80621, owns the Lupton Bottom Ditch.

11. REMARKS:

A. Attached is a general location map of the facilities that are the subject of this Application.

B. This property is being mined in accordance with a Section 112 Permit granted by the Colorado Division of Minerals and Geology (Permit No. M-99-120) as well as a Weld County Special Use Permit (Permit No. USR—1255).

C. A slurry wall has been constructed around initial mining area. A slurry wall will be constructed around the remaining portions of the mining areas before they are mined.

D. Applicant is a shareholder in the Lupton Bottom Ditch and other than delivery of its pro-rata water based on its share ownership, has no right to convey water through said ditch. The Applicant does not claim a right to divert water through the Lupton Bottom Ditch by this filing and is in the process of negotiating a carriage contract with the ditch company.

2002-CW-331 William R. Roberts and Dolores A. Roberts, 12691 WCR 64½, Greeley, Colorado 80631. Telephone: (970) 686-5972. Kim R. Lawrence, Lind, Lawrence & Ottenhoff, 1011 11th Avenue, Greeley, CO, 80631. (970)356-9160. APPLICATION FOR WATER RIGHT, **in WELD COUNTY**. 2. Name of Structure: Bracewell Lake. 2.1 Legal Description of Structure: In the SE¼ of Section 30, Township 6 North, Range 66 West of the 6th P.M., Weld County, Colorado. See Figure 1. 2.2 Source of Water: Groundwater tributary to the Cache La Poudre River. 2.3 Date of Initiation of Appropriation: June 27, 2000. 2.4 How Appropriation Was Initiated: Contract executed for excavation of Lake. 2.5 Amount Claimed: 825 acre feet, conditional. 2.6 Use: Irrigation of 3 acres, recreation, fish, wildlife. 2.7 Description of Project: Bracewell Lake will be excavated. The lake uses will be for irrigation of the Bracewell PUD, fish and wildlife habitat, water skiing and related recreational activities. Augmentation of out of priority depletions caused by evaporation of the lake surface will be made as described below. A map showing the location of the lake is attached. CHANGE OF WATER RIGHTS AND PLAN OF AUGMENTATION. 3. Change of Water Rights: Applicant owns 8 shares of the Whitney Ditch Company and seeks to change the use to add fish and wildlife habitat, water skiing and related recreational activities and augmentation uses. 4. Decree for the Water Rights: The Whitney Ditch headgate is located in Section 19, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado on the north side of the Cache La Poudre River. Applicant's 8 shares of the Whitney entitle it to a prorata amount of the following decrees:

Case μ	Amount	Appropriation	Adjudication
320	48.23 cfs	9/1/1862	4/11/1882
320	12.95 cfs	9/10/1871	4/11/1882

5. Historic Use: The 8 shares of the Whitney were historically used for irrigation of 74 acres on the Roberts farm in the SE¼ of Section 30, Township 6 North, Range 66 West of the 6th P.M., Weld County, Colorado. See Figure 1. The historic cropping pattern was alfalfa, 40 acres; corn 20 acres; sugar beets 14 acres during the study period, 1950-1996. Beginning in 2000 the land was converted into an aggregate mine and 5 of the shares have been used for augmentation of the mine. 6. Plan of Augmentation: Applicant proposes to use the consumptive use from the 8 shares to augment the Bracewell Lake evaporation. 7.5 shares will be delivered directly in to the Lake and .5 share to a lined pond adjacent to the Lake. Historic ditch losses will be maintained as the shares will be delivered through the ditch. Historic return flows from the parcel were assumed to be 67% subsurface and 33% surface returns and average 104.75 acre feet per year. The subsurface returns were lagged based on a 174 day SDF given the parcel's distance from the Cache La Poudre River. The average annual depletion attributable to evaporation of 33 acres of lake surface is 78.99 acre feet. The table below shows the Farm headgate delivery of the 8 shares, Row 1; share lagged returns, Row 2; depletions from lake evaporation and irrigation of 3 acres, Row 3; lagged accretion from the 7.5 shares**, Row 4; release from on-site storage of .5 share, Row 5; net effect, Row 6. All values are in acre feet.**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total
1	0.00	0.00	0.00	5.80	29.10	37.39	63.14	57.09	32.64	1.99	0.44	0.00	227.23
2	4.67	3.70	3.57	4.08	8.39	10.40	15.93	17.15	14.37	9.54	7.11	5.83	104.75
3	5.83	4.93	4.68	5.03	5.95	7.15	8.56	9.64	9.93	9.42	8.47	7.23	86.82
4	14.53	11.52	9.75	10.58	13.90	19.18	15.93	26.05	28.73	28.17	21.67	17.84	213.03
5	0.00	0.00	0.00	0.00	3.76	3.65	5.30	0.74	0.00	0.00	0.00	0.00	13.45
6	4.03	2.89	2.85	0.64	0.00	0.00	0.00	0.00	4.43	9.21	6.09	4.78	34.91

Historic returns will be maintained for all calls senior to the date of the filing of this application. **Since the net effect on the river is positive, there is no material injury to senior vested rights. 7. Name of Owner of Land on Which Structures are Located: Applicant owns the land and Bracewell Lake. The Whitney Irrigation Company, 11492 WCR 64¾, Greeley, Colorado 80631 owns the Whitney Ditch.**

2002CW332 Town of Julesburg, 100 West Second Street, Julesburg, CO 80737 (Kelly J. Custer, Lind Lawrence & Ottenhoff, 1011 Eleventh Avenue, Greeley, Colorado 80631) Application for Water Right **in Sedgwick County.** 2. Name of Structure: DePoorter Lake. 2.1. Location: In the SE¼, SE¼, Section 28, Township 12 North, Range 44 West of the 6th P.M., Sedgwick County, Colorado. 2.2. Source: Groundwater tributary to the South Platte River. 2.3. Date of Appropriation: March 1, 1988. 2.4. How Appropriation Was Initiated: By formation of intent to appropriate and acquiring the lake and surrounding property. 2.5. Date Water Applied to Beneficial Use: October 31, 1991. 2.6. Amount Claimed:100 AF, absolute. 2.7. Use:

Recreation, fish and wildlife, and evaporation. 3. Name and Address of Owners of Structures: Applicant. 4. Remarks: DePoorter Lake is a former gravel pit acquired by the Town and used for the purposes described above. There are no inlet or outlet structures. Augmentation of evaporation from the lake is provided by the Lower South Platte Water Conservancy District Water Activity Enterprise pursuant to a Class B Contract. The District is filing an application for a plan for augmentation in the Water Court, Water Division μ1, contemporaneously herewith, which seeks approval of a decree for augmentation of this lake. The Applicant will obtain a well permit for the lake if required by the State Engineer.

2002CW333 PINE BROOK WATER DISTRICT . APPLICATION FOR CONDITIONAL WATER STORAGE RIGHT, IN BOULDER COUNTY 1. Name, address, telephone number of applicant: Pine Brook Water District ("District"), c/o Robert de Haas, Manager, 1043 N. Cedar Brook Road, Boulder, Colorado 80304, (303) 443-5394, with a copy of all pleadings to: Glenn E. Porzak, Kevin J. Kinnear, Porzak Browning & Bushong LLP, 929 Pearl Street, Suite 300, Boulder, Colorado 80302, (303) 443-6800. 2. Name of Reservoir: Pine Brook Reservoir. 3. Legal description of dam: Pine Brook Reservoir will be located in the southwest quarter of Section 14, T1N, R71W, 6th P.M. The north end of the Pine Brook Reservoir dam will be located approximately at a point commencing at the center of Section 14, T1N, R71W, 6th P.M., from which the W¼ Corner of said Section 14 bears S89E53'W, then S71EW 900 feet. See Exhibit A, attached hereto. 4. Sources: The sources of water to be stored in Pine Brook Reservoir include water in 2 Mile Creek that can be stored in priority, water in Fourmile Creek that can be stored in priority, and the water rights diverted from Fourmile Creek and Boulder Creek as set forth in the decree in Case No. 81CW466, Water Division No. 1 (see paragraph 11 below). 5. A. Date of appropriation: For the new appropriation for storage of water available in priority from 2 Mile Creek and Fourmile Creek, the date of appropriation is October 15, 2002. B. How appropriation was initiated: The District initiated the subject appropriation by forming the requisite intent and taking necessary acts to evidence such intent, including but not limited to holding a public meeting of the Board of Directors of the District, at which time the Board authorized the appropriation. Thereafter, the District staked the proposed reservoir site. C. Date water applied to beneficial use: Not applicable; the subject application is for a conditional water storage right because the Pine Brook Reservoir has not yet been constructed. 6. Amount claimed: 300 acre feet, conditional, together with the continuous right to refill. By this application, applicant seeks confirmation of new water rights to fill and refill the Pine Brook Reservoir from 2 Mile Creek and Fourmile Creek year-round whenever water is available in priority. Additionally, the District seeks to place into storage in Pine Brook Reservoir the water rights that are the subject of Case No. 81CW466, Water Division No. 1. The new water right from Fourmile Creek will be diverted at a rate of up to 150 gpm when in priority. 7. Use: The water stored in Pine Brook Reservoir will be used for domestic, municipal, fire fighting, irrigation of lawns and gardens, piscatorial, aesthetic, recreational, and other beneficial uses as described in Case No. 81CW466, either directly, or by augmentation and/or exchange. The District is a quasi-municipal corporation organized under the laws of the State of Colorado, described generally as lying within Sections 11, 13, 14, 15, 22, 23, and 24, all in Township 1 North, Range 71 West of the 6th P.M., Boulder County, Colorado. 8. Reservoir Measurements: A. Surface area of high water line: 7.4 acres. B. Maximum height of dam in feet: 95 feet. C. Length of dam in feet: 700 feet. 9. Total capacity of reservoir in acre feet: 300 acre feet, including 300 acre feet of active capacity and 0 acre feet of dead storage. 10. Names and addresses of owners upon which any structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use. The owners of land upon which the new structure, Pine Brook Reservoir, will be located include: Pine Brook Hills Fire Protection District, 1905 Linden Drive, Boulder CO 80304. J. Kirk Hendricks, 67 Wild Horse Circle, Boulder CO 80304. Jill Kamon & Christopher G.E. Vans, 725

Timber Lane, Boulder CO 80304. Douglas & Mary Barakat, 395 Timber Lane, Boulder CO 80304. John and Susan McFetridge, 341 Timber Lane, Boulder CO 80304. John and Valery McNally, 275 Timber Lane, Boulder CO 80304. Michael Hecht, PO Box 331, Boulder CO 80306-0331. William and Jane Lillydahl, 2150 Linden Drive, Boulder CO 80304. The District is in the process of obtaining appropriate interests in the reservoir property from the owners indicated above. The District is the owner of facilities, including appropriate easements and rights of way, by which water has been diverted for beneficial uses pursuant to Case No. 81CW466 and by which such water will be diverted to Pine Brook Reservoir. The water will be placed to beneficial use within the boundaries of the District, as the boundaries may change and expand from time to time. 11. Remarks: The District's existing water rights were confirmed and augmented in Case No. 81CW466, Water Division No. 1. These water rights include (1) 173.3 acre feet of fully consumable senior water rights, and (2) fully consumable water rights associated with Well No. P.B. 13 and the Pine Brook Fourmile Surface Diversion, all of which were decreed for storage in Case No. 81CW466. The senior water rights include the District's interest in the Farmer's Ditch (62.2 consumptive acre feet), the District's interest in the Boulder and White Rock Ditch (direct flow, 23.1 consumptive acre feet; the District's interest in Boulder and White Rock storage rights are available for the District's use by exchange through Boulder and White Rock storage facilities), and the District's interest in the Wellman, Nichols and Hahn Ditch (85.0 consumptive acre feet). All of the foregoing water rights included in Case No. 81CW466, described above, were decreed for storage and were changed to municipal purposes, including but not limited to domestic, irrigation, and fire protection uses either directly or by augmentation or exchange.

2002CW 334 ST. VRAIN & LEFT HAND WATER CONSERVANCY DISTRICT, c/o Leslie J. Williams, Executive Director, 9595 Nelson Road, Box C, Suite 203, Longmont, CO 80501, 303-772-4060. (Wendy S. Rudnik, Esq., Bernard, Lyons, Gaddis & Kahn, P.C., P.O. Box 978, Longmont, CO 80502-0978, 303-776-9900.) **APPLICATION FOR CHANGE OF WATER RIGHTS AND APPROVAL OF PLAN FOR AUGMENTATION INCLUDING APPROPRIATIVE RIGHTS OF EXCHANGE IN BOULDER, LARIMER AND WELD COUNTIES. 2. Names of structures to be augmented:** The District proposes to augment various wells and surface water diversion structures (herein referred to as "participating diversions") under this plan, within the boundaries of the District as shown on **EXHIBIT A** and located in the St. Vrain Creek and Left Hand Creek drainage basins generally located in former Water District 5. A list of the current participating diversions, and a general description of their location is attached as **EXHIBIT B**. New participating diversions may be added pursuant to the terms in §4.C. set forth below within the area described in **EXHIBIT A**. **3. Previous decrees for water rights to be used for augmentation: A.** Copeland Reservoir. **1.** Date entered: June 1, 1926. **2.** Case No.: W-6673. **3.** Court: Boulder County District Court. **4.** Type of water right: Surface storage. **5.** Legal description: Copeland Reservoir is located in the SW¼ of Section 14, Township 3 North, Range 73 West, 6th P.M., Boulder County, Colorado. **6.** Source: North Fork of St. Vrain Creek. **7.** Amount: 75.5 acre feet, ABSOLUTE, 100 acre feet, CONDITIONAL. **8.** Appropriation date: June 30, 1913. **9.** Decreed uses: Domestic, irrigation, lighting and power purposes. **10.** Historic use: Water from Copeland Reservoir has historically been used for domestic, irrigation, lighting and power purposes for residents of the City of Longmont. **11.** Change of water right: The District seeks to change the use of Copeland Reservoir to include domestic, commercial, industrial, irrigation, recreation, fish and wildlife propagation, augmentation, replacement and exchange for use by the District anywhere within the District's boundaries as shown on the map attached as **EXHIBIT A**. **B.** Coffintop Reservoir. **1.** Date

entered: August 14, 1978. **2.** Case No.: W-66. **3.** Court: Boulder County District Court. **4.** Type of water right: Surface storage. **5.** Legal description: The dam is proposed to be located in the E½, E½ of Section 24, Township 3 North, Range 71 West, 6th P.M., approximately 1,700 feet from the south section line and 0 feet from the east section line, Boulder County, Colorado. **6.** Source: The decreed sources of supply for Coffintop Reservoir are the South St. Vrain Creek, Middle St. Vrain Creek, and all other creeks that are tributary to the South St. Vrain Creek. **7.** Amount: 31,902.74 acre feet, CONDITIONAL. **8.** Appropriation date: December 31, 1969. **9.** Decreed uses: Municipal uses including domestic, mechanical and manufacturing use, generation of electric power, power generally; fire protection; use for sewage treatment; street sprinkling; watering of parks, trees, lawns and grounds, maintaining adequate storage reserves; irrigation, replacement and adjustment and regulation of other units of the District's water system; recreation and other uses including replacement, adjustment and regulation with the City of Longmont. **10.** Change of water right: The District seeks to change the use of Coffintop Reservoir to include domestic, commercial, industrial, irrigation, recreation, fish and wildlife propagation, augmentation, replacement and exchange for use by the District anywhere within the District's boundaries as shown on the map attached as **EXHIBIT A**. **C.** Coffintop Reservoir First Enlargement. **1.** Date entered: March 9, 1990. **2.** Case No.: 80CW462. **3.** Court: Boulder County District Court. **4.** Type of water right: Storage. **5.** Legal description: Copeland Reservoir is located in the SW¼ of Section 14, Township 3 North, Range 73 West, 6th P.M., Boulder County, Colorado. **6.** Source: The decreed sources of supply are the South St. Vrain Creek, Middle St. Vrain Creek, North St. Vrain Creek and all other water that is tributary thereto. **7.** Amount: 84,000 acre feet, CONDITIONAL. **8.** Appropriation date: July 18, 1974. **9.** Decreed uses: Municipal, industrial, irrigation, hydroelectric power generation, flood control, water quality control, recreation and fishery enhancement. **10.** Change of water right: The District seeks to change the use of Coffintop Reservoir First Enlargement to include domestic, commercial, industrial, irrigation, recreation, fish and wildlife propagation, augmentation, replacement and exchange for use by the District anywhere within the District's boundaries as shown on the map attached as **EXHIBIT A**. **D.** 200 acre feet in Beaver Park Reservoir. The District leases water stored in Beaver Park Reservoir from The Supply Irrigating Ditch Company and Highland Ditch Company. **1.** Date entered: March 13, 1907 (Original and First Enlargement). June 1, 1926 (Second Enlargement). **2.** Case No.: W-4790. **3.** Court: Boulder County District Court. **4.** Type of water right: Surface storage. **5.** Legal description: Beaver Park Reservoir is located on the SE¼ of Section 23, SW¼ of Section 24, NW¼ of Section 25, and NE¼ of Section 26, Township 2 North, Range 73 West, 6th P.M., Boulder County, Colorado. **6.** Source: Beaver Creek, a tributary to St. Vrain Creek. **7.** Amount: 888 acre feet, ABSOLUTE; First Enlargement: 959 acre feet, ABSOLUTE; Second Enlargement: 335 acre feet, ABSOLUTE. (Total amounts adjudicated to Beaver Park Reservoir. Applicant is claiming the right to change 200 acre feet). **8.** Appropriation date: June 30, 1892; First Enlargement: June 21, 1902; Second Enlargement: September 30, 1905. **9.** Decreed uses: Domestic and irrigation. **10.** Historic use: Water from Beaver Park Reservoir has historically been used under the Supply Ditch and Highland Ditch to supplement direct flows for irrigation. **11.** Change of water right: The District seeks to change the use of 200 acre feet of Beaver Park Reservoir to include domestic, commercial, industrial, irrigation, recreation, fish and wildlife propagation, augmentation, replacement and exchange for use by the District anywhere within the District's

boundaries as shown on the map attached as **EXHIBIT A**. **E.** Green Lake Reservoir, a/k/a Red Deer Lake. The District leases water stored in Green Lake Reservoir from the Town of Mead. **1.** Date entered: June 1, 1926. July 23, 1951 (Second Adjudication). **2.** Case No.: W-6673; 11715 (Second Adjudication). **3.** Court: Boulder County District Court. **4.** Type of water right: Surface storage. **5.** Legal description: SW¼ of Section 7, Township 2 North, Range 73 West, 6th P.M. and SE¼ of Section 12, Township 2 North, Range 74 West, 6th P.M., Boulder County, Colorado. **6.** Source: Middle St. Vrain Creek, a tributary of St. Vrain Creek. **7.** Amount: 71.90 acre feet, ABSOLUTE. Second Adjudication: 81.40 acre feet, ABSOLUTE. **8.** Appropriation date: December 31, 1908; Second Adjudication: December 2, 1918. **9.** Decreed uses: Irrigation (Original); Irrigation and domestic (Second Adjudication). **10.** Historic use: Water from Green Lake Reservoir has historically been used under the Supply Ditch for irrigation and by the Town of Mead for municipal use. **11.** Change of water right: The District seeks to change the use of Green Lake Reservoir to include domestic, commercial, industrial, irrigation, recreation, fish and wildlife propagation, augmentation, replacement and exchange for use by the District anywhere within the District's boundaries as shown on the map attached as **EXHIBIT A**. **F.** Rock'n WP Ranch, Lake No. 4 ("Lake No. 4"). The District owns an undivided one-half interest and Boulder County owns an undivided one-half interest in Lake No. 4. The District is entitled to use one-half of the capacity in Lake No. 4 plus any capacity not used by Boulder County. This application only pertains to the District's interest in water stored in this structure. **1.** Date entered: May 3, 1995. **2.** Case No.: 88CW074. **3.** Court: District Court, Water Division 1. **4.** Type of water right: Surface storage. **5.** Legal description: The center point of the lake which has a surface acre of approximately 40 acres, is located 2040 feet south of the north section line, and 2040 feet east of the west section line, Section 27, Township 3 North, Range 70 West, 6th P.M., Boulder County, Colorado. **6.** Source: Water diverted from St. Vrain Creek via Goss Private Ditch No. 2. **7.** Amount: 880 acre feet at a maximum rate of 300 cfs, CONDITIONAL. **8.** Appropriation date: April 23, 1992. **9.** Decreed uses: Augmentation, replacement and exchange, irrigation, industrial, recreational, and fish and wildlife preservation and propagation. The depletions proposed to be augmented are those associated with mining activities in connection with, and evaporation from the following number of surface acres of, gravel pits located as follows: 118 acres in Sections 22 and 27, Township 3 North, Range 70 West, 6th P.M., in Boulder County; and 826 acres in Sections 4, 9, 16, 17, 20, 21, 29 and 30, Township 2 North, Range 68 West, 6th P.M., in Weld County, Colorado. The lands proposed to be irrigated are as follows: up to 300 acres in the SW¼ of Section 22, and the NW¼, SW¼ and NW¼, SE¼ of Section 27, Township 3 North, Range 70 West, 6th P.M., Boulder County, Colorado. **10.** Change of water right: The District seeks to change the use of Lake No. 4 to include domestic, commercial, industrial, irrigation, recreation, fish and wildlife propagation, augmentation, replacement and exchange for use by the District anywhere within the District's boundaries as shown on the map attached as **EXHIBIT A**. **G.** Rock'n W.P. Ranch, Lake No. 4 ("Lake No. 4"). The District has applied for a new water right to store water in Lake No. 4 as follows. **1.** Date entered: Application pending (filed December 19, 2001) Applicants are the District and Boulder County. **2.** Case No.: 2001CW862. **3.** Court: District Court, Water Division 1. **4.** Type of water right: Surface storage. **5.** Legal description: The center point of the lake which has a surface acre of approximately 40 acres, is located 2040 feet south of the north section line, and 2040 feet east of the west section line, Section 27, Township 3 North, Range 70 West, 6th P.M., Boulder

County, Colorado. **6.** Source: St. Vrain Creek. **7.** Amount: 600 acre feet at a maximum rate of 100 cfs, CONDITIONAL. **8.** Claimed appropriation date: December 11, 2002. **9.** Claimed uses: Domestic; commercial; industrial; irrigation of lands within the District or Boulder County; recreation, fish and wildlife propagation; maintenance of minimum stream flows for fish, recreation, wildlife, and other purposes; augmentation for the above referenced uses; replacement for the above referenced uses; exchange for the above referenced uses; and reuse, successive use and use to extinction for the above referenced uses. **H.** Elliott Ponds. Elliott Ponds Nos. 1, 2 and 3 (a/k/a Golden Ponds Nos. 1, 2 and 3). **1.** Date entered: February 28, 1990 (Elliott Pond Nos. 1, 2 and 3). July 2, 1992 (Refill rights for all three ponds and the expansion of Pond Nos. 2 and 3). **2.** Case No.: 84CW298(A) (Elliott Pond Nos. 1, 2 and 3). 89CW073 (Refill rights for all three ponds and the expansion of Pond Nos. 2 and 3). **3.** Court: District Court, Water Division No. 1. **4.** Type of water right: Surface storage. **5.** Legal description: Elliott Pond No. 1 - A portion of the North half of Section 5, Township 2 North, Range 69 West of the 6th P.M. described as follows: Commencing at a point on the South line of the Northeast Quarter of said Section 5 whence the East Quarter corner of said Section 5 bears East 1,362.51 feet; thence North 32.56 feet to the Point of Beginning; Thence North 85°39'00" West 200.00 feet; thence North 66°36'00" West 657.00 feet; thence North 65°18'00" West 636.00 feet; thence North 00°26'00" West 162.00 feet; thence North 25°29'00" East 134.00 feet; thence North 45°09'00" East 123.00 feet; thence North 55°25'00" East 395.00 feet; thence South 62°08'00" East 1027.00 feet; thence South 00°18'08" East a distance of 655.75 feet; to the True Point of Beginning, containing 21.595 acres more or less. Elliott Pond No. 2, including its expansion - A portion of the North half of Section 5, Township 2 North, Range 69 West of the 6th P.M. described as follows: Commencing at a point on the South line of the Northwest Quarter of said Section 5 whence the East Quarter corner of said Section 5 bears East 2,742.11 feet; thence North 494.42 feet to the Point of Beginning; Thence North 71°51'00" West 822.00 feet; thence North 13°53'00" East 228.00 feet; thence North 30°23'00" East 221.00 feet; thence North 47°00'00" East 223.00 feet; thence North 57°40'00" East 346.00 feet; thence South 62°09'54" East 709.49 feet; thence South 55°25'00" West 395.00 feet; thence South 45°09'00" West 123.00 feet; thence South 25°29'00" West 134.00 feet; thence South 00°26'00" East a distance of 242.00 feet; to the True Point of Beginning, containing 15.235 acres more or less. Elliott Pond No. 3, including its expansion - A portion of the North half of Section 5, Township 2 North, Range 69 West of the 6th P.M. described as follows: Commencing at a point on the South line of the Northwest Quarter of said Section 5 whence the East Quarter corner of said Section 5 bears East 3,523.21 feet; thence North 750.48 feet to the Point of Beginning; Thence North 54°25'00" West 517.00 feet; thence North 00°25'00" East 709.00 feet; thence North 71°55'00" East 419.00 feet; thence South 58°33'06" East 748.94 feet; thence South 57°40'00" West 346.00 feet; thence South 47°00'00" West 223.00 feet; thence South 30°23'00" West 221.00 feet; thence South 13°53'00" West a distance of 228.00 feet; to the True Point of Beginning, containing 15.221 acres more or less. **6.** Source: The decreed sources of water for Elliott Pond Nos. 1, 2, and 3 in Case No. 84CW298A are the St. Vrain River via the Denio-Taylor Mill Ditch and storm drainage water from the Fordham Storm Sewer System. The decreed sources of water for the refill rights and the expansion of Pond Nos. 2 and 3 in Case No. 89CW073 are the St. Vrain River via the Denio-Taylor Mill Ditch, Zweck and Turner Ditch and the Golden Ponds Diversion Structure. **7.** Amounts: 93 acre feet, ABSOLUTE (Elliott Pond No. 1); 93 acre feet,

ABSOLUTE (Elliott Pond No. 1 Refill); 61 acre feet, ABSOLUTE (Elliott Pond No. 2); 42 acre feet, ABSOLUTE (Elliott Pond No. 2 Expansion); 103 acre feet, ABSOLUTE (Elliott Pond No. 2 Refill); 100 acre feet, ABSOLUTE (Elliott Pond No. 3); 56 acre feet, ABSOLUTE (Elliott Pond No. 3 Expansion); 156 acre feet, ABSOLUTE (Elliott Pond No. 3 Refill). **8.** Appropriation dates: October 31, 1978 (Elliott Pond No. 1); June 27, 1988 (Elliott Pond No. 1 Refill); October 31, 1978 (Elliott Pond No. 2); October 31, 1978 (Elliott Pond No. 2 Expansion); June 27, 1988 (Elliott Pond No. 2 Refill); October 31, 1978 (Elliott Pond No. 3); October 31, 1978 (Elliott Pond No. 3 Expansion); June 27,1988 (Elliott Pond No. 3 Refill). The total capacity of Elliott Ponds No. 1 is 93 acre feet, Elliott Pond No. 2 is 103 acre feet, and Elliott Pond No. 3 is 156 acre feet. **9.** Decreed uses: The decreed uses are agricultural, domestic, municipal, commercial, industrial, recreational, fish propagation, augmentation, replacement and exchange. "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. The lands decreed for irrigation use are those lands located within the St. Vrain & Left Hand Water Conservancy District and the Central Colorado Water Conservancy District. **10.** Historic Use: Water from Elliott Ponds has historically been used within the boundaries of the District and the Central Colorado Water Conservancy District for the decreed uses. **I.** 100 Shares of Left Hand Ditch Company. The District anticipates acquiring 100 shares of Left Hand Ditch Company from the City of Longmont. The District will not use the shares without first obtaining ownership of the shares or the consent to use the shares from the City of Longmont. **1.** The Left Hand Ditch Company owns all of the originally adjudicated direct flow decrees from Left Hand Creek. The Left Hand Ditch Company owns storage decrees for Allens Lake, Gold Lake, Lake Isabelle Reservoir, Left Hand Park Reservoir and Left Hand Valley Reservoir. The Left Hand Ditch Company is also the owner of water rights from the South St. Vrain Creek. **(a)** Left Hand Ditch Company direct flow rights from Left Hand Creek:

Ditch	Left Hand Creek Priority	Amount (cfs)	Appropriation Date	Case No.
Cochran	1	0.32	9/01/1860	1454
	15	8.28	6/15/1866	1454
Hornbaker	2	3.88	5/15/1861	1452
	9	1.70	7/15/1864	1452
	12	18.66	6/01/1865	1452
Williamson Cavey	3	2.68	5/31/1862	1453
	4	4.50	5/01/1863	1453
	10	6.80	5/01/1865	1453
Holland	4	2.00	5/01/1863	1296
	14	1.28	5/01/1866	1296
	26	69.40	10/21/1873	1296
Badar No. 2	5	1.46	5/31/1863	1293
	19	6.72	3/15/1870	1293
Farmers	6	1.63	6/01/1863	1297
	13	2.03	6/15/1865	1297
	21	11.61	11/01/1870	1297

Ditch	Left Hand Creek Priority	Amount (cfs)	Appropriation Date	Case No.
Baum Goyn	7	3.96	9/26/1863	1456
	17	6.78	5/01/1867	1456
Badar No. 1	8	9.16	5/31/1864	1319
Altona	11	2.01	5/31/1865	1462
	29	8.66	4/15/1875	1462
Table Mountain	16	15.30	6/25/1866	1460
	27	26.43	4/15/1874	1460
Way	18	4.20	5/01/1868	1631
Toll Gate	20	2.63	4/01/1870	1463
	27	2.72	5/01/1874	1463
	3	3.94	5/03/1879	1463
Star	22	25.68	4/01/1873	1632
Crocker	23	3.83	5/01/1871	1294
	24	14.98	5/01/1872	1294
Johnson	25	8.55	4/01/1873	1455
Lake	27	8.92	5/15/1874	1461
	30	3.88	4/15/1879	1461

(b) Left Hand Ditch Company direct flow rights from South St. Vrain Creek:

Description	St. Vrain Creek Priority	Amount (cfs)	Priority Date	Case No.
Left Hand Ditch	15-1/2	40.77	6/01/1863	1284
Left Hand Ditch	41	685.23	6/01/1870	1284

(c) Left Hand Ditch Company storage rights:

Reservoir	Amount (acre-feet)	Source	Adjudication Date	Appropriation Date	Case No.
Allens Lake	134.2	Left Hand	7/23/1951	12/02/1918	11715
Allens Lake Enl.	569.5	Left Hand	7/23/1951	5/17/1927	11715
Allens Lake Refill	703.7	Left Hand	7/23/1951	12/31/1929	11715
Gold Lake	354.0	S. St. Vrain	3/13/1907	9/01/1879	4790
Gold Lake Enl.	82.0	S. St. Vrain	3/13/1907	5/18/1904	4790
Gold Lake Refill	290.66	Left Hand	7/23/1951	12/31/1929	11715
	145.34(c)	Left Hand	7/23/1951	12/31/1929	11715
Isabelle	809.8	S. St. Vrain	6/11/1926	9/15/1907	6673
Left Hand Park	185.0	Left Hand	3/13/1907	8/05/1891	4790
Left Hand Park Enl.	1102.32	Left Hand	2/25/1971	8/01/1961	20716
Left Hand Valley	10572.6	Left Hand	7/23/1951	5/15/1945	11715

2. Historic use: The Left Hand Ditch Company operates as a unified system in that all of the priorities owned by the Left Hand Ditch Company and identified above are "pooled" and each share is delivered its pro rata amount of water. The historic use of Left Hand Ditch Company shares was determined in Case No. 87CW127, District Court for Water Division No. 1. In Case No. 87CW127, the court found the average delivery per share of the Left Hand

Ditch Company to be 1.2867 acre feet and the historic consumptive use per share to be 0.6370 acre feet. **3.** Change of water right: The District seeks to change the use of 100 shares of Left Hand Water District to include domestic, commercial, industrial, irrigation, recreation, fish and wildlife propagation, augmentation, replacement and exchange for use by the District anywhere within the District's boundaries as shown on the map attached as **EXHIBIT A**. **J.** One share of Longmont Supply Ditch Company (out of a total of 200 shares). **1.** Date entered: June 2, 1882. **2.** Case No.: Civil Action 1383. **3.** Court: Boulder County District Court. **4.** Type of water right: Direct flow. **5.** Legal description: The headgate of the Longmont Supply Ditch is located on the north side of St. Vrain Creek in the SE¼, SW¼ of Section 22, Township 3 North, Range 70 West, 6th P.M., Boulder County, Colorado, at a point whence the South one-quarter corner of said Section 22 bears North 68º, 12' west 1020 feet more or less; the east line of the SW¼ of said Section 22 as bearing North 00º, 31' 4" West with all bearings relative thereto. **6.** Source: St. Vrain Creek. **7.** Amount: 53.37 cfs, ABSOLUTE. (Total amount adjudicated to the Longmont Supply Ditch. Applicant is claiming the right to change the amount associated with the one share.) **8.** Appropriation date: May 1, 1865. **9.** Decreed uses: Irrigation. **10.** Historic use: Water associated with this one share was historically used for irrigation of approximately 10 acres generally located in the NE¼, SW¼ of Section 33, Township 3 North, Range 69 West of the 6th P.M., Boulder County, Colorado. **11.** Change of water right: The District seeks to change the use of one share of Longmont Supply Ditch Company to include domestic, commercial, industrial, irrigation, recreation, fish and wildlife propagation, augmentation, replacement and exchange for use by the District anywhere within the District's boundaries as shown on the map attached as **EXHIBIT A**. **K.** One share of Bonus Ditch Company (out of a total of 100 shares). **1.** Date entered: June 2, 1882 (Original and First Enlargement). **2.** Case No.: Civil Action No. 1337. **3.** Court: Boulder County District Court. **4.** Type of water right: Direct flow. **5.** Legal description: The headgate of the Bonus Ditch is located in Section 11, Township 2 North, Range 69 West, 6th P.M., Boulder County, Colorado. **6.** Source: St. Vrain Creek. **7.** Amount: 12.73 cfs, ABSOLUTE; First Enlargement: 10.50 cfs, ABSOLUTE. (Total amount adjudicated to the Bonus Ditch. Applicant is claiming the right to change the amount associated with one share.) 8. Appropriation date: March 30, 1861; First Enlargement: May 30, 1865. **9.** Decreed uses: Irrigation. **10.** Historic use: This share, along with 15 other Bonus Ditch Company shares, has historically irrigated 140 acres in the SW¼ of Section 7, Township 2 North, Range 68 West, 6th P.M., Boulder County, Colorado. **11.** Change of water right: The District seeks to change the use of one share of Bonus Ditch Company to include domestic, commercial, industrial, irrigation, recreation, fish and wildlife propagation, augmentation, replacement and exchange for use by the District anywhere within the District's boundaries as shown on the map attached as **EXHIBIT A**. **L.** 0.75 shares of Oligarchy Irrigation Company (out of a total of 300 shares). **Direct Flow Rights: 1.** Date entered: June 2, 1882. **2.** Case No.: Civil Action No. 1335. **3.** Court: Boulder County District Court. **4.** Type of water right: Direct flow. **5.** Legal description: The headgate of the Oligarchy Ditch is located on the north side of St. Vrain Creek in the SE¼, NE¼, Section 27, Township 3 North, Range 70 West, 6th P.M., Boulder County, Colorado, at a point whence the East one-quarter corner of said Section 27 bears S 27°26' E 560 feet more or less; the East line of the NE¼ of said Section 27 as bearings N 00°32'42" W with all bearings relative thereto. **6.** Source: St. Vrain Creek. **7.** Amount: 43.95 cfs, ABSOLUTE (Original-Priority No. 32); 98.65 cfs, ABSOLUTE (First Enlargement- Priority No. 42); 36.84 cfs, ABSOLUTE (Second Enlargement- Priority No. 48); 58.07 cfs, ABSOLUTE (Third Enlargement-Priority No. 59). (Total amount adjudicated to the Oligarchy Ditch. Applicant is claiming the right to change the amount associated with 0.75 shares.) **8.** Appropriation date: June 1, 1866 (Original-Priority No. 32); December 1, 1870 (First Enlargement- Priority No. 42); March 1, 1872 (Second Enlargement- Priority No. 48); April 1, 1874 (Third Enlargement-Priority No. 59). **9.** Decreed uses: Irrigation. **Storage Rights: 10.** Oligarchy Reservoir is owned by the Oligarchy Irrigation Company, a/k/a the Oligarchy Ditch Company. Oligarchy Reservoir has the following absolute storage rights decreed to it in the Boulder County District Court.

	Case No.	Adjudication Date	Appropriation Date	Amount (acre feet)
Original Decree	Civil Action No. 2409	3/22/1890	7/2/1889	1080
First Enlargement	Civil Action No. 4790	3/13/1907	3/31/1890	357.4
Second Enlargement	Civil Action No. 4790	3/13/1907	11/14/1892	386

Enlargement	No. 4790			
Third Enlargement	Civil Action No. 6673	6/1/1926	11/1/1911	306
Partial Refill	Civil Action No. 11715	7/23/1951	12/31/1929	272
Conditional Refill	Civil Action No. 11715	7/23/1951	12/31/1929	1858

11. Legal description: Oligarchy Reservoir is located in portions of Sections 25 and 26, Township 3 North, Range 70 West, 6th P.M., Boulder County Colorado. Water is delivered to the reservoir by the St. Vrain and Palmerton Ditch, also known as and referred to herein as the Palmerton Ditch. The Palmerton Ditch headgate is located on St. Vrain Creek in the N ½ of Section 20, Township 3 North, Range 70 West, 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 feet more or less; the North line of the NW ¼ of said Section 20 as bearing North 84° West with all bearings relative thereto. **12.** Source: St. Vrain Creek. **13.** Decreed uses: Irrigation. **14.** Historic use: The 0.75 share, together with a total of 8.6665 Oligarchy Irrigation Company shares irrigated approximately 107 acres generally located in the NW¼ of Section 7, Township 2 North, Range 68 West, 6th P.M., Boulder County, Colorado. **15.** Change of water right: The District seeks to change the use of 0.75 shares of Oligarchy Irrigation Company to include domestic, commercial, industrial, irrigation, recreation, fish and wildlife propagation, augmentation, replacement and exchange for use by the District anywhere within the District's boundaries as shown on the map attached as **EXHIBIT A**. **4. Statement of Plan for Augmentation: A.** The District will provide augmentation water for participating diversions, including augmentation of wells, pipelines, ponds, pumps and springs diverting tributary water for irrigation, stock watering, gravel mining, domestic and commercial uses within the boundaries of the District. The current participating diversions to be included in this augmentation plan are listed on **EXHIBIT B**. New participating diversions may be added pursuant to the terms in ¶C set forth below in this §4 within the area in **EXHIBIT A**. This area generally covers, and its plan is intended to apply principally to the valley of the St. Vrain Creek and its tributaries, North St. Vrain Creek, Middle St. Vrain Creek, South St. Vrain Creek and Left Hand Creek. **B.** The District will augment all consumptive use depletions from the structures included in this plan for augmentation described in §2, above from the sources described in §3, above. **C.** The District will provide augmentation water to replace all out-of-priority consumptive use depletions resulting from participating water users that have wells, ponds or other diversions located within the District from the sources described in §3 above. Those water users with out-of-priority depletions who wish to participate in this plan for augmentation must have their land on which the water is used and the depletions occur included within the boundaries of the District and obtain approval from the District and the Division Engineer. **D.** Basis for determining amount of replacement water required. **1.** Residential indoor use:

Year-Round Dwellings	80 gpcd	3 persons/dwelling	365 days/year	0.27 acre feet/year
Seasonal Dwellings	50 gpcd	3 persons/dwelling	100 days/year	0.05 acre feet/year

(Annual amounts to be divided into equal amounts each month.) **2.** Indoor consumptive use (applies to all types of indoor use, and based on sewage disposal system used):

Central Sewer Systems	5% of use
Leach Field Septic Systems	10% of use
Evapotranspiration Septic Systems	100% of use

3. Irrigation consumptive use: (Based on elevation corrected Blaney-Criddle analysis for bluegrass.)

Month	May	June	July	August	September	October	Total

Rate (in)	2.36	4.55	4.62	3.75	3.06	1.03	19.37
Rate (ft)	0.20	0.38	0.39	0.31	0.26	0.09	1.63
Per 1,000 sq. ft. (acre feet)	0.0046	0.0087	0.0090	0.0071	0.0060	0.0021	0.0375

4. Livestock: 12 gallons per head per day, 100% consumptive use. **5.** Pond water surface evaporation – Below 6,500 feet:

	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec	Total
Dist.	3%	3.5%	5.5%	9%	12%	14.5%	15%	13.5%	10%	7%	4%	3%	100%
Gross Evap (in)	1.14	1.33	2.09	3.42	4.56	5.51	5.70	5.13	3.80	2.66	1.52	1.14	38.00
Effective Precip (in)	0.08	0.27	0.81	1.19	1.64	1.31	0.77	0.83	0.94	0.60	0.49	0.20	9.12
Net Evap (in)	1.06	1.06	1.28	2.23	2.92	4.20	4.93	4.30	2.86	2.07	1.03	0.94	28.88
Per Acre (acre foot)	0.088	0.088	0.107	0.186	0.243	0.350	0.411	0.358	0.238	0.173	0.086	0.078	2.406

6. Pond water surface evaporation – Above 6,500 feet:

	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec	Total
Dist.	1%	3%	6%	9%	12.5%	15.5%	16%	13%	11%	7.5%	4%	1.5%	100%
Gross Evap (in)	0.35	1.05	2.10	3.15	4.38	5.42	5.60	4.55	3.85	2.63	1.40	0.52	35.00
Effective Precip (in)	0.30	0.45	0.67	1.13	1.46	1.24	1.54	1.36	0.88	0.64	0.50	0.38	10.55
Net Evap (in)	0.05	0.60	1.43	2.02	2.92	4.18	4.06	3.19	2.97	1.99	0.90	0.14	24.45
Per Acre (acre foot)	0.004	0.050	0.119	0.168	0.243	0.348	0.338	0.266	0.247	0.166	0.075	0.012	2.038

7. Replacement water requirements for other uses, including but not limited to commercial and industrial uses, will be on a case by case basis, as approved by the District and the State and Division Engineers. **APPLICATION FOR APPROPRIATIVE RIGHTS OF EXCHANGE Description of Exchanges: A.** Conditional Exchanges from Water Source to Water Source. **1.** Points of Exchange. **(a)** Copeland Reservoir. (Described in §3.A.) **(b)** Coffintop Reservoir. (Described in §3.B.) **(c)** Beaver Park Reservoir. (Described in §3.D.) **(d)** Green Lake Reservoir, a/k/a Red Deer Lake. (Described in §3.E.) **(e)** Rock'n W.P. Ranch, Lake No. 4. (Described in §3.F.) **(f)** Elliott Ponds, Nos. 1, 2 and 3 (a/k/a Golden Ponds Nos. 1, 2 and 3). (Described in §3.H.) **(g)** Longmont Supply Ditch Headgate. (Described in §3.J.) **(h)** Bonus Ditch Headgate. (Described in §3.K.) **(i)** Oligarchy Ditch Headgate. (Described in §3.L.) **2.** Water will be exchanged from each of the points of exchange listed in (e)-(i) to each of the points of exchange listed in (a)-(d). Water will be exchanged from each of the points of exchange listed in (f)-(i) to the point of exchange listed in (e). Water will also be exchanged from the point of exchange listed in (h) to the point of exchange listed in (f). Additionally, water will be exchanged to augment depletions located between the points of exchange listed in ¶1 above in this §5. **3.** Maximum Rate of Exchange (listed by upstream exchange points). **(a)** Copeland Reservoir: 20 cfs, CONDITIONAL. **(b)** Coffintop Reservoir: 20 cfs, CONDITIONAL. **(c)** Beaver Park Reservoir: 20 cfs, CONDITIONAL. **(d)** Green Lake Reservoir, a/k/a Red Deer Lake: 5 cfs, CONDITIONAL. **(e)** Rock'n W.P. Ranch, Lake No. 4: 20 cfs, CONDITIONAL. **(f)** Elliott Ponds, Nos. 1, 2 and 3: 0.23 cfs, CONDITIONAL. **4.**

Appropriation date: October 14, 1992. How appropriation was initiated: By approval of substitute supply plan by the State Engineer. **B.** Absolute Exchanges from Downstream Water Source to Upstream Depletions. **1.** Downstream Points of Exchange (exchanges to be operated from). **(a)** Rock'n W.P. Ranch, Lake No. 4. (Described in §3.F.) **(b)** Elliott Ponds, Nos. 1, 2 and 3 (a/k/a Golden Ponds Nos. 1, 2 and 3). (Described in §3.H.) **(c)** Longmont Supply Ditch Headgate. (Described in §3.J.) **(d)** Bonus Ditch Headgate. (Described in §3.K.) **(e)** Oligarchy Ditch Headgate. (Described in §3.L.) **2.** Water has been exchanged from each of the downstream points of exchange listed in ¶1(a)-(e) above in this §5 up North St. Vrain Creek and its tributaries to augment depletions at the following upstream points of exchange located along the identified tributaries of North St. Vrain Creek: **(a)** Buck Gulch, at a point generally located near the west section line of Section 31, Township 3 North, Range 73 West, 6th P.M., Boulder County, Colorado: 0.05 cfs, ABSOLUTE. **(b)** Rock Creek, at a point generally located near the south section line of Section 25, Township 3 North, Range 73 West, 6th P.M., Boulder County, Colorado: 0.07 cfs, ABSOLUTE. **(c)** Willow Creek, at a point generally located near the east section line of Section 26, Township 3 North, Range 73 West, 6th P.M., Boulder County, Colorado: 0.06 cfs, ABSOLUTE. **(d)** Fox Creek, at a point generally located near the north section line of Section 27, Township 3 North, Range 73 West, 6th P.M., Boulder County, Colorado: 0.04 cfs, ABSOLUTE. **(e)** Horse Creek, at a point generally located near the south section line of Section 11, Township 3 North, Range 73 West, 6th P.M., Boulder County, Colorado: 0.10 cfs, ABSOLUTE. **(f)** Cabin Creek, at a point generally located near the west section line of Section 12, Township 3 North, Range 73 West, 6th P.M., Boulder County, Colorado: 0.06 cfs, ABSOLUTE. **(g)** Roaring Fork Creek, at a point generally located near the west section line of Section 2, Township 3 North, Range 73 West, 6th P.M., Boulder County, Colorado: 0.01 cfs, ABSOLUTE. **(h)** Alpine Brook a tributary to Tahosa Creek, at a point generally located near the west section line of Section 27, Township 4 North, Range 73 West, 6th P.M., Larimer County, Colorado: 0.30 cfs, ABSOLUTE. **(i)** Dry Creek, at a point generally located near the west section line of Section 32, Township 3 North, Range 72 West, 6th P.M., Boulder County, Colorado: 0.01 cfs, ABSOLUTE. **3.** Appropriation date: October 14, 1992. How appropriation was initiated: Approval of substitute supply plan by the State Engineer. Date appropriation was completed: October 14, 1993. By operation of exchanges pursuant to the substitute supply plan. **4.** Proposed uses: After exchange, the water will be used in the District's plan for augmentation as described in §4 above. **5.** Names and Owners of Structures: **(a)** Copeland Reservoir. Applicant. **(b)** Coffintop Reservoir. See individuals identified on **EXHIBIT C**. **(c)** Beaver Park Reservoir. The Supply Irrigating Ditch Company, c/o Daniel R. Grant, 401 Main Street, Longmont, Colorado 80501 and Highland Ditch Company, c/o Jill A. Baty, 4309 State Highway 66, Longmont, Colorado 80504. **(d)** Green Lake Reservoir. Town of Mead, c/o Michael D. Friesen, Town Administrator, P.O. Box 626, Mead, Colorado 80542. **(e)** Lake No. 4. Applicant and County of Boulder, c/o Emy Brawley, Parks and Open Space Department, P.O. Box 471, Boulder, Colorado 80306. **(f)** Elliott Ponds: Applicant. **(g)** Left Hand Ditch. Left Hand Ditch Company, c/o Richard Behrmann, President, P.O. Box 229, Niwot, Colorado 80544. **(h)** Longmont Supply Ditch. The Longmont Supply Ditch Company, c/o Daniel R. Grant, 401 Main Street, Longmont, Colorado 80501. **(i)** Bonus Ditch. The Bonus Ditch Company, c/o Anne R. Hansen, 502 Weld County Road 20, Longmont, Colorado 80504. **(j)** Oligarchy Ditch and Oligarchy Reservoir. The Oligarchy Irrigation Company, c/o Daniel R. Grant, 157 Baylor Way, Longmont, Colorado 80503.

2002-CW-335 The Ground Water Management Subdistrict of the Central Colorado Water Conservancy District, 3209 West 28th Street, Greeley, Colorado 80631. Telephone: (970) 330-4540. Kim R. Lawrence, Lind, Lawrence & Ottenhoff, LLP, 1011 11th Avenue, Greeley, CO, 80631, (970)356-9160. Application for Approval of Plan of Augmentation in Adams, Larimer, Morgan and Weld Counties. 2. Name of Structures to Be Augmented: See list of wells in Table 1. The plan is also intended to augment any replacement well or alternate point of diversion well authorized in connection with one of the listed wells. The plan will not be limited to these wells as the Subdistrict is allowed by statute to include additional lands and wells, but such inclusions will only be made in accordance with statute and Subdistrict policy. All wells must be within the boundaries of the Subdistrict. To the extent the Court determines any amendment to this plan is necessary to include other wells, such amendments will be filed.

Table 1

WELL No	PERMIT No	CASE No	APPROP	ADJUD	QTR40	QTR160	SEC	TNP	RNG	FLOW

WELL No	PERMIT No	CASE No	APPROP	ADJUD	QTR40	QTR160	SEC	TNP	RNG	FLOW
101	6124	W-4526	10/1/39	6/26/72	SE	SW	29	02N	66W	1.35
201	49856F	85CW082	10/17/74	3/18/85	NW	SE	27	01S	67W	3.80
501	12159	W-1860	6/1/39	1/26/72	NE	NE	2	02S	67W	0.33
502	12160	W-1860	6/1/44	1/26/72	NE	NE	2	02S	67W	0.49
801	11117	W-399	8/31/54	12/18/70	NW	SE	33	05N	65W	3.33
802	11118	W-399	4/30/57	12/18/70	NE	SE	33	05N	65W	3.33
1001	7169	W-2596	6/30/54	5/9/72	SW	NE	31	05N	63W	2.22
1101	2526F	W-471	6/1/60	1/21/71	SW	SE	22	04N	66W	1.50
1201	RF1031	W-1813	3/31/38	1/11/72	SW	SW	25	01N	65W	1.22
1202	11876F	W-1813	3/31/44	1/11/72	SE	SW	25	01N	65W	1.44
1203	11877F	W-1813	4/24/57	1/11/72	SW	SW	25	01N	65W	1.22
1204	5896F	W-1813	7/23/64	1/11/72	SE	SW	25	01N	65W	1.60
1301	1364	W-2694	7/31/53	5/16/72	NE	NE	24	01S	67W	1.61
1401	587	W-1014	4/30/32	5/19/71	SE	NW	6	04N	65W	1.52
1501	12259F	W-5231	12/3/69	6/29/72	NW	SW	18	01N	66W	0.66
1601	13502	W-2727	7/31/34	5/18/72	SW	NE	24	01N	65W	1.56
1602	13503	W-2727	3/31/51	5/18/72	SW	NE	24	01N	65W	2.80
1603	13504	W-2727	4/30/55	5/18/72	SW	SE	13	01N	65W	1.33
1701	0211	W-4787	6/20/37	6/27/72	NW	NW	6	04N	65W	2.78
1901	6286	W-4777	7/1/54	6/27/72	NW	SE	30	01S	66W	0.55
2101	8302	W-158	5/31/20	7/10/70	NW	SE	7	04N	66W	4.44
2201	12041	W-3301	4/30/54	6/7/72	SW	SE	11	04N	65W	2.67
2301	12044	W-3303	2/28/57	6/7/72	SE	NE	23	04N	65W	2.66
2401	12042	W-3300	6/21/51	6/7/72	SE	NE	22	04N	65W	2.22
2402	12043	W-3300	6/21/43	6/7/72	NE	NE	22	04N	65W	2.70
2403	12045	W-3302	3/31/55	6/7/72	SE	SE	15	04N	65W	3.22
2404	031779	91-CW-086	3/31/55	6/7/72	SW	SE	15	04N	65W	3.22
2501	12838	W-2049	2/5/54	3/2/72	NW	SW	20	01N	65W	1.78
2601	1587	W-6405	4/30/40	6/30/72	NW	NE	13	04N	66W	2.22
2602	1588	W-6405	4/30/55	6/30/72	SW	NE	13	04N	66W	2.50
2701	RF620	W-4668	3/25/64	6/27/72	NW	NE	4	02N	65W	2.22
2702	RF619	W-4668	6/30/52	6/27/72	NW	NE	9	02N	65W	2.67
2901	13203	94-CW-080	1/1/46	6/8/94	NW	SE	11	01S	66W	2.22
3001	12596	W-366	3/3/56	11/24/70	NE	NE	19	02N	66W	2.40
3101	10805	W-4905	4/18/49	6/28/72	NE	NE	24	03N	67W	2.22
3102	11167	W-736	6/30/54	3/19/71	SE	SE	13	03N	67W	2.00
3201	2498F	W-4253	4/11/60	6/23/72	SW	SW	19	04N	59W	3.33
3202	24685F	W-4263	4/11/60	6/23/72	NW	NW	19	04N	59W	2.22
3301	12595	W-3330	8/31/35	6/8/72	SW	NW	25	03N	67W	2.08
3302	04109F	W-3330	5/10/63	6/8/72	SW	NW	25	03N	67W	2.84
3501	13517	W-4453	4/15/34	6/26/72	NE	SE	25	02N	65W	0.80

WELL No	PERMIT No	CASE No	APPROP	ADJUD	QTR40	QTR160	SEC	TNP	RNG	FLOW
3502	3614P	W-4453	5/28/62	6/26/72	NE	SE	25	02N	65W	1.03
3601	5739-F	W-569	6/20/64	2/17/71	NW	SE	35	02N	67W	0.96
3801	10432	W-2607	4/30/33	5/10/72	NW	SE	32	02N	65W	1.56
3802	10433	W-2607	4/30/55	5/10/72	NE	SE	32	02N	65W	1.43
3901	8997F	W-1660	8/25/58	12/7/71	NW	NW	36	04N	66W	1.78
3902	43325-F	93-CW-108	2/2/65	12/7/71	SE	NW	36	04N	66W	1.56
4001	11095F	W-700	6/13/66	3/15/71	NE	NE	35	04N	66W	0.44
4101	14603	W-4371	6/30/45	6/23/72	SW	NE	23	04N	60W	3.56
4201	7117	W-3177	6/30/32	6/6/72	SW	SE	12	01N	65W	1.60
4202	7118	W-3177	9/30/50	6/6/72	SW	SE	12	01N	65W	0.90
4401	6371	W-6261-79	6/13/41	6/30/72	SE	SE	36	04N	67W	1.78
4402	6372	W-6261-79	6/30/54	6/30/72	SE	SE	36	04N	67W	2.04
4403	6373	W-6261-79	6/30/16	6/30/72	NE	SE	36	04N	67W	2.48
4501	6904	W-351	3/20/65	11/13/70	SE	NE	9	04N	65W	2.20
4601	8736	W-577	7/31/32	2/18/71	SW	SW	4	04N	65W	1.55
4602	8737	W-577	7/31/54	2/18/71	SW	SW	4	04N	65W	2.67
4701	1-20389	W-543	8/1/53	2/8/71	NW	NW	26	05N	64W	2.66
4702	2-20389	W-543	6/1/54	2/8/71	NW	NW	26	05N	64W	3.11
4801	13451	W-4971	5/30/51	6/28/72	SE	NE	15	04N	64W	1.76
4802	10798	W-4971	5/1/66	6/28/72	SE	NE	15	04N	64W	2.00
4901	12610	W-1843	3/31/55	1/21/72	SE	NE	34	04N	65W	1.78
4902	12609	W-1843	12/31/38	1/21/72	NW	NE	34	04N	65W	2.11
5001	12683	W-190	6/30/35	8/18/70	NW	NE	32	02N	65W	2.44
5101	4494	W-536	7/5/44	2/8/71	SW	NE	27	04N	65W	4.96
5401	12066	W-3338	4/1/28	6/8/72	SE	NE	13	01S	67W	0.67
5601	11493	W-2126	8/30/38	3/15/72	SW	NW	36	04N	67W	2.00
5602	11494	W-2126	9/30/48	3/15/72	SW	NW	36	04N	67W	1.67
6301	13842	W-1204	12/31/38	6/28/71	SW	NE	35	01S	67W	1.33
6302	13844	W-1204	12/31/46	6/28/71	SW	NE	35	01S	67W	1.33
6401	1523	W-234	5/31/55	9/1/70	SE	SE	30	05N	65W	1.11
6402	1522	W-234	3/31/34	9/1/70	SW	SE	30	05N	65W	0.88
6501	8673	W-598	8/31/50	2/23/71	SW	SE	11	04N	64W	1.84
6502	8674	W-598	9/30/56	2/23/71	SW	SE	11	04N	64W	2.00
6601	RF342	W-387	4/10/29	12/7/70	SE	NE	1	03N	67W	1.78
6602	7026	W-387	5/4/53	12/7/70	SE	NE	1	03N	67W	2.23
6701	11214	W-826	5/31/40	4/2/71	SE	NW	17	01N	66W	0.78
6702	11215	W-826	8/31/55	4/2/71	SE	NW	17	01N	66W	0.78
6703	11384	W-826	12/31/40	4/2/71	NW	SW	17	01N	66W	2.12
6801	13626	W-253	12/31/30	9/16/70	SW	NW	36	04N	67W	2.44

WELL No	PERMIT No	CASE No	APPROP	ADJUD	QTR40	QTR160	SEC	TNP	RNG	FLOW
6901	0169	W-1602	7/31/55	11/15/71	NW	SE	24	04N	66W	2.22
7001	0883	W-1666	7/23/40	12/8/71	SE	SW	10	04N	66W	2.00
7002	0884	W-1666	7/10/53	12/8/71	SE	SW	10	04N	66W	2.00
7101	11150F	W-1665	3/15/44	12/8/71	SW	NW	27	04N	66W	2.22
7301	CROWLEY #1	W-1920	12/31/38	2/9/72	SW	SE	11	04N	67W	1.33
7601	NO. E	W-8255-76	3/5/23	5/25/76	SE	SE	32	01S	66W	0.03
7602	NO. F	W-8255-76	3/5/23	5/25/76	SE	SE	32	01S	66W	0.03
7603	NO. G	W-8255-76	3/5/23	5/25/76	SE	SE	32	01S	66W	0.03
7604	NO. H	W-8255-76	3/5/23	5/25/76	SE	SE	32	01S	66W	0.03
7605	NO. I	W-8255-76	3/5/23	5/25/76	SE	SE	32	01S	66W	0.03
7606	NO. J	W-8255-76	3/5/23	5/25/76	SE	SE	32	01S	66W	0.03
7607	NO. K	W-8255-76	3/5/23	5/25/76	SE	SE	32	01S	66W	0.03
7608	NO. L	W-8255-76	3/5/23	5/25/76	SE	SE	32	01S	66W	0.03
7609	NO. M	W-8255-76	3/5/23	5/25/76	SE	SE	32	01S	66W	0.03
7610	NO. N	W-8255-76	3/5/23	5/25/76	SE	SE	32	01S	66W	0.03
7611	NO. O	W-8255-76	3/5/23	5/25/76	SE	SE	32	01S	66W	0.03
7612	NO. P	W-8255-76	3/5/23	5/25/76	SE	SE	32	01S	66W	0.03
7613	NO. Q	W-8255-76	3/5/23	5/25/76	SE	SE	32	01S	66W	0.03
7614	2-11411-F	W-8255-76	3/5/23	5/25/76	SE	SE	32	01S	66W	1.12
8001	R-962	W-3982	9/20/19	6/20/72	NW	NW	20	01N	66W	1.25
8101	20582	W-2784	4/30/53	3/25/71	SE	SW	17	01N	66W	1.66
8102	6418F	W-2784	5/22/44	5/22/72	SW	SW	17	01N	66W	2.66
8201	8303	W-158	7/31/50	7/10/70	SW	NE	4	04N	66W	6.11
8202	8304	W-158	6/30/52	7/10/70	SW	NE	4	04N	66W	6.11
8401	8717	W-1239	8/31/52	6/30/71	SW	NE	17	02N	65W	2.00
8601	1512	W-5185	4/30/55	6/28/72	NW	NE	1	04N	64W	1.60
8701	3423F	W-4967	5/24/62	6/28/72	SW	SE	33	03N	65W	1.78
8702	15036	W-4967	5/1/40	6/28/72	SE	SE	33	03N	65W	1.89
8901	4404	W-874	7/31/48	4/16/71	SE	NE	23	04N	66W	1.00
8902	4405	W-874	7/31/54	4/16/71	NE	NE	23	04N	66W	2.44
8903	4403	W-874	9/30/25	4/16/71	SE	NE	23	04N	66W	1.12
8904	04262F	W-874	6/30/63	4/16/71	NE	NE	23	04N	66W	2.34
9001	13157	W-4372	6/14/51	6/23/72	SE	SE	26	02N	65W	1.78
9101	11178	W-6039	6/30/57	6/30/72	NW	NE	19	01N	65W	2.77
9201	12045	W-3302	3/31/55	6/7/72	SE	SE	15	04N	65W	3.22
9301	8946	W-6281	6/25/58	6/30/72	SW	SW	11	04N	66W	2.40
9302	19926	W-6281	10/31/28	6/30/72	SW	SE	11	04N	66W	1.80
9401	R12495RF	W-1932	12/31/38	2/11/72	SW	NE	19	05N	63W	1.78
9402	12494R	W-1932	9/21/37	2/11/72	NW	NE	19	05N	63W	2.00
9501	R12495RF	W-1932	12/31/38	2/11/72	SW	NE	19	05N	63W	1.78
9502	12494R	W-1932	9/21/37	2/11/72	NW	NE	19	05N	63W	2.00

WELL No	PERMIT No	CASE No	APPROP	ADJUD	QTR40	QTR160	SEC	TNP	RNG	FLOW
9601	R12495RF	W-1932	12/31/38	2/11/72	SW	NE	18	05N	63W	1.78
9602	12494R	W-1932	9/21/37	2/11/72	NW	NE	19	05N	63W	2.00
9701	5914	W-1215	6/30/37	5/5/72	SE	NW	23	04N	64W	2.22
9702	5915	W-1215	7/31/55	5/5/72	SE	NW	23	04N	64W	2.22
9703	12500	W-1726	6/30/34	12/23/71	SW	NE	22	04N	64W	2.00
9704	8914RF	W-1726	5/30/58	12/23/71	SW	NE	22	04N	64W	1.79
9801	1R70	83-CW-39	5/31/32	3/10/71	SW	SW	11	02N	65W	1.78
9901	0420	W-5205	8/1/46	6/29/72	SW	NW	36	01S	67W	0.89
9902	0421	W-5205	8/1/51	6/29/72	SE	NW	36	01S	67W	0.33
10001	0425	W-2571	6/20/42	5/8/72	SE	SW	25	04N	60W	3.11
10201	5746F	W-5487	7/1/64	6/29/72	SE	NE	24	02N	67W	2.67
10401	12008F	W-4180	7/20/62	6/22/72	NW	NW	12	02S	67W	0.22
10402	4255F	W-4180	6/19/63	6/22/72	NW	NW	12	02S	67W	0.22
10403	2601F	W-4180	6/9/60	6/22/72	SW	NW	12	02S	67W	0.20
10404	8896F	W-4180	6/7/58	6/22/72	NW	SW	12	02S	67W	0.11
10405	56840	W-4180	7/22/58	6/22/72	NW	SW	12	02S	67W	0.11
10406	56841	W-4180	3/9/54	6/22/72	NW	SW	12	02S	67W	0.11
10601	013699F	W-4940	6/20/30	6/28/72	NE	SW	19	01N	66W	1.33
10701	5890	W-847	6/22/29	4/7/71	SE	NW	19	01N	66W	0.56
10702	5889	W-847	6/22/25	4/7/71	SE	NW	19	01N	66W	0.56
10901	1628	W-844	9/22/38	3/29/71	SW	SE	25	01S	67W	1.00
11101	12426	W-5880	8/4/47	6/30/72	SE	SE	11	01S	66W	1.10
11201	QUICK WELL1	W-745	6/22/27	3/22/71	SW	NE	13	01S	67W	0.55
11301	5281F	W-4463	6/20/64	6/26/72	SE	SE	1	02N	65W	2.22
11302	1531	W-4463	3/28/60	6/26/72	NE	SW	1	02N	65W	2.22
11303	5283F	W-4463	3/16/64	6/26/72	SE	NW	1	02N	65W	1.65
11304	5282F	W-4463	3/30/64	6/26/72	SW	NE	1	02N	65W	1.90
11401	5187F	W-389	4/24/64	12/9/70	SE	NE	29	02N	65W	2.75
11402	8319	W-389	12/5/57	12/9/70	NE	NE	29	02N	65W	1.75
11403	8318	W-389	4/24/47	12/9/70	NE	NE	29	02N	65W	1.25
11501	1770	W-1125	3/27/47	6/15/71	NW	SE	29	02N	65W	2.33
11601	R06427	W-635	10/30/47	3/2/71	NE	SW	30	03N	64W	2.45
11701	7122	W-3499	6/30/39	6/12/72	SW	SW	19	01N	65W	1.64
11801	15285	W-846	5/9/49	4/7/71	NW	SW	18	03N	66W	1.00
11901	6400F	W-2784	11/10/64	5/22/72	N	NW	25	01N	67W	1.22
11902	13320F	W-2784	12/31/32	5/22/72	N	NW	25	01N	67W	0.27
12001	11689	W-987	12/31/38	5/11/71	SW	SE	22	04N	64W	2.00
12101	5847	W-354	6/30/34	6/23/70	SW	NW	26	04N	64W	1.78
12102	5848	W-354	7/31/55	6/23/70	SW	NW	26	04N	64W	2.45

WELL No	PERMIT No	CASE No	APPROP	ADJUD	QTR40	QTR160	SEC	TNP	RNG	FLOW
12201	11834	W-3686	4/30/50	6/15/72	NE	SE	14	04N	66W	2.08
12202	11830	W-3686	4/30/20	6/15/72	SW	SE	14	04N	66W	2.67
12301	11831	W-3686	3/31/41	6/15/72	NW	NW	13	04N	66W	1.42
12302	11832	W-3686	12/31/45	6/15/72	SW	SW	18	04N	65W	2.45
12303	11833	W-3686	1/31/50	6/15/72	SE	SE	13	04N	66W	1.78
12401	RF97	W-1316	7/31/32	7/20/71	SE	NW	32	01N	66W	1.33
12501	1200	W-316	7/31/54	10/29/70	SW	NW	23	05N	65W	1.89
12701	10743	W-592	12/31/55	2/22/71	SW	NE	5	01N	65W	2.22
12702	10744	W-592	12/31/38	2/22/71	NE	NE	5	01N	65W	1.55
12703	ALTERNATE	W-7322	2/27/73	10/31/78	SW	NE	5	01N	65W	0.11
12801	12972	W-196	7/29/55	8/25/70	SW	NW	20	05N	64W	3.22
12901	12735	W-487	8/31/35	1/28/71	SW	SW	17	05N	64W	2.62
13001	6334F	W-6454	6/30/50	6/30/72	SE	NE	27	04N	65W	2.33
13201	013670F	W-3016	9/21/46	5/31/72	NE	SE	9	02S	67W	0.67
13301	11158	W-1399	4/30/47	8/26/71	NW	SE	19	01N	65W	2.44
13901	R12672RF	W-1688	5/3/26	12/15/71	NW	NW	1	02S	67W	0.22
14201	1-19923	W-557	12/31/29	2/16/71	SW	SE	15	04N	66W	1.67
14202	2-19923	W-557	12/31/09	2/16/71	NW	SE	15	04N	66W	2.67
14301	11373	W-2682	12/31/31	5/15/72	SE	NW	14	04N	66W	2.22
14302	4819F	W-2682	12/31/37	5/15/72	NW	SE	10	04N	66W	1.86
14303	11375	W-2682	11/27/54	5/15/72	NW	SE	10	04N	66W	2.66
14401	13979	W-597	12/31/28	9/30/71	SW	NW	14	04N	66W	2.22
14402	13980	W-597	8/31/46	9/30/71	SW	NE	14	04N	66W	2.22
14501	013669F	W-5305	12/31/40	6/29/72	SE	NW	3	02S	67W	1.05
14701	15879	W-1450	7/13/54	9/24/71	SW	SE	1	04N	64W	1.51
15201	16144	W-2022	4/1/31	2/29/72	SE	SW	26	05N	65W	1.33
15501	5004F	W-1476	1/30/64	10/4/71	NW	SE	36	04N	60W	2.45
15502	6043	W-1476	4/30/42	10/4/71	SW	SE	36	04N	60W	2.78
15801	C-14466	W-3223	6/30/42	6/6/72	SW	SE	23	04N	60W	3.12
15802	D-13929	W-3223	7/20/50	6/6/72	SE	NW	23	04N	60W	2.67
15901	015417F	W-624	5/31/22	3/1/71	SW	SW	5	01N	66W	1.44
16001	015418F	W-624	7/31/54	3/1/71	SW	SW	5	01N	66W	2.00
16101	11828	W-862	6/30/50	4/12/71	NE	NW	8	01N	66W	1.33
16102	11829	W-862	5/25/55	4/12/71	NE	NW	8	01N	66W	2.22

WELL No	PERMIT No	CASE No	APPROP	ADJUD	QTR40	QTR160	SEC	TNP	RNG	FLOW
16201	013412F	W-441	5/31/43	12/30/70	NW	NW	18	01N	64W	2.67
16301	5886	W-465	12/31/43	1/18/71	NW	NE	12	04N	64W	1.56
16302	5885	W-465	6/10/58	1/18/71	SW	NE	12	04N	64W	2.44
16303	6835	W-465	3/23/65	1/18/71	SE	NE	12	04N	64W	2.22
16601	10476	W-7481	7/17/51	9/19/73	SE	NE	17	04N	66W	1.34
16602	10475	W-7481	6/13/46	9/19/73	NE	NE	17	04N	66W	1.41
16701	0738R	W-2342	12/31/29	4/12/72	SW	NW	17	04N	66W	1.44
16702	0739RR	W-2342	9/30/56	4/12/72	SW	NW	17	04N	66W	1.17
16703	15094R	W-2342	7/3/57	4/12/72	SW	NW	17	04N	66W	2.22
16901	6229	W-752	4/30/55	3/23/71	NW	SW	36	02N	67W	2.44
17001	13473	W-625	12/31/54	3/1/71	SE	NE	8	01N	66W	0.89
17002	13474	W-625	12/31/55	3/1/71	SE	NE	8	01N	66W	0.89
17201	6428	W-2070	5/3/56	3/6/72	SW	SW	13	04N	60W	2.00
17202	7177	W-2070	6/17/49	3/6/72	SE	SW	13	04N	60W	2.66
17203	5947	W-2070	6/24/53	3/6/72	SE	SE	13	04N	60W	2.67
17204	6058	W-2070	6/5/46	3/6/72	NW	NW	24	04N	60W	2.41
17301	4360F	W-2220	12/31/34	3/27/72	SW	NW	25	01N	65W	1.11
17401	13458	W-1721	6/30/38	12/22/71	NE	NW	30	01N	65W	1.78
17501	2628F	W-3723	6/23/60	6/16/72	NW	NW	4	01N	65W	1.44
17502	0471	W-3723	7/29/59	6/16/72	NW	NW	4	01N	65W	2.63
17503	0472	W-3723	6/23/66	6/16/72	SW	SW	33	02N	65W	1.11
17504	3500F	W-3723	3/27/62	6/16/72	SW	SW	33	02N	65W	1.95
17601	13710	W-1902	4/30/33	2/4/72	SW	NW	5	03N	66W	2.20
17602	13711	W-1902	5/31/55	2/4/72	NW	SW	5	03N	66W	2.22
17603	13712	W-1902	5/31/45	2/4/72	NW	SW	5	03N	66W	1.50
17604	13713	W-1902	6/30/56	2/4/72	SW	NW	5	03N	66W	1.30
17605	13714	W-1902	4/30/53	2/4/72	NW	NW	5	03N	66W	2.22
17606	13515	W-1902	5/31/44	2/4/72	SW	NE	6	03N	66W	2.22
17607	13516	W-1902	5/31/46	2/4/72	SW	NE	6	03N	66W	2.22
17608	13517	W-1902	4/30/50	2/4/72	SW	NE	6	03N	66W	2.22
17701	0557	W-707	5/3/55	3/17/71	NW	SW	8	01N	66W	0.90
17801	2461F	W-2226	1/25/60	3/28/72	SE	NE	30	04N	59W	3.67
17901	9004F	W-274	4/25/65	12/13/70	NE	NW	8	01N	65W	2.22
18001	RF542	W-488	3/18/68	1/28/71	SE	NW	29	01N	66W	2.22
18101	11521	W-363	5/1/45	11/20/70	SE	NE	28	04N	60W	3.00
18201	11521	W-363	5/1/45	2/23/71	SE	NE	28	04N	60W	3.00
18401	22231F	W-8299-77	7/23/76	11/8/77	NW	NE	31	04N	59W	2.45
18501	13072	W-182	6/30/50	8/13/70	SE	SE	10	04N	64W	1.78

WELL No	PERMIT No	CASE No	APPROP	ADJUD	QTR40	QTR160	SEC	TNP	RNG	FLOW
18601	12172	W-673	6/30/51	3/10/71	NE	SW	13	02N	65W	2.00
18602	12173	W-673	4/30/55	3/10/71	NW	SW	13	02N	65W	1.11
18701	15457	W-2490	5/30/32	5/1/72	SE	SW	13	03N	67W	1.78
18702	15458	W-2490	5/30/52	5/1/72	NE	SW	13	03N	67W	2.00
18703	15458RF	W-2490	4/30/56	5/1/72	NE	SW	13	03N	67W	1.11
18801	10472	W-1063	5/31/54	6/3/71	SW	NW	30	02N	64W	0.89
18802	10471	W-1063	5/31/51	6/3/71	SW	NW	30	02N	64W	0.89
18901	RF487	W-3494	6/9/68	6/12/72	SW	NE	21	02N	65W	0.66
19001	12791	W-6061	8/10/25	6/30/72	SW	SW	28	04N	66W	2.22
19101	0427	W-6801	2/26/53	7/3/72	SE	SW	30	04N	59W	3.56
19201	7601	W-584	6/30/57	2/19/71	SW	SW	1	02S	65W	2.00
19301	14269	W-1844	6/30/49	1/21/72	SE	SE	13	03N	67W	2.89
19401	RF1172	W-1844	6/30/49	1/21/72	SE	SE	13	03N	67W	2.89
19501	2380	91-CW-120	12/11/59	2/25/72	NW	SE	12	02N	65W	2.89
19601	2281F	W-1998	9/3/59	2/25/72	SE	SW	12	02N	65W	2.66
19701	4901	W-2057	4/30/64	3/3/72	NW	NW	14	02N	65W	1.89
19801	6611F	91-CW-120	12/23/64	2/25/72	SW	NW	13	02N	65W	1.22
19802	2044F	91-CW-120	6/11/54	2/25/72	SW	NW	13	02N	65W	1.56
19803	6391	91-CW-120	11/21/58	2/25/72	SW	NW	13	02N	65W	1.67
19901	03150F	W-1998	5/8/61	2/25/72	SW	NW	14	02N	65W	1.50
19902	11038	W-1998	6/30/38	2/25/72	SE	NE	15	02N	65W	1.56
20001	1305	W-672	11/14/56	3/10/71	SE	SE	11	02N	65W	2.00
20002	10671F	W-672	4/30/66	3/10/71	NW	NE	11	02N	65W	1.55
20101	CP10066	W-1742	6/21/65	12/28/71	NE	SE	6	02S	66W	0.89
20201	1901	W-479	12/31/26	9/1/71	SE	NW	18	01S	66W	1.22
20301	1920	W-478	12/31/34	8/20/71	NE	SW	18	01S	66W	1.67
20401	1905	W-479	5/31/55	9/1/71	NE	SW	18	01S	66W	1.67
20701	15119	W-2434	12/31/15	4/24/72	SE	SE	34	01S	67W	1.54
20801	6179	W-675	3/31/51	3/10/71	NW	NW	18	04N	65W	2.50
20802	6288	W-675	8/31/39	3/10/71	NW	NW	18	04N	65W	1.38
20901	10898	W-2924	11/28/38	5/26/72	SE	SW	35	01S	67W	2.55
20902	10899	W-2924	6/1/40	5/26/72	SW	SW	35	01S	67W	1.94
21001	04030F	W-1166	6/22/55	6/23/71	NW	SE	33	05N	64W	0.67
21101	10745-F	W-4958	5/5/66	6/28/72	SE	NE	1	02N	68W	0.45
21201	10677	W-1840	3/31/57	1/20/72	SE	SE	22	04N	64W	2.00
21301	12726	W-1448	7/29/29	9/23/71	SW	SE	26	05N	65W	1.63
21501	1787	W-695	12/31/35	3/12/71	SE	SE	32	05N	63W	3.49

WELL No	PERMIT No	CASE No	APPROP	ADJUD	QTR40	QTR160	SEC	TNP	RNG	FLOW
21601	10104	W-564	4/24/54	2/16/71	NW	SW	33	05N	63W	2.75
21701	10711	W-1286	5/31/57	7/7/71	SE	NE	15	03N	67W	2.44
21702	10712	W-1286	7/31/38	7/7/71	SE	NE	15	03N	67W	2.22
21801	12248F	W-4787	6/20/34	6/27/72	SE	NW	6	04N	65W	0.53
21901	12017	W-2334	8/30/36	4/12/72	NW	SE	18	05N	64W	1.34
22001	5972	W-1964	7/31/51	2/17/72	NW	SE	30	03N	64W	2.66
22002	5973	W-1964	3/8/55	2/17/72	SE	NW	30	03N	64W	2.22
22003	9131F	W-1964	4/14/65	2/17/72	SW	NE	30	03N	64W	2.22
22101	15360	W-634	5/31/56	3/2/71	SE	SE	27	04N	66W	2.23
22201	13697	W-959	12/31/20	5/6/71	SW	NW	7	01N	66W	1.55
22202	13698	W-959	12/31/25	5/6/71	SW	NW	7	01N	66W	1.11
22203	2216F	W-959	12/31/59	5/6/71	SW	NW	7	01N	66W	1.55
22204	13699	W-959	12/31/25	5/6/71	SW	SW	6	01N	66W	1.67
22205	13700	W-959	12/31/20	5/6/71	NW	SW	6	01N	66W	1.67
22206	20098	W-1325	12/31/50	7/23/71	NE	NW	7	01N	66W	1.82
22207	5923F	W-1325	7/24/64	7/23/71	NE	NW	7	01N	66W	1.78
22301	10949	W-3720	8/31/54	6/16/72	NE	NW	1	01S	67W	1.88
22401	JORDAN #1	W-8140-76	7/2/55	1/30/76	NW	SE	21	04N	68W	1.54
22501	11651	W-879	12/31/33	4/19/71	SW	SE	13	05N	65W	2.44
22601	RF806	W-1218	6/15/54	6/29/71	SW	NE	2	04N	64W	1.89
22701	11611	W-2236	12/31/39	3/29/72	NE	SW	18	05N	64W	2.44
22901	1138	W-385	5/15/53	12/2/70	NW	SW	13	04N	66W	2.55
23001	13159F	W-490	6/1/54	1/28/71	SE	NW	4	04N	65W	3.00
23101	15261	W-2048	12/31/39	3/2/72	SE	SW	11	04N	65W	3.34
23201	23226F	W-4909	9/20/43	6/28/72	NE	SE	25	02N	65W	0.58
23601	15017	W-4817	3/15/54	6/27/72	SW	SE	17	01N	65W	3.33
23701	13459	W-1721	4/30/54	12/22/71	NW	NW	30	01N	65W	2.00
23901	14541	W-2200	3/31/36	3/22/72	SE	SW	36	04N	67W	2.10
23902	14542	W-2200	3/31/51	3/22/72	SW	SW	36	04N	67W	2.10
24301	0208	W-4714	5/10/55	6/27/72	SE	SW	21	04N	66W	2.88
24302	0207	W-4714	6/20/40	6/27/72	SE	SW	21	04N	66W	2.45
24601	04281	83-CW-152	7/10/63	4/26/72	NE	SE	15	05N	65W	0.67
24801	6379	W-5322	6/27/55	6/29/72	SW	SE	24	02N	65W	1.78
24802	15982	W-5322	6/30/55	6/29/72	SW	SE	24	02N	65W	1.44
24901	0249	W-357	11/15/41	11/18/70	NW	NE	8	04N	66W	3.10

WELL No	PERMIT No	CASE No	APPROP	ADJUD	QTR40	QTR160	SEC	TNP	RNG	FLOW
24902	0250	W-357	5/20/54	11/18/70	NW	NE	8	04N	66W	4.40
25101	14692	W-2337	5/20/40	4/12/72	SE	SE	6	04N	66W	2.00
25201	R12065	W-1009	12/31/37	5/18/71	NW	SW	6	04N	66W	2.66
25301	11407	W-571	2/27/23	2/17/71	NW	SE	7	04N	66W	4.66
25401	15861	W-226	12/31/30	1/6/71	SE	NW	1	02N	67W	2.00
25501	14716	W-765	6/30/56	3/25/71	SW	NE	16	04N	66W	2.67
25502	14717	W-765	3/31/50	3/25/71	SW	NE	16	04N	66W	2.45
25503	14718	W-765	6/30/44	3/25/71	SW	NE	16	04N	66W	1.77
25601	0630	W-2388	5/30/42	4/18/72	NE	NW	28	04N	66W	2.00
25602	0631	W-2388	5/30/54	4/18/72	SW	NW	28	04N	66W	2.65
25603	0632	W-2388	5/30/53	4/18/72	NE	SW	28	04N	66W	2.00
25604	6132	W-2388	12/31/42	4/18/72	SW	SW	28	04N	66W	1.65
25605	CWCB644	W-2388	5/12/55	4/18/72	NE	SW	28	04N	66W	2.22
25701	04218F	W-1956	6/1/63	2/16/72	SE	SW	4	03N	66W	0.58
25901	11871	W-965	6/17/54	5/7/71	SW	NE	11	01N	65W	1.20
26001	0476	W-1319	7/29/37	7/21/71		NW	21	04N	66W	2.72
26101	13959	W-657	12/31/31	3/8/71	SW	SW	21	04N	66W	2.70
26201	11687	W-657	12/31/24	3/8/71	SW	NW	21	04N	66W	2.22
26202	11688	W-657	12/31/52	3/8/71	SW	NW	21	04N	66W	2.22
26301	0752	W-519	5/31/50	2/1/71	SW	SE	35	03N	67W	2.66
26302	0753	W-519	10/31/56	2/1/71	SW	SE	35	03N	67W	2.66
26601	20492	W-2582	5/12/36	5/8/72	SW	SW	30	01N	65W	2.14
26801	12389	W-4800	5/30/56	6/27/72	SW	NW	12	01N	65W	1.23
26802	12388	W-4800	5/30/54	6/27/72	SE	NW	12	01N	65W	1.83
26803	12387	W-4800	5/31/56	6/27/72	SE	NW	12	01N	65W	1.11
26804	12386	W-4800	6/30/55	6/27/72	SE	NW	12	01N	65W	1.83
27001	12191	W-2312	6/7/54	4/10/72	SE	SW	15	04N	64W	2.22
27101	10894	W-4826	12/31/33	6/27/72	NW	SW	36	01S	67W	0.67
27201	2372F	W-2384	12/4/59	4/18/72	NE	SW	12	01S	65W	1.11
27202	2074F	W-2384	1/31/59	4/18/72	SW	SW	12	01S	65W	1.11
27203	17884	W-2384	12/31/47	4/18/72	SE	SE	11	01S	65W	1.56
27301	6037F	W-3224	9/15/64	6/8/72	NE	NE	20	02S	67W	0.67
27302	UNREG	W-3226	12/31/42	6/6/72	NE	SE	20	02S	67W	1.30
27901	0183	W-6079	4/30/54	6/30/72	NE	SW	23	01S	66W	5.11
28001	9386F	W-5030	10/31/44	6/28/72	SE	SE	27	04N	64W	1.67

WELL No	PERMIT No	CASE No	APPROP	ADJUD	QTR40	QTR160	SEC	TNP	RNG	FLOW
28002	11999	W-5030	7/28/55	6/28/72	SE	SE	27	04N	64W	1.44
28101	0132	W-679	7/7/36	3/10/71	SE	NE	30	01N	65W	2.66
28201	13487-RF	W-1054	6/30/38	5/28/71	NE	SW	30	01N	65W	2.22
28301	12946	W-2080	4/1/47	3/8/72	SW	SW	6	03N	66W	2.44
28401	SUMP #1	W-2861	8/15/44	5/25/72	NE	SW	1	02N	67W	2.35
28601	AD8635	79-CW-053	3/19/79	3/19/79	SE	NE	34	01S	67W	0.18
28701	20960	W-3974	8/31/45	6/20/72	SW	NE	25	01S	67W	1.72
28801	4484	W-4211	11/30/55	6/22/72	NE	SE	10	04N	64W	2.18
29001	13857	W-3217	7/31/38	6/6/72	SW	SE	1	04N	66W	1.18
29002	13858	W-3217	9/30/46	6/6/72	NW	SE	1	04N	66W	1.18
29003	4538F	W-3217	8/5/63	6/6/72	SW	SE	1	04N	66W	2.23
29201	0335	W-362	5/4/41	11/20/70	SE	NE	25	01N	66W	2.06
29501	1250	W-1047	9/22/34	5/27/71	SE	NW	25	01S	67W	1.33
29601	0267	W-384	5/31/57	12/2/70	SW	SE	30	01N	65W	3.51
29602	0268	W-384	6/30/37	12/2/70	SW	SE	30	01N	65W	3.22
29701	4864F	W-2926	11/26/63	5/26/72	SE	SW	32	02N	65W	2.22
29801	1361	W-5773	10/1/54	6/30/72	NE	SW	18	05N	64W	2.22
30201	11903	W-3410	12/31/34	6/9/72	NE	NE	10	04N	66W	1.85
30202	11904	W-3410	4/30/41	6/9/72	NE	NE	10	04N	66W	1.98
30203	11905	W-3410	4/30/41	6/9/72	NE	NE	10	04N	66W	1.56
30204	11906	W-3410	3/31/42	6/9/72	NE	NE	10	04N	66W	1.67
30205	11907	W-3410	5/31/55	6/9/72	NE	NE	10	04N	66W	2.71
30501	15358	W-769	7/31/50	3/25/71	NE	SW	17	02N	66W	2.33
30502	15357	W-769	4/30/48	3/25/71	NE	SW	17	02N	66W	2.44
30701	6843F	W-436	3/22/65	12/29/70	SE	NE	18	01N	65W	2.33
30801	20095	W-3426	4/30/53	6/12/72	NW	SW	1	01S	66W	3.47
30802	1068	W-3426	9/30/55	6/12/82	SW	SW	1	01S	66W	2.00
30803	23958F	80-CW-113	4/30/53	5/4/80	SW	NE	1	01S	66W	3.47
31001	R12069	W-1140	3/23/48	6/17/71	SE	NW	21	02N	65W	2.13
31301	8107	W-7455	8/17/73	2/8/74	SW	SW	21	04N	59W	2.22
31401	18107	W-7455	8/17/73	2/8/74	SW	SW	21	04N	59W	2.22
31501	923	W-524	8/1/46	2/1/71	SE	SE	17	02N	65W	3.57
31601	6066R	W-5196	10/31/39	6/28/72	SE	NE	26	03N	67W	2.75
31701	12481R	W-5196	12/31/35	6/28/72	SE	NE	13	03N	67W	1.63
31801	0269	W-2714	6/30/41	5/18/72	NE	SE	28	04N	66W	3.33
31901	13205	W-3634	7/31/54	6/30/72	NW	NW	12	01S	66W	1.90
32101	11673F	W-6045	12/31/50	6/30/72	NW	SW	32	01N	66W	1.33
32102	MONAGHAN #2	W-6045	5/15/67	6/30/72	SW	SW	32	01N	66W	0.88

WELL No	PERMIT No	CASE No	APPROP	ADJUD	QTR40	QTR160	SEC	TNP	RNG	FLOW
32201	8571	W-3705	6/26/54	6/16/72	SW	NE	26	05N	64W	1.48
32301	6531	W-3933	5/30/49	6/20/72	NW	SW	25	05N	64W	2.22
32501	15049-RR	W-1489	7/24/53	10/6/71	NW	NE	21	05N	64W	2.94
32601	7374	W-957	8/31/34	5/6/71	NW	NW	19	01S	66W	1.13
32602	7375	W-957	4/14/55	5/6/71	NW	NW	19	01S	66W	1.85
32701	CP10198	W-1814	11/5/65	1/12/72	SE	SE	25	03N	65W	2.22
32801	14748	W-1814	3/31/35	1/12/72	SE	NW	34	03N	65W	3.10
32802	3741F	W-1814	10/1/62	1/12/72	SE	NW	34	03N	65W	2.22
32803	5177F	W-1814	3/11/64	1/12/72	NE	NW	34	03N	65W	2.65
32804	14749	W-1814	3/25/57	1/12/71	SE	NW	34	03N	65W	3.11
33001	5451	W-1037	3/23/64	5/26/71	NE	SW	28	02N	65W	2.22
33002	3422F	W-1037	5/3/62	5/26/71	SE	NW	28	02N	65W	2.22
33101	041426-F	92-CW-012	4/29/60	5/26/71	SW	NE	4	02N	65W	2.22
33102	041425-F	92-CW-012	9/12/67	5/26/71	NE	NE	4	02N	65W	2.22
33201	MOWERY #1	W-4282	3/30/57	6/23/72	SE	SE	29	01S	66W	0.67
33301	13736	W-2144	12/21/22	3/16/72	NW	SE	13	01S	67W	2.78
33501	1365	W-1207	11/21/16	6/28/71	SE	NE	24	01S	67W	1.06
33901	11584	W-1712	6/1/64	12/21/71	SE	NW	9	02N	65W	1.78
34101	7099	W-6312	9/30/35	6/30/72	SW	NE	11	04N	64W	2.34
34102	7100	W-6312	6/22/56	6/30/72	SW	NE	11	04N	64W	1.86
34201	8796R	W-5335	12/31/35	6/29/72	SW	SE	35	01S	67W	1.22
34301	8800R	79-CW-046	12/31/40	3/2/79	SW	SE	35	01S	67W	0.78
34401	1147	W-827	12/31/53	4/2/71	SW	NW	19	01N	66W	0.67
34402	1146	W-827	12/31/50	4/2/71	NW	NW	19	01N	66W	0.89
34403	1145	W-827	12/31/17	4/2/71	NW	NW	19	01N	66W	1.11
34501	13914	W-2235	12/31/46	3/29/72	SE	NW	19	01N	66W	1.44
34502		W-2235	12/31/48	3/29/72	SE	NW	19	01N	66W	1.05
34601	4694F	W-2823	10/16/63	5/24/72	SE	SE	35	01S	67W	0.44
34701	14131	W-1055	12/31/54	5/28/71	SE	SW	1	03N	67W	2.22
34702	14132	W-1055	12/31/53	5/28/71	NE	SE	1	03N	67W	2.00
34801	11649	W-547	6/30/55	2/9/71	SW	SW	12	03N	67W	3.11
34802	11650	W-547	5/31/34	2/9/71	SE	SW	12	03N	67W	2.67
35201	12884	W-3077	4/30/47	5/31/72	SW	NE	36	02N	67W	1.78
35401	0949	W-845	12/31/44	4/6/71	SE	SW	27	04N	65W	5.33

WELL No	PERMIT No	CASE No	APPROP	ADJUD	QTR40	QTR160	SEC	TNP	RNG	FLOW
35501	0226	W-1799	5/24/55	1/4/72	SW	SW	11	05N	65W	0.89
35601		W-4082	6/20/44	6/21/72	NW	NE	24	01S	67W	1.17
35801	8356	W-1685	6/20/31	12/13/71	SW	SE	13	01S	67W	1.59
35901		W-5228	5/2/55	6/29/72	SW	SE	29	02S	67W	0.55
36001	13396	W-4945	2/20/32	6/28/72	SE	NW	28	02S	67W	0.78
36101	13397	W-4945	5/15/35	6/28/72	NE	SW	28	02S	67W	0.78
36102	13398	W-4945	12/31/42	6/28/72	NE	SW	28	02S	67W	2.00
36201	RF418	W-468	12/31/41	1/19/71	NW	NE	4	04N	63W	2.44
36202	12316	W-468	9/30/34	1/19/71	NW	NE	4	04N	63W	1.55
36301	11653	W-5661	4/27/46	6/30/72	SE	NE	35	01N	65W	1.11
36401	RF991	W-3296	12/31/50	6/7/72	SE	SW	19	04N	60W	2.44
36501		W-1457-79	4/17/74	4/12/79	NE	SW	30	04N	60W	2.66
36502		W-1457-79	4/17/74	4/12/79	SE	NW	30	04N	60W	2.22
36601	PEGGRAM 1	W-1457-79	8/1/54	9/28/71	NE	SW	30	04N	60W	2.66
36602	PEGGRAM 2	W-1457-79	12/27/55	9/28/71	SE	NW	30	04N	60W	2.22
36701	13987	W-537	5/31/53	2/8/71	SW	SW	27	03N	67W	0.89
36801	#1	W-6314	10/8/09	6/30/72	NW	NE	25	01N	67W	1.16
36802	#2	W-6314	4/30/55	6/30/72	NW	NE	25	01N	67W	1.22
36803	#3	W-6314	4/30/26	6/30/72	SW	NE	25	01N	67W	1.77
36804	SUMP #1	W-6314	5/31/55	6/30/72	SE	NW	25	01N	67W	1.77
36805	SUMP #2	W-6314	5/31/55	6/30/72	SE	NW	25	01N	67W	3.33
37001	13007	W-912	7/27/55	4/26/71	NE	SE	18	01N	65W	1.94
37201	13125	W-1848	9/20/27	1/21/72	NW	SW	18	03N	66W	1.33
37301	15503F	W-8597-77	12/31/30	4/15/71	NW	SW	8	01N	66W	0.38
37401	9400F	W-657	5/1/38	3/8/71	SE	SW	23	04N	64W	2.10
37402	9401F	W-657	6/27/54	3/8/71	SE	SW	23	04N	64W	2.50
37501		W-1957	7/31/46	2/16/72	NE	NW	13	04N	66W	0.61
37701		W-6768	8/30/55	7/3/72	NE	SE	35	01S	67W	0.20
38001	10500	W-1990	4/1/54	2/25/72	SE	SW	13	01S	67W	0.89
38101	6860	W-3326	6/30/55	6/8/72	NW	SW	28	05N	65W	2.22
38301	11025	W-1634	12/31/35	11/30/71	SW	NW	6	03N	66W	1.55
38501		W-9220-78	7/15/48	4/21/78	NE	SE	22	01N	68W	0.80
38601	13627	W-755	6/22/55	3/23/71	SW	NE	32	02N	65W	2.78
38602	11193	W-755	6/30/45	3/23/71	NW	SE	32	02N	65W	1.67
38701	12741F	W-5661	6/21/54	6/30/72	NW	NW	13	01S	66W	2.45
38702	ROCK WELL 5	W-5661	6/20/35	6/30/72	NW	NW	13	01S	66W	0.89
38801	12741F	W-5661	6/21/54	6/30/72	NW	NW	13	01S	66W	2.45
38802	ROCK WELL 5	W-5661	6/20/35	6/30/72	NW	NW	13	01S	66W	0.89

WELL No	PERMIT No	CASE No	APPROP	ADJUD	QTR40	QTR160	SEC	TNP	RNG	FLOW
38901	11241	W-3260	5/11/52	6/7/72	SW	NW	13	04N	60W	2.88
39001	8690	W-3596	6/7/55	6/14/72	NW	NW	3	04N	65W	2.25
39101	6257	W-260-77	5/30/54	9/23/70	SW	SW	34	05N	65W	3.26
39201	41963-F	92-CW-127	11/16/66	4/24/72	SE	NE	18	04N	65W	1.56
39301	013606F	W-3785	5/15/50	6/19/72	SW	NE	19	01N	65W	1.83
39401	1133	W-2746	6/30/55	5/19/72	SE	NE	10	04N	64W	2.55
39501	11057	W-2609	5/31/54	5/10/72	SE	SE	30	05N	63W	1.98
39502	16392	W-2181	7/31/54	3/21/72	SW	SE	30	05N	63W	2.22
39601	13071	W-2609	12/30/40	5/23/72	SW	SW	31	05N	63W	1.27
39602	13073	W-2609	5/31/54	5/23/72	NW	SW	31	05N	63W	1.37
39701	15931	W-2181	6/30/48	3/21/72	SW	SW	29	05N	63W	2.03
39702	04137F	W-2181	5/21/63	3/21/72	SE	SW	29	05N	63W	1.83
39801	10836	W-3559	6/20/53	6/14/72	SW	NW	31	05N	63W	2.55
39901	3427F	W-1821	4/17/47	1/14/72	SE	NW	36	01N	65W	2.44
40001	5911	W-371	6/1/25	7/28/70	SE	SE	2	01N	65W	0.66
40002	4533	W-371	6/16/46	7/28/70	NE	SE	2	01N	65W	1.66
40101	RF795	W-571	5/31/54	2/17/71	SW	SE	15	03N	67W	2.44
40102	14134	W-571	5/30/40	2/17/71	SW	SE	15	03N	67W	2.67
40201	26033F	80-CW-339	6/1/46	6/27/72	NW	SE	30	01S	66W	0.89
40202	26034F	80-CW-339	6/1/46	6/27/72	NW	SE	30	01S	66W	0.89
40203	26035F	80-CW-339	6/1/46	6/27/72	NE	SE	30	01S	66W	0.89
40204	26036F	80-CW-339	6/1/46	6/27/72	NE	SE	30	01S	66W	0.89
40205	26037F	80-CW-339	6/1/46	6/27/72	NE	SE	30	01S	66W	0.89
40206	26038F	80-CW-339	6/1/46	6/27/72	NE	SE	30	01S	66W	0.89
40401	5998	W-5854	7/6/55	6/30/72	SE	NW	8	02N	66W	2.01
40501	19986	W-5854	6/1/43	6/30/72	SE	NE	6	02N	66W	2.41
41301	Well #1	W-1336	9/12/56	3/23/72	SE	SW	34	04N	66W	0.89
41302	Well #2	W-1336	11/30/53	3/23/72	SE	SW	34	04N	66W	2.23
41303	Well #3	W-1336	7/19/52	3/23/72	SE	SW	34	04N	66W	1.55
41401	4482	W-3036	4/29/54	5/31/72	SE	NW	24	05N	65W	2.45
41501	R6532	W-4623	4/30/55	6/27/72	SE	SW	23	01S	65W	2.33
41502	R6533	W-4623	4/30/57	6/27/72	SE	SW	23	01S	65W	2.44
41601	0812	W-523	5/31/55	2/2/71	SE	NE	20	02N	65W	2.64
41602	0811	W-523	5/31/52	2/2/71	SE	NE	20	02N	65W	2.44
41801	20317	W-1142	4/1/27	6/17/71	NW	NE	19	01N	66W	1.90
41901	0570	W-666	12/31/46	3/9/71	NW	NW	29	01N	66W	2.44
41902	0571	W-666	12/31/42	3/9/71	SW	NW	29	01N	66W	2.33
41903	0572	W-666	12/31/51	3/9/71	NW	NW	29	01N	66W	1.33
41904	9090F	W-666	5/30/65	3/9/71	SE	NW	29	01N	66W	1.33
42001	18769A	W-666	9/11/52	3/9/71	SE	NE	30	01N	66W	1.56

WELL No	PERMIT No	CASE No	APPROP	ADJUD	QTR40	QTR160	SEC	TNP	RNG	FLOW
42002	18769B	W-666	6/19/50	3/9/71	NE	NE	30	01N	66W	1.30
42201	1408	W-666	4/15/37	3/9/71	SW	NE	18	01N	66W	2.67
42301	19802	W-2259	7/25/34	3/31/72	SW	SE	24	01S	67W	2.22
42501	14969	W-2245	6/30/44	3/30/72	SE	SE	21	04N	66W	1.83
42601	0209	W-3971	6/20/30	6/20/72	NE	SW	21	04N	66W	2.23
42602	1960	W-2246	4/30/36	3/30/72	SW	NE	21	04N	66W	1.66
42603	12043	W-2246	5/1/53	3/30/72	NW	SE	16	04N	66W	2.55
42604	13044	W-2246	12/31/27	3/30/72	NW	SE	16	04N	66W	2.67
42701	10990	W-4801	9/21/35	6/27/72	SW	NW	17	05N	64W	2.67
42901	8672	W-1571	6/9/54	11/2/71	NW	NE	36	05N	64W	1.90
43001	8640	W-4271	4/20/50	6/23/72	SW	NE	13	05N	65W	3.10
43101	12013	W-766	4/30/55	3/25/71	SW	SW	8	01N	66W	2.34
43301	0787	W-544	7/31/36	2/9/71	NW	NW	23	04N	66W	2.89
43901	20539	W-4886	11/15/50	6/28/72	SW	NW	17	01N	65W	2.67
44001	12743F	W-4885	12/31/37	6/28/72	NE	NW	30	01S	66W	0.90
44201	RF522	W-259	6/1/37	9/22/70	SW	NW	30	01N	65W	2.51
44301	11835	W-3684	5/31/46	6/15/72	SE	NW	24	04N	66W	1.93
44302	11836	W-3684	7/31/45	6/15/72	NW	NW	24	04N	66W	1.78
44303	11837	W-3684	4/30/50	6/15/72	SE	NW	24	04N	66W	2.67
44304	11838	W-3684	3/31/55	6/15/72	SE	NW	24	04N	66W	2.67
44305	2666F	W-3684	12/31/38	6/15/72	SE	NW	24	04N	66W	2.45
44501	14691	W-2337	5/20/40	4/12/72	SE	SE	6	04N	66W	1.78
44502	0270	W-1511	6/20/55	10/14/71	SE	NW	4	04N	66W	4.00
44503	0271	W-1511	6/20/55	10/14/71	NE	NE	7	04N	66W	1.30
44504	0272	W-1511	6/20/55	10/14/71	NW	NW	8	04N	66W	2.90
44601	RF210	W-2337	6/12/41	6/12/72	SW	NW	4	04N	66W	3.33
44901	015776F	W-6177	7/20/55	6/30/72	SW	NE	26	04N	65W	2.22
45001	13258	W-1029	4/30/47	5/21/71	SE	NW	18	03N	66W	1.33
45101	12019	W-1632	5/1/54	11/30/71	SW	SE	29	05N	63W	2.66
45201	11526	W-2017	12/31/61	2/29/72	NW	NE	32	05N	63W	4.28
45301	12021	W-2019	6/1/51	2/29/72	NW	NE	32	05N	63W	3.60
45401	20148	W-671	4/1/54	3/10/71	SW	SW	9	02N	65W	2.66
45402	2328F	W-671	10/28/59	3/10/71	SW	SW	9	02N	65W	2.22
45501	10591	W-4706	6/26/47	6/27/72	NE	SE	13	04N	61W	5.54
45701	P6288F	W-363	10/31/64	7/9/70	NW	SW	30	02N	64W	0.61

WELL No	PERMIT No	CASE No	APPROP	ADJUD	QTR40	QTR160	SEC	TNP	RNG	FLOW
45702	13829	W-363	12/31/44	7/9/70	NW	SW	30	02N	64W	0.55
45801	11291	W-181	12/31/49	8/12/70	SE	NW	17	05N	64W	2.00
45901	0786	W-6449	5/25/55	6/30/72	SW	NW	15	04N	66W	2.00
45902	0788	W-6449	6/30/53	6/30/72	SW	NW	15	04N	66W	2.22
46201	10671	W-1033	7/31/39	5/25/71	SW	NE	14	04N	64W	0.88
46202	10672	W-1033	9/30/52	5/25/71	SW	NE	14	04N	64W	1.33
46203	10673	W-1033	12/31/53	5/25/71	SW	NE	14	04N	64W	1.33
46204	10674	W-1033	11/30/54	5/25/71	SW	NE	14	04N	64W	1.78
46205	6560F	W-1033	12/23/64	5/25/71	SW	NE	14	04N	64W	1.55
46301	15862	W-1925	5/30/35	2/10/72	NW	NE	22	04N	66W	2.22
46302	0624	W-1925	6/30/54	2/10/72	NW	NW	22	04N	66W	2.22
46303	0619	W-1925	6/30/60	2/10/72	NW	NW	22	04N	66W	2.44
46304	0623	W-1925	6/30/54	2/10/72	SW	NW	22	04N	66W	2.22
46305	0620	W-1925	7/10/64	2/10/72	SW	NE	22	04N	66W	2.44
46401	RF371	W-5324	5/31/50	6/29/72	NW	NW	33	04N	66W	0.67
46402	0665	W-5324	4/30/55	6/29/72	NW	NW	33	04N	66W	0.44
46403	0666	W-5324	4/30/55	6/29/72	SE	NW	33	04N	66W	0.67
46501	MCLEOD #1	W-175	5/1/18	8/3/73	SE	SE	29	04N	66W	2.63
46502	MCLEOD #2	W-175	5/1/18	8/3/73	SE	SE	29	04N	66W	2.83
46503	MCLEOD #3	W-175	5/1/18	8/3/73	SE	SE	29	04N	66W	3.34
46504	MCLEOD #4	W-175	5/1/18	8/3/73	SE	SE	29	04N	66W	3.21
46505	MCLEOD #5	W-175	5/1/18	8/3/73	SE	SE	29	04N	66W	3.46
46601	13894	W-2929	3/31/51	5/30/72	NW	SW	6	01S	66W	0.44
46701	014477F	W-1788	6/18/18	1/4/72	SW	NW	24	04N	67W	2.22
46901	1345	W-872	12/31/29	4/14/71	NW	SE	12	04N	66W	2.66
46902	11700	W-872	12/31/34	4/14/71	SW	SE	12	04N	66W	2.66
47001	8772	W-861	4/30/15	4/9/71	SE	SW	20	02N	66W	2.55
47101	13599	W-2926	5/31/32	5/26/72	NW	SE	32	02N	65W	2.22
47102	03227-F	W-2926	7/1/61	5/26/72	NW	SE	32	02N	65W	2.22
47301	0195	W-917	6/16/44	4/27/71	SE	SE	25	01N	66W	2.45
47401	014531F	W-917	1/23/70	4/27/71	SE	SE	25	01N	66W	0.11
47601	10039	W-833	5/31/44	4/5/71	NW	SW	1	01N	65W	2.22
47602	10040	W-833	7/31/55	4/5/71	SE	SW	1	01N	65W	2.22
47603	11709	W-833	11/30/37	4/5/71	SW	SE	1	01N	65W	1.78
47604	11710	W-833	7/31/55	4/5/71	SW	SE	1	01N	65W	2.22
47701	12529	W-4800	4/30/49	6/27/72	SE	SE	13	01N	65W	1.83
47702	12530	W-4800	5/31/54	6/27/72	SE	SE	13	01N	65W	1.58
47801	17884	W-2816	11/17/47	5/23/72	SE	NW	14	01S	65W	1.67

WELL No	PERMIT No	CASE No	APPROP	ADJUD	QTR40	QTR160	SEC	TNP	RNG	FLOW
48201	11585	W-1710	3/15/54	12/21/71	SW	SE	9	02N	65W	1.56
48401	019741	W-7840	3/19/75	12/23/74	NE	NE	32	04N	59W	5.78
48501	019741	W-7840	6/2/75	12/23/76	NE	NE	32	04N	59W	5.78
48601	013391F	W-4098	3/23/41	6/22/72	SW	NW	19	01N	65W	2.25
48701		W-3595	7/31/50	6/14/72	NW	NW	19	05N	63W	2.78
48801	6173F	W-6340	6/19/34	6/30/72	SW	NW	20	01N	66W	0.45
48802		W-6340	12/31/48	6/30/72	SE	NW	20	01N	66W	2.00
48901		W-4702	12/31/48	6/27/72	NW	NW	20	01S	66W	0.88
49001	0133	W-304	12/31/36	10/22/70		NE	22	03N	67W	3.00
49002	0134	W-304	7/31/55	10/22/70		NE	22	03N	67W	3.25
49101	FEEDLOT	85-CW-174	7/31/36	10/22/70	NE	SW	22	03N	67W	1.34
49102	1-0133	W-3356	12/31/1877	6/8/72	SE	NE	22	03N	67W	0.67
49103	2-0134	W-3356	2/28/54	6/8/72	SE	NE	22	03N	67W	0.67
49301	8492	W-3157	8/10/40	6/2/72	NW	SW	27	04N	66W	1.61
49401	0410	W-1722	8/31/47	12/22/71	SE	SW	17	04N	65W	0.67
49402	R412RF	W-1722	8/30/49	12/22/71	SE	SW	17	04N	65W	0.56
49403	0411	W-1722	8/30/49	12/22/71	SE	SW	17	04N	65W	0.56
49701	12271	W-4833	4/30/30	6/27/72	NW	SW	36	01S	67W	0.22
49801	016643F	W-7669-74	4/21/65	2/10/72	SW	SW	17	01N	65W	0.11
49901	D4303F	W-2018	7/1/63	2/29/72	NE	NW	32	05N	63W	2.60
50001	12721	W-963	5/31/07	5/7/71	SE	NW	13	04N	66W	2.00
50101	11855	W-613	12/31/15	2/25/71	SE	SW	31	04N	66W	2.00
50201	12014	W-767	11/3/64	5/22/72	NW	NW	17	01N	66W	2.22
50501	0829	W-6132	7/31/54	6/30/72	SE	SW	12	02N	67W	2.91
50502	0830	W-6132	9/30/56	6/30/72	SW	SW	12	02N	67W	0.29
50601	R-318	W-1873	4/29/65	1/31/72	SE	SW	27	04N	66W	1.82
50602	11226	W-1873	7/23/54	1/31/72	SE	SW	27	04N	66W	0.67
50603	11224	W-1873	8/1/43	1/31/72	SE	SW	27	04N	66W	0.67
50701	1746	W-651	3/31/32	3/4/71	SE	SE	30	04N	66W	2.44
50901	13183	W-3640-78	5/31/55	8/10/78	SW	NE	11	01S	65W	2.41
50902	17884	W-3640-78	11/30/47	8/10/78	NW	SE	11	01S	65W	2.57
51001	20308	W-4774	4/1/40	6/27/72	SE	NE	30	01S	66W	0.45
51002	20948	W-4774	6/4/56	6/27/72	SE	NE	30	01S	66W	0.45
51201		W-1224	6/30/23	6/29/71	NW	SE	13	01S	67W	1.25

WELL No	PERMIT No	CASE No	APPROP	ADJUD	QTR40	QTR160	SEC	TNP	RNG	FLOW
51202	14364	W-1224	6/4/57	6/29/71	NW	SE	13	01S	67W	1.33
51501	12948	W-297	12/31/44	10/15/70	SE	NW	1	03N	67W	2.60
51601	19490-1	W-572	12/4/65	2/10/71	SW	SW	17	01N	66W	0.44
51701	19490-2	W-572	5/31/20	2/10/71	SE	SE	18	01N	66W	2.78
51702	7280	W-572	6/30/55	2/10/71	SE	SE	18	01N	66W	2.78
51801	1657	W-572	9/22/45	2/10/71	NE	SE	19	01N	66W	2.22
51901	10518	W-8158-76	5/31/40	8/31/70	NW	SE	14	04N	64W	1.11
51902	12913	W-8158-76	5/31/39	8/31/70	SW	NW	13	04N	64W	1.78
51903	0032	W-8158-76	6/30/46	8/31/71	SW	SE	23	04N	64W	2.22
51904	RF798	W-8158-76	7/31/55	8/31/70	SW	SE	23	04N	64W	2.67
51905	10519	W-8158-76	8/31/55	8/31/70	SE	SE	14	04N	64W	1.33
51906	4064F	W-8158-76	4/25/63	8/31/70	NW	SE	23	04N	64W	2.22
51907	6361F	W-8158-76	11/4/64	8/31/70	SE	NW	18	04N	63W	1.33
51908	9269F	W-8158-76	5/8/65	8/31/70	SE	NE	13	04N	64W	2.00
51909	9271F	W-8158-76	8/10/65	8/31/70	NE	SE	12	04N	64W	2.22
51910	6601F	W-8158-76	12/30/64	8/31/70	NW	SW	18	04N	63W	1.44
51911	12912	W-8158-76	4/12/37	8/31/70	SW	SW	12	04N	64W	1.78
51912	12914	W-8158-76	7/20/51	8/31/70	NW	SW	13	04N	64W	1.78
52101	13042	W-6449	4/1/44	6/30/72	SW	SE	16	04N	66W	3.11
52201	7291	W-2224	1/1/37	3/28/72	SE	NW	19	01N	64W	1.56
52202	7292	W-2224	6/27/50	3/28/72	SW	NE	19	01N	64W	2.44
52501	14307	W-2229	6/21/37	3/28/72	NW	SE	25	01N	66W	1.61
52502	14308	W-2229	2/10/45	3/28/72	SW	SE	25	01N	66W	2.22
52601	455	86-CW-237	8/10/48	11/15/73	SE	NE	36	02N	65W	1.08
52701	1282	W-4347	9/10/48	6/23/72	SW	NE	3	04N	66W	2.00
52801	1450	W-3706	7/1/54	6/16/72	SW	NW	2	04N	66W	2.20
52802	9631F	W-3706	6/6/65	6/16/72	SW	NW	2	04N	66W	2.05
52901	1824	W-2443	8/9/52	4/25/72	SE	SW	12	04N	66W	1.11
53101	019458RF	W-4637	3/4/55	6/27/72	NE	NE	7	01N	66W	1.89
53301	7257	W-1237	6/28/57	6/30/71	SE	SE	24	01S	67W	1.31
53401	20134	W-526	5/31/11	2/3/71	SW	SE	20	01N	66W	2.22
53501	6825F	W-975	2/20/65	5/10/71	NE	SE	17	01N	65W	0.17
53801	044924-F	94-CW-117	5/26/64	7/28/94	SE	NE	32	04N	60W	2.14
53901	10502	W-575	4/30/41	2/18/71	SE	NW	13	01N	65W	1.33
53902	10503	W-575	5/31/38	2/18/71	SW	NW	13	01N	65W	1.56
53903	10504	W-575	5/31/55	2/18/71	SW	NE	13	01N	65W	1.56
53904	10505	W-575	4/30/54	2/18/71	SW	SW	24	01N	65W	1.11
53905	10506	W-575	4/30/34	2/18/71	SW	SW	24	01N	65W	1.00
53906	10507	W-575	5/31/54	2/18/71	SE	NW	13	01N	65W	1.44
53907	10509	W-575	8/31/54	2/18/71	SW	NW	13	01N	65W	0.44
53908	10510	W-575	4/30/34	2/18/71	SW	NE	13	01N	65W	1.00
54001	9591F	W-576	5/24/65	2/18/71	SE	SW	24	01N	65W	1.22

WELL No	PERMIT No	CASE No	APPROP	ADJUD	QTR40	QTR160	SEC	TNP	RNG	FLOW
54101	10508	W-576	6/1/54	2/18/71	SW	SW	12	01N	65W	1.39
54102	10501	W-576	4/30/41	2/18/71	SE	SW	12	01N	65W	2.20
54301	RF1151	W-4257	5/30/28	6/23/72	SW	SE	19	01N	66W	2.29
54302	P02820F	W-4257	5/30/35	6/23/72	SE	SE	19	01N	66W	2.16
54401	013669F	W-1308	12/31/40	7/16/71	SE	NW	3	02S	67W	1.33
54501	6710F	W-885	12/31/64	4/20/71	SE	NW	5	01N	65W	3.02
54601	6170	W-288	1/1/40	10/13/70	SW	SE	21	05N	65W	0.84
54801	R-13417	92-CW-029	6/30/27	6/20/72	SW	NE	31	04N	66W	2.20
54802	R-13416	92-CW-029	3/31/46	6/20/72	SW	NE	31	04N	66W	2.23
54803	R-13420	92-CW-029	12/31/30	6/20/72	SW	SE	31	04N	66W	2.67
54804	R-13418	92-CW-029	6/7/47	6/20/72	SW	SE	31	04N	66W	2.23
54805	R-13419	92-CW-029	4/2/48	6/20/72	SW	SE	31	04N	66W	2.20
54806	R-13421	92-CW-029	11/22/52	6/20/72	SW	SE	31	04N	66W	2.09
54901	6903	W-1721	3/31/65	12/22/71	NW	NE	30	01N	65W	3.26
55001	16239	W-1721	8/10/38	12/22/71	NW	NW	30	01N	65W	0.45
55301		W-2889	7/31/40	5/26/72	SE	NE	31	01N	66W	1.10
55601	7164	W-3050	5/1/47	5/31/72	SW	NW	30	04N	66W	1.44
55602	7165	W-3050	5/1/40	5/31/72	SE	NW	30	04N	66W	2.67
55701	4565	W-310	10/23/45	10/26/70	NW	SE	33	04N	65W	2.80
55801	2932-F	W-300	7/1/36	10/20/70	NW	NE	13	05N	65W	4.00
55901	8597-R	W-310	7/31/54	10/26/70	NE	SW	34	04N	65W	4.33
56001	12613	W-887	5/31/34	4/20/71	NE	SW	7	04N	63W	1.73
56002	12614	W-887	4/30/47	4/20/71	NE	SW	7	04N	63W	2.23
56003	6359-F	W-887	11/30/64	4/20/71	NW	SW	7	04N	63W	1.79
56004	12915	W-886	3/31/54	4/20/71	SW	SE	7	04N	63W	1.34
56005	12916	W-886	3/31/55	4/20/71	SE	SW	7	04N	63W	2.23
56006	6360-F	W-886	11/30/64	4/20/71	SW	SE	7	04N	63W	1.79
56101	20075	W-435	9/15/36	12/29/70	NW	NE	2	02S	67W	0.78
56201		W-4513	3/3/52	6/26/72	SE	SE	30	05N	65W	0.26
56202		W-4513	3/3/52	6/26/72	SE	SE	30	05N	65W	0.53
56301	4565	90-CW-50	10/23/45	3/26/90	NW	SE	33	04N	65W	2.80
56601	49856-F	85CW082	10/17/74	11/8/88	NW	SE	27	01S	67W	3.80
56701	04093-F	W-2022	5/31/63	2/29/72	NW	SW	26	05N	65W	1.89

WELL No	PERMIT No	CASE No	APPROP	ADJUD	QTR40	QTR160	SEC	TNP	RNG	FLOW
56801	14211	W-1312	7/21/55	7/19/71	SE	SW	24	01S	67W	1.60
56802	14212	W-1312	3/31/49	7/19/71	SW	SW	24	01S	67W	1.17
56901	10651	W-258	1/1/38	9/22/70	NE	SE	6	04N	65W	3.02
56902	0652	W-258	1/1/38	9/22/70	NE	SE	6	04N	65W	2.22
57101	CHURCH	91-CW-013	1/1/91	2/28/91	NE	NE	7	01N	66W	0.44
57201	13032-R	W-4307	5/1/46	6/23/72	SW	NW	12	03N	67W	1.78
57301		W-4476	7/30/45	6/26/72	NE	NW	22	05N	64W	1.78
57401	13960	W-3705	7/1/36	6/16/72	SW	NW	6	04N	63W	2.29
57501	11529	W-2418	5/1/54	4/20/72	SW	SE	4	04N	65W	2.38
57502	11530	W-2418	7/30/12	4/20/72	SE	SE	4	04N	65W	1.37
57601	14509	W-3289	8/31/49	6/7/72	NE	SW	10	04N	65W	0.44
57701	11867	W-5184	9/25/50	6/28/72	NW	NW	34	04N	65W	2.03
57901	R07231	W-317	6/1/42	1/29/71	NW	NE	23	03N	67W	2.20
57902	R10364	W-317	7/1/55	1/29/71	SE	NE	23	03N	67W	2.67
58001	RF480	W-6013	9/30/45	6/30/72	SW	SE	11	01S	65W	0.44
58002	RF774	W-6013	8/31/32	6/30/72	NE	SW	11	01S	65W	0.67
58003	RF481	W-6013	11/20/37	6/30/72	SW	SE	11	01S	65W	1.11
58004	13181	W-6013	5/1/55	6/30/72	SW	SE	11	01S	65W	1.33
58005	16138	W-6013	8/10/55	6/30/72	SW	SE	11	01S	65W	1.77
58101	1-12790R	W-550	8/18/54	2/10/71	SW	NE	12	01N	67W	2.00
58201	8577	W-1003	7/31/34	5/17/71	SE	NW	15	04N	66W	2.00
58202	8578	W-1003	5/31/55	5/17/71	SE	NW	15	04N	66W	1.89
58301	10747	W-1818	9/1/53	1/14/72	SE	SW	25	04N	67W	2.11
58302	10746	W-1818	6/1/42	1/14/72	SE	SW	25	04N	67W	2.57
58401	036535-F	89-CW-042	12/15/89	3/31/89	SE	SW	32	04N	60W	0.11
58801	7168	W-2596	5/31/46	5/9/72	SW	SW	6	04N	63W	2.27
58901	J Bar B Pit					NE	36	03N	68W	
59101	R-20306-RF	88-CW-174	3/29/55	6/30/72	SE	SW	5	01N	65W	2.09
59201	11620	92-CW-031	12/31/22	5/27/71	NW	NW	31	01N	66W	0.10
59301	21749-F	W-694	8/20/30	3/12/71	SW	SE	10	04N	66W	2.44
59501	10902	W-2030	3/31/47	3/1/72	NW	NE	30	01S	66W	1.00
59502	10903	W-2030	3/31/47	3/1/72	SW	NE	30	01S	66W	0.66
59601	11214	W-826	5/31/40	4/2/71	SE	NW	17	01N	66W	0.77
59602	11215	W-826	8/31/55	4/2/71	SE	NW	17	01N	66W	0.77
59603	11384	W-826	12/31/40	4/2/71	NW	SW	17	01N	66W	2.11
59901	15424	W-5791	7/31/46	6/30/72	NE	SW	13	01S	67W	1.55
60001	10451	W-998	5/31/55	5/13/71	SW	SE	11	01S	66W	0.88
60101	4361-F	W-2220	3/31/55	1/27/72	SW	NW	25	01N	65	1.22
60201	20455F	W-4552	6/14/54	6/26/72	NW	SE	12	01S	66W	2.20
60301	044925-F	94-CW-117	11/6/63	7/28/94	SE	SE	32	04N	60W	0.22
60401	5851	W-7945-75	3/18/58	5/2/75	SE	NW	24	02N	65W	1.88

WELL No	PERMIT No	CASE No	APPROP	ADJUD	QTR40	QTR160	SEC	TNP	RNG	FLOW
60601	14969	W-2245	6/30/44	3/30/72	SE	SE	21	04N	66W	1.83
60701	11111	W-1907	4/12/46	2/8/72	SE	SW	30	01S	66W	0.15
60702	11112	W-1907	5/7/54	2/8/72	SE	SW	30	01S	66W	1.25
60801	14539	W-2200	6/15/34	3/22/72	SE	SE	25	04N	67W	2.90
61201	1396	W-3687	7/31/38	6/15/72	SE	NE	4	3N	60W	2.78
61202	1397	W-3687	6/30/46	6/15/72	SE	SE	33	4N	60W	3.00
61401	RF89	W-1950	5/5/37	2/15/72	NE	NE	25	04N	60W	2.84
61501	13035	W-1950	2/4/45	2/15/72	SW	SE	25	04N	60W	3.22
61502	R35	W-1950	4/21/44	2/15/72	SW	SE	24	04N	60W	3.88
61601	11039	W-2114	9/30/52	3/14/72	NW	NE	16	02N	65W	2.00
61701	15095-R	W-1563	7/31/55	11/1/71	SE	NE	32	05N	65W	1.44
61801	11699-RF	W-4533	4/15/48	6/26/72	NW	NW	5	04N	63W	1.66
61901	11699-RF	W-4533	4/15/48	6/26/72	NW	NW	5	04N	63W	1.66
61902	RF1018	W-4533	4/20/46	6/26/72	SW	NW	5	04N	63W	1.55
62001	11699-RF	W-4533	4/15/48	6/26/72	NW	NW	5	04N	63W	1.66
62101	1594	W-1816	6/1/25	1/13/72	NE	NE	2	02S	67W	0.54
62102	1595	W-1816	6/1/55	1/13/72	NE	NE	2	02S	67W	1.00
62201	P-04574F	W-371	8/23/63	11/27/70	SE	NW	22	04N	64W	1.75
62301	12740	W-5930	6/1/35	6/30/72	NE	SE	15	04N	66W	2.66
62502	7090RF	W-1473	7/21/53	10/4/71	SE	SW	32	01S	66W	1.00
62503	7091	W-1473	9/29/56	10/4/71	SE	SW	32	01S	66W	2.40
62602	13040-R	W-598	5/31/54	2/23/71	SW	NE	14	03N	66W	0.33
62702	11786	W-1899	6/30/45	2/4/72	NW	SW	33	01S	66W	1.89
62801	15038	W-1190	4/1/34	6/25/71	NE	SE	24	01S	67W	1.11
62901	R129	W-4787	6/20/25	6/27/72	NW	SE	32	04N	66W	2.23
63001		84-CW-205	2/14/56	11/27/84	NW	SE	13	01S	67W	0.04
63101	11495	W-2730	1/6/55	5/18/72	NW	SE	33	04N	65W	1.07
63201	14023	W-5791	12/31/60	6/30/72	NE	NW	13	01S	67W	2.23
63301	14018	W-5791	7/31/39	6/30/72	SW	NE	13	01S	67W	0.90
63302	14019	W-5791	4/30/33	6/30/72	SW	NE	13	01S	67W	0.78
63303	14021	W-5791	5/31/37	6/30/72	SW	NE	13	01S	67W	2.01
63501	SCHWARTZ #1	W-6421	12/31/32	6/29/72	SW	SE	7	1S	65W	1.33
63601	12741R	W-1931	7/30/44	2/11/72	SW	NE	26	04N	60W	2.66
63701	16218	W-709	2/4/53	3/17/71	NE	NW	19	01N	65W	1.75
63801	5519F	W-681	4/30/64	3/10/71	SW	NE	22	04N	60W	3.55
64001	11521	W-363	11/20/71	5/1/45	SE	NE	28	04N	60W	3.00
64101	1-7016R	W-2617	4/30/47	5/10/72	NW	SE	27	04N	65W	3.00
64201	12993	W-5311	12/31/54	6/29/72	SE	SE	34	01S	67W	0.67
64202	12992	W-5311	12/31/05	6/29/72	SE	SE	34	01S	67W	1.11

WELL No	PERMIT No	CASE No	APPROP	ADJUD	QTR40	QTR160	SEC	TNP	RNG	FLOW
64301	11024	W-1634	12/31/21	11/30/71	SW	SW	31	04N	66W	2.22
64401	13752	W-5198	3/15/23	6/28/72	NW	SW	36	01S	67W	0.77
64402		W-5198	3/15/23	6/28/72	NW	SW	36	01S	67W	0.21
64501	14499	W-3760	5/31/49	6/16/72	SE	NE	26	04N	66W	1.10
64502	14498	W-3760	6/30/57	6/16/72	SE	NE	26	04N	66W	1.76
64601	13859	W-3217	8/31/39	6/6/72	NE	NE	33	04N	66W	1.90
64602	13860	W-3217	7/14/55	6/6/72	NW	NE	33	04N	66W	0.67
64701	0426	W-5698	5/20/52	6/30/72	SW	SE	30	04N	59W	3.50
64801	1248	W-602	5/31/48	2/24/71	SW	SE	5	01N	65W	3.11
64802	1249	W-602	5/31/54	2/24/71	SW	SE	5	01N	65W	2.24
64901	3587F	W-1919	10/25/55	2/9/72	SW	SW	30	04N	65W	0.89
65001	8588	W-1919	3/31/45	2/9/72	NE	SE	25	04N	66W	1.33
65002	8589	W-1919	3/31/53	2/9/72	SE	SE	25	04N	66W	1.33
65101	11725F	W-6062	5/9/67	6/30/72	SW	NW	36	02N	65W	1.78
65102	10729	W-6062	7/12/52	6/30/72	NE	SW	36	02N	65W	1.78
65201	15930	W-2181	6/30/36	3/21/72	SE	NW	32	05N	63W	2.11
65202	RF763	W-2181	8/29/55	3/21/72	SE	NW	32	05N	63W	2.20
65301	13949	W-3933	5/26/46	6/20/72	NW	NW	33	05N	63W	2.66
65401	APD#4	82-CW-053	8/31/53	2/26/82	NE	NW	1	01S	65W	1.11
65501	7115	W-441	5/8/41	12/30/70	SW	NW	19	01N	64W	2.00
65502	7116	W-441	5/30/55	12/30/70	SW	NW	19	01N	64W	0.89
65601	19548R	W-16704	6/25/60	5/30/72	NW	NE	36	01S	65W	0.85
65602	19548S	W-16704	12/31/25	5/30/72	SW	SE	36	01N	65W	1.11
65603	19548T	W-16704	5/25/45	5/30/72	NW	SE	36	01N	65W	1.70
65604	8357	W-2950	5/25/45	5/30/72	SW	NE	36	01N	65W	2.00
65605	8359	W-2950	12/31/25	5/30/72	NW	NE	36	01N	65W	1.88
65606	2629F	W2950	6/25/60	5/30/72	NW	NE	36	01N	65W	2.04
65701	3421F	W4963	3/17/64	11/4/74	NE	SW	28	03N	65W	2.66
65702	3525F	W4963	9/19/62	11/4/74	SE	SE	28	03N	65W	2.22
65801	1961	W-2950	1/4/42	5/30/72	SW	SW	18	01N	64W	2.55
65802	1962	W-2950	5/31/46	5/30/72	SW	SW	18	01N	64W	2.33
65803	1963	W-2950	7/31/52	5/30/72	SW	SW	18	01N	64W	2.33
65804	1964	W-2950	5/31/54	5/30/72	NW	SW	18	01N	64W	1.77
65901	13056	W-1826	8/31/25	1/17/72	SE	SE	28	04N	66W	0.56
65902	13058	W-1826	8/31/55	1/17/72	SE	SE	28	04N	66W	0.89
65903	13057	W-1826	7/31/40	1/17/72	SE	SE	28	04N	66W	0.89
65904	4838F	W-1826	5/12/64	1/17/72	SE	NE	28	04N	66W	3.33
66001	109143	W-5353	6/30/55	6/29/72	NW	NE	23	01S	66W	2.09
66201	12705	79-CW-250	4/1/43	6/26/72	NW	NW	15	05N	65W	1.60
66301	18249	W-1048	8/31/11	5/27/71	SW	NW	33	01S	66W	2.23

WELL No	PERMIT No	CASE No	APPROP	ADJUD	QTR40	QTR160	SEC	TNP	RNG	FLOW
66401	RF1188	W-4947	6/17/50	6/28/72	NE	SE	20	02N	65W	0.78
66402	2285F	W-4947	9/11/59	6/28/72	NE	SE	20	02N	65W	1.33
66501	8942F	W-4787	6/19/58	6/27/72	NW	NW	6	04N	65W	2.45
66601	833	W-4025	8/10/56	6/21/72	NW	SE	25	02N	67W	3.11
66701	3783-F	W-6076	10/2/62	7/6/72	NW	NW	34	01S	66W	3.60
66702	047467F	APD 66701					0			0.00
66703	047468F	APD 66701					0			0.00
66801	10045	W-6217	12/31/37	6/30/72	SW	NE	19	04N	66W	1.50
66802	10044	W-6217	12/31/37	6/30/72	SE	NE	19	04N	66W	1.41
66901	832	W-4025	8/15/56	6/21/72	SW	NE	2	02N	67W	2.67
66902	831	W-4025	10/15/54	6/21/72	SW	NE	2	02N	67W	3.11
67001	12736	W-5931	7/1/31	6/30/72	NW	SW	14	04N	66W	2.22
67002	12737	W-5931	7/1/44	6/30/72	SW	SW	14	04N	66W	2.22
67101	12093F	W-5029	3/27/68	6/28/72	NE	NE	33	01S	66W	0.13
67201	20547-1	W-4330	3/15/50	6/23/72	NE	NE	10	02S	67W	0.56
67202	20547-2	W-4330	4/4/53	6/23/72	NE	NE	10	02S	67W	0.56
67301	0091	W-2143	5/28/54	3/16/72	SE	NW	25	01S	67W	0.83
67302	0092	W-2143	3/25/55	3/16/72	NW	SW	25	01S	67W	2.89
67303	0093	W-2143	5/9/56	3/16/72	SE	NW	25	01S	67W	2.89
67401	10480	W-3595	12/31/35	6/14/72	NE	NE	24	05N	64W	2.84
67501	10480	80-CW-341	12/31/35	6/14/72	NE	NE	24	05N	64W	2.84
67601	2R10656	W-2163	2/19/55	3/20/72	SW	SW	13	01N	65W	1.76
67701	11082-F	W-2784-77	8/7/66	5/22/72	SE	NW	30	02N	66W	2.34
67801	11534	W-1634	5/31/30	11/30/71	SW	NW	22	05N	64W	1.33
67802	11538	W-1634	12/31/30	11/30/71	SW	NW	22	05N	64W	1.77
67901	#2	W-6217	9/30/50	6/30/72	SW	NW	16	04N	66W	1.53
67902	#3	W-6217	5/31/54	6/30/72	SW	NW	16	04N	66W	2.00
67903	6794	W-6217	3/2/65	6/30/72	SW	NW	16	04N	66W	2.44
68001	6324	W-2713	4/21/48	5/17/72	NE	SW	19	05N	64W	2.00
68101	6718F	W-2557	2/18/65	5/5/72	SE	NE	19	04N	65W	0.78
68102	15500F	W-2557	7/21/55	5/5/72	SE	NE	19	04N	65W	0.67
68201	06639	W-4910	8/31/46	6/28/72	NW	SW	19	02N	66W	2.50
68301	7289	85-CW-50	3/19/46	5/5/72	NE	SE	35	02N	65W	1.33
68401	RF354	W-332	10/18/37	11/4/70	SW	SW	27	04N	66W	1.06
68402	20025	W-332	7/6/54	11/4/70	SW	SW	27	04N	66W	1.51
68501	11201	W-619	6/1/55	2/26/71	SE	SE	26	01N	65W	1.06
68502	5289F	W-619	4/15/64	2/26/71	SE	SE	26	01N	65W	0.78

WELL No	PERMIT No	CASE No	APPROP	ADJUD	QTR40	QTR160	SEC	TNP	RNG	FLOW
68601	10222	W-3510	11/27/48	6/13/72	SW	SE	17	04N	66W	1.39
68602	10223	W-3510	4/28/56	6/13/72	SW	SE	17	04N	66W	2.07
68701	THOMPSON #1	W-3816	4/15/52	6/19/72	SW	NE	35	01S	67W	0.60
68801	10599F	W-2705	5/17/49	5/17/72	SE	NW	6	01N	64W	0.70
68802	12317F	W-2705	6/25/53	5/17/72	SE	NW	6	01N	64W	0.78
68803	12318F	W-2705	6/25/53	5/17/72	NE	NE	1	01N	65W	1.88
68901	0952	W-6450	6/30/33	6/30/72	NW	NW	28	04N	66W	1.56
68902	0953	W-6450	5/24/52	6/30/72	NW	NW	28	04N	66W	2.67
69001	12429	W-265	12/31/47	9/25/70	NE	SE	24	05N	65W	2.22
69101	6905	W-717	8/31/34	3/18/71	SW	SE	18	01S	66W	0.76
69102	6906	W-717	8/31/39	3/18/71	SW	SE	18	01S	66W	1.06
69103	6907	W-717	8/31/55	3/18/71	SW	SE	18	01S	66W	1.55
69201	6824	W-490	12/31/50	1/28/71	NW	SE	15	04N	65W	2.67
69301	6203F	W-3618	9/30/64	6/15/72	SW	SW	19	01N	64W	1.56
69302	1429	W-3618	5/27/44	6/15/72	SW	SW	19	01N	64W	1.78
69303	1428	W-3618	7/28/55	6/15/72	SW	SW	19	01N	64W	0.67
69401	10777	W-382	12/31/34	12/1/70	NW	SW	8	04N	66W	2.67
69402	10778	W-382	12/31/40	12/1/70	NW	SW	8	04N	66W	2.67
69501	12971	W-196	4/30/34	8/25/70	SW	SE	23	05N	65W	3.33
69601	20454F	W-4552	6/12/54	6/26/72	SE	SE	12	01S	66W	0.67
69602	20456F	W-4552	5/10/44	6/26/72	SE	SE	12	01S	66W	0.67
69701	RF197	W-1829	6/15/41	1/17/72	SW	SW	23	03N	67W	2.07
69801	019889-F	W-554	6/22/20	2/11/71	NE	SW	2	02S	67W	1.33
69901	10194	W-1536	4/30/57	10/22/71	SW	NW	30	01N	65W	2.00
70001	20318	W-909	8/15/54	4/26/71	SE	NE	12	01S	67W	2.50
70002	RF212	W-910	12/31/07	4/26/71	SW	NE	12	01S	67W	2.00
70003	33312	W-910	12/31/07	4/26/71	SE	NE	12	01S	67W	0.07
70101	10655RF	W-2163	12/31/35	3/20/72	NE	SW	13	01N	65W	2.54
70102	WELL NO. 3	W-2163	1/11/55	3/20/72	NE	SW	13	01N	65W	0.14
70201	16091	W-783	7/26/44	3/29/71	NW	NW	1	02S	67W	0.50
70301	14540	W-2200	7/31/40	3/22/72	NW	SE	25	04N	67W	1.70
70302	22306R	W-8330-76	12/31/22	9/30/76	NE	SE	25	04N	67W	1.78
70501	14823	W-4585	9/12/55	6/26/72	NW	NE	8	01N	65W	2.34
70502	28896-F	W-4585	12/31/37	6/26/72	NW	SE	8	01N	65W	0.82
70503	14826	W-4585	12/31/38	6/26/72	NW	SE	8	01N	65W	1.73

WELL No	PERMIT No	CASE No	APPROP	ADJUD	QTR40	QTR160	SEC	TNP	RNG	FLOW
70504	5944F	W-4585	7/28/64	6/26/72	NE	SW	8	01N	65W	2.63
70505	5998F	W-4585	7/28/64	6/26/72	NW	SW	8	01N	65W	2.23
70506	2337F	W-4585	9/25/59	6/26/72	SW	SE	8	01N	65W	1.03
70507	14824	W-4585	5/14/51	6/26/72	NW	NW	9	01N	65W	1.34
70508	8865F	W-4585	3/4/58	6/26/72	NW	NW	9	01N	65W	0.49
70601	19944	W-690	12/31/25	3/12/71		NE	19	01N	66W	2.33
70602	20583	W-690	6/4/28	3/12/71		NE	19	01N	66W	2.22
70603	12800	W-690	12/31/42	3/12/71		NE	19	01N	66W	1.67
70701	4271F	W-5854	6/3/63	6/30/72	SE	SW	36	01N	67W	0.83
70702	R318R	W-6109	10/27/54	6/30/72	SE	SW	36	01N	67W	2.00
70801	13744	W-5853	12/31/38	6/30/72	NE	NW	18	01S	66W	2.05
70901	13741	W-5854	6/1/40	6/30/72	SE	NE	31	01N	66W	1.09
70902	13742	W-5854	6/1/50	6/30/72	SE	NE	31	01N	66W	2.41
70903	1211	W-5854	8/30/40	6/30/72	SW	NE	32	01N	66W	1.46
71001	12221F	W-5854	4/20/64	6/30/72	NE	NE	31	02N	66W	2.91
71002	6818	W-5854	5/30/35	6/30/72	SE	NE	31	02N	66W	2.34
71101	1-19491	W-3846	5/31/11	6/19/72	SE	SE	7	01N	66W	2.78
71102	2-19491	W-3846	4/30/13	6/19/72	SE	SE	7	01N	66W	2.60
71201	R11383	W-1741	12/31/51	12/28/71	SE	NE	18	01N	66W	2.22
71301	11575	W-636	12/31/37	3/2/71	SE	NW	13	04N	66W	2.22
71401	12891	W-1407	6/30/37	9/1/71	NW	SW	34	05N	67W	1.33
71402	12892	W-1407	7/13/46	9/1/71	NW	SW	34	05N	67W	1.33
71601		W-5487	4/1/54	6/29/72	SE	NE	24	02N	67W	2.00
71701	A	83-CW-120	3/31/54	5/25/83	SE	NW	1	02S	67W	0.13
71702	B	83-CW-120	3/31/54	5/25/83	SE	NW	1	02S	67W	0.13
71703	C	83-CW-130	3/31/54	5/25/83	SE	NW	1	02S	67W	0.13
71704	D	83-CW-120	3/31/54	5/25/83	SE	NW	1	02S	67W	0.13
71705	E	83-CW-120	3/31/54	5/25/83	SE	NW	1	02S	67W	0.13
71706	F	83-CW-120	3/31/54	5/25/83	SE	NW	1	02S	67W	0.13
71707	G	83-CW-120	3/31/54	5/25/83	SE	NW	1	02S	67W	0.13
71708	H	83-CW-120	3/31/54	5/25/83	SE	NW	1	02S	67W	0.13
71709	I	83-CW-120	3/31/54	5/25/83	SE	NW	1	02S	67W	0.13
71801	11859	W-3409	7/20/50	6/9/72	NW	NW	35	03N	67W	2.33
71901	11344	W-3409	10/16/56	6/9/72	SW	SW	35	03N	67W	1.40
71902	11860	W-3409	8/12/54	6/9/72	SW	SW	35	03N	67W	1.73
72001	2834F	W-872	3/5/42	4/14/71	NE	NW	12	04N	66W	2.11
72002	2835F	W-872	6/12/54	4/14/71	NE	NW	12	04N	66W	2.66
72101	R10159	W-2548	4/30/52	5/5/72	SE	NW	24	01N	65W	1.78
72102	R10160	W-2548	8/30/55	5/5/72	SE	NW	24	01N	65W	1.22

WELL No	PERMIT No	CASE No	APPROP	ADJUD	QTR40	QTR160	SEC	TNP	RNG	FLOW
72201	2-1747	W-651	5/31/29	3/4/71	SW	NE	31	04N	66W	2.44
72301	14308	W-2229	6/21/37	3/28/72	NW	SE	25	01N	66W	1.61
72401	8593	W-653	9/22/54	3/5/71	SE	NW	11	02S	67W	2.00
72402	17844RF	W-653	9/22/34	3/5/71	SW	NW	11	02S	67W	0.98
72403	178442A	W-653	9/22/35	3/5/71	NE	NW	11	02S	67W	1.33
72404	178442B	W-653	9/22/38	3/5/71	NE	NW	11	02S	67W	1.33
72405	17844-3	W-653	9/22/44	3/5/71	SE	NW	11	02S	67W	2.00
72501	035173F	W-4668	3/31/52	6/27/72	NW	SE	16	02N	65W	2.22
72601	11320	W-4463	6/20/57	6/26/72	NW	SE	22	04N	64W	2.00
72701	10676	W-1840	7/31/47	1/20/72	SE	SW	14	04N	64W	1.78
72801	21013F	W-6264	12/31/33	6/30/72	SE	NE	16	05N	64W	5.60
72901	1383	W-2854	10/31/51	5/24/72	SW	SE	26	01S	65W	2.22
72902	1384	W-2854	8/31/54	5/24/72	NW	SE	26	01S	65W	1.33
72903	13067	W-2854	4/30/60	5/24/72	SW	SE	26	01S	65W	1.11
72904	3499	W-2854	4/30/62	5/24/72	NW	SW	25	01S	65W	0.61
72905	1385	W-2854	8/31/55	5/24/72	NW	NE	26	01S	65W	2.33
72906	5730	W-2854	6/30/64	5/24/72	NW	NE	26	01S	65W	1.11
73001	10451	W-998	5/31/55	5/13/71	SW	SE	11	01S	66W	0.88
73101	1-15504-F	W-1000	5/15/44	5/14/71	NE	SW	20	02N	66W	2.22
73201	2-13822	W-3767	6/30/13	6/16/72	NE	SW	20	02N	66W	2.67
73301	3-19924	W-359	12/31/09	11/19/70	SW	SE	19	04N	66W	2.12
73302	4-19924	W-359	12/31/51	11/19/70	SW	SE	19	04N	66W	2.23
73303	5-19924	W-359	12/31/39	11/19/70	SW	SE	19	04N	66W	1.67
73304	6-19924	W-359	9/4/54	11/19/70	SW	SE	19	04N	66W	2.67
73501	R13565	W-401	12/31/14	12/21/70	SW	NW	27	05N	65W	1.87
73601	8905F	W-992	5/28/58	5/12/71	SW	SE	25	01N	65W	2.66
73602	8358	W-992	4/30/50	5/12/71	SW	SE	25	01N	65W	3.33
73701	12973	W-196	5/18/56	8/25/70	SW	SW	24	05N	65W	3.33
73801	14101R	W-3801	4/15/35	6/19/72	SW	SW	22	03N	65W	3.55
73802	6137F	W-3801	9/1/64	6/19/72	SW	NE	21	03N	65W	2.22
73901	R5964RF	W-2718-79	10/1/31	5/18/72	SW	NW	19	05N	64W	2.35
74001	WILTFANG #1	W-1561	3/1/48	10/29/71	NE	NE	28	05N	65W	1.30
74101	6285	80-CW-339	6/1/46	6/27/72	NE	SE	30	01S	66W	0.89
74201	15743	W-1959	7/1/54	2/16/72	NE	SE	9	02S	67W	0.89
74301	8409	W-1840	6/30/35	1/20/72	SE	NW	22	04N	64W	1.67
74401	6555	W-1723	12/31/45	12/23/71	SE	SE	26	04N	66W	2.20
74402	6556	W-1723	6/30/53	12/23/71	SE	SE	26	04N	66W	2.20

WELL No	PERMIT No	CASE No	APPROP	ADJUD	QTR40	QTR160	SEC	TNP	RNG	FLOW
74403	6557	W-1723	8/31/54	12/23/71	SE	SE	26	04N	66W	1.40
74501	1693	W-1678	4/30/44	12/10/71	SW	NE	3	03N	60W	3.33
74601	6331	W-1950	8/26/52	2/15/72	NE	SE	24	04N	60W	3.22
74701	6795	W-938	7/1/43	4/29/71	SE	NE	25	02N	65W	2.22
74702	03275F	W-938	7/1/61	4/29/71	SE	NE	25	02N	65W	1.00
74703	013659F	W-938	8/31/64	4/29/71	SE	NE	25	02N	65W	1.55
74801	6796	W-938	3/20/57	4/29/71	NE	SW	25	02N	65W	2.00
74802	2470F	W-938	7/1/60	4/29/71	NW	SE	25	02N	65W	1.67
74901	1050	W-2213	6/30/55	3/24/72	SE	NW	36	02N	67W	3.00
75001	12180	W-4085	5/31/56	6/21/72	NW	SE	32	04N	60W	2.09
75002	15083	W-4085	12/31/53	6/21/72	SE	SW	29	04N	60W	2.66
75101	13940	W-486	4/30/56	1/27/71	SE	SE	2	04N	67W	2.22
75102	23881F	82-CW-345	6/21/33	1/27/71	SE	SW	7	04N	66W	3.57
75201	11020	W-3583	12/31/40	6/14/72	NW	NW	2	02S	67W	2.39
75301	20959	W-3583	4/30/35	6/14/72	SE	NE	25	01S	67W	1.00
75302	3343F	W-3583	3/10/62	6/14/72	SW	NE	25	01S	67W	2.07
75401	12053	W-1955	5/30/34	2/16/72	SW	NE	5	03N	66W	0.66
75402	12054	W-1955	7/31/54	2/16/72	SE	NE	5	03N	66W	0.17
75403	12055	W-1955	7/31/55	2/16/72	SW	NE	5	03N	66W	0.82
75501	20989	W-579	1/28/63	2/19/71	NE	SW	1	01S	67W	2.22
75601	5817	W-4668	3/31/52	6/27/72	SW	SE	16	02N	65W	2.22
75602	013328F	W-4668	4/17/64	6/27/72	NW	SE	16	02N	65W	2.22
75701	EWING #1	W-6141	5/6/40	6/30/72	NW	SW	32	05N	65W	2.62
75801	13958	W-4532	12/31/38	6/26/72	SW	NE	1	04N	64W	2.00
75901	1955	W-6453	5/10/53	6/30/72	SW	SW	23	04N	65W	3.33
76001	20138F	W-138	5/31/33	7/16/70	NW	SW	20	01N	66W	1.67
76101	1368	W-1477	6/20/36	10/4/71	SE	SW	23	04N	60W	5.55
76201	1369	W-1477	3/30/54	10/4/71	SE	NE	35	04N	60W	2.00
76202	6864F	W-1477	6/20/65	10/4/71	SE	NE	35	04N	60W	3.33

Are there other rights diverted from these structures? Yes, in some cases.

3. Decrees for Water Rights to be Used for Augmentation: (All are in Water Division μ 1, see Figure 1) 3.1 Brighton and Fort Lupton Well Fields. Case μ W-7905 decreed 2/25/85 and 84CW405 decreed 10/1/85. Wells 1-6 are located in Section 30 and Wells 7-10 are located in Section 7, T1N, R66 W, 6th P.M., Weld County, Colorado. Appropriations: 12/16/74 for groundwater diversions totaling 28.02 c.f.s. from the South Platte River for augmentation and other uses. 3.2 Milliron and Kiowa Recharge Project. Case μ 81CW382 decreed 4/29/87. Diligence Decrees, 93-CW-024 and 00-CW-081. Milliron Facility: Point of diversion at a headgate on the Bijou Canal where the canal intersects Milliron Draw in the Northeast ¼ of Section 21, Township 4 North, Range 60 West of the 6th P.M., Morgan County, Colorado, water being delivered to said point from the South Platte River through the Bijou Canal the headgate for which is located in the Northeast Quarter of Section 13, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado. Kiowa Facility: Point of

diversion at a headgate on the Bijou Canal where the canal intersects Kiowa Creek in the Northeast ¼ of Section 22, Township 4 North, Range 60 West of the 6th P.M., Morgan County, Colorado water being delivered from the South Platte River through the Bijou Canal headgate as described above. Appropriations: 12/17/81 for 2,400 acre-feet; 3/7/82 for 5,000 acre-feet, from the South Platte River for augmentation and other uses. 3.3 Hardin Dam and Reservoir. Case μ 81-CW-406 decreed June 26, 1984. Diligence Decrees, 88CW085; 95CW188. The center line of the axis of the dam is described as follows: commencing at a point in Section 21, Township 4 North, Range 62 West, 6th P.M., from whence the Southwest corner of said Section 21 bears South 39B20' West 4000 feet and at elevation 4590 feet above sea level, from U.S.G.S. 7-1/2 Minutes Series Quad Map, thence North 18B00' East, 21,600 feet across Sections 21, 16, 9, 10 and 3, Township 4 North, Range 62 West, 6th P.M., and Section 34, Township 5 North, Range 62 West, 6th P.M., to a point, elevation 4590 U.S.G.S. Datum. Appropriation: December 2, 1981 for 841,500 acre-feet conditional from the South Platte River for augmentation, exchange and other uses. 3.4 Box Elder Recharge and Storage Project. Case μ 82CW413 decreed 10/6/93. Diligence Decrees, 92-CW-048, 93-CW-086 and 00-CW-218. Diverts at the common headgate of the Burlington Ditch, the O'Brian Canal and the Denver-Hudson Canal located in the Southwest Quarter of the Northeast Quarter of Section 14, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado, also known as the Riverside Gates. Water is diverted through the Burlington Ditch, through the O'Brian Canal and through the Denver-Hudson Canal to a point where the Denver-Hudson Canal intersects the original channel of Box Elder Creek, immediately below Boot Leg Reservoir a/k/a Boot Lake Reservoir, in Section 1, Township 1 South, Range 65 West of the 6th P.M., Adams County, Colorado where the waters are diverted out of the Denver-Hudson Canal. Also diverts at a point on Box Elder Creek immediately below Boot Leg Reservoir in Section 1, Township 1 South, Range 65 West of the 6th P.M. and north along the channel of Box Elder Creek to the confluence of Horse Creek in Section 19, Township 1 North, Range 64 West of the 6th P.M. where waters of Box Elder Creek arising because of natural surface flows, precipitation or run-off are diverted and measured for beneficial use. Appropriation: 5/10/79 for 3000 a.f. from the South Platte River and Boxelder Creek for augmentation and other uses. 3.5 Chatfield Reservoir. Case μ 83-CW-184 decreed March 29, 1989. Diligence Decree 95CW111. The reservoir is an existing structure located on the mainstem of the South Platte River; the right abutment of which is located in Douglas County, Colorado, in Sections 6 and 7, Township 6 South, Range 68 West of the 6th P.M., and the left abutment of which is located in Jefferson County, Colorado, in Section 1, Township 6 South, Range 69 West of the 6th P.M. Appropriation: August 24, 1984 for 26,400 acre-feet conditional from the South Platte River for augmentation, replacement, exchange and other uses. 3.6 Farmers Independent Recharge Project. Case μ 85CW370 decreed 3/29/89, amended 2/8/91. Diligence Decree, 95CW077. Diverts in the Southwest Quarter of Section 19, Township 3 North, Range 66 West of the 6th P.M., Weld County, Colorado at the diversion works of the Farmers Independent Ditch on the east bank of the South Platte River. Appropriation: 11/1/85 for 90 c.f.s. from the South Platte River for augmentation and other uses. 3.7 Western Mutual Ditch Recharge Project. Case μ 87CW304 decreed 6/21/91. Diligence Decree, 97-CW-161. Diverts in the Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) of Section Eleven (11), Township Three (3) North, Range Sixty-seven (67) West of the 6th P.M., Weld County, Colorado at the diversion works of the Western Mutual Ditch on the east bank of the South Platte River. Appropriation: 3/17/87 for 55 c.f.s. from the South Platte River for augmentation and other uses. 3.8 Siebring Reservoir and W.R. Jones Ditch (62 shares). Case μ 88CW127 decreed 5/25/90. Diligence Decree, 96-CW-113. Siebring Reservoir is located in the NW¼NW¼, the S½NW¼, the N½SW¼, the NW¼SE¼, and the SW¼NE¼, Section 31, T6N, R66 W, 6th P.M., Weld County, Colorado. W. R. Jones Ditch headgate is located on the South side of the Cache La Poudre River in the NE¼NW¼SW¼, Section 36,

T6N, R67W, 6th P.M., Weld County, Colorado. Appropriations: 12/18/87 for 1997.3 a.f.; 9/1/1867 for 62 shares of the ditch which yield 401.4 a.f. consumptive use from the Cache La Poudre River for augmentation and other uses. 3.9 Koenig Reservoir. Case μ 92CW021decreed 2/3/00. Located on Lots 7 and 8 in the South One-half of Section 13, Township 2 North, Range 67 West of the 6th P.M., Weld County, State of Colorado, according to the plat of Lupton Meadows Land Co., Division μ 1 at a point 800 feet west and 4500 feet south of the Northeast corner of said Section 13. Points of diversion: 1)The Lupton Bottoms Ditch the headgate of which is located just north of Wattenburg, Colorado on the west bank of the South Platte River in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 19, Township 1 North, Range 66 West of the 6th P.M. 2) A pump station adjacent to the South Platte River located on the west bank of the South Platte River in the Northwest Quarter of the Southwest Quarter, Section 18, Township 2 North, Range 66 West of the 6th P.M., Weld County, Colorado at a point 3800 feet south and 500 feet east of the Northwest corner of said Section 18. 3) The Meadow Island μ 1 Ditch the headgate of which is located on the northwest bank of the South Platte River in the Northwest Quarter of the Southwest Quarter of Section 19, Township 1 North, Range 66 West of the 6th P.M. Appropriation: 12/31/91 for 1300 a.f. from the South Platte River for augmentation and other uses. 3.10 Jo Dee Reservoir. Case μ 92CW165 decreed 11/29/96. Located on a tract of land in the West Half of the Northeast Quarter and the East Half of the Northwest Quarter of Section 24, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado. Points of Diversion: 1) Jo Dee Infiltration Gallery located in the Southwest Quarter of the Northeast Quarter of Section 24, Township 6 North, Range 68 West of the 6th P.M., 1400 feet South of the North section line and 2000 feet West of the East section line. 2) Jo Dee Inlet Pipe μ 1 located in the Northwest Quarter of the Southeast Quarter of Section 24, Township 6 North, Range 68 West of the 6th P.M., 2800 feet South of the North section line and 1600 feet West of the East Section line. 3) Jo Dee Inlet Pipe μ 2 located in the Southeast Quarter of the Northwest Quarter of Section 24, Township 6 North, Range 68 West of the 6th P.M., 1600 feet South of the North section line and 3600 feet West of the East Section line. 4) Jo Dee Inlet Pipe μ 3 located in the Northeast Quarter of the Northwest Quarter of Section 24, Township 6 North, Range 68 West of the 6th P.M., 800 feet South of the North section line and 3900 feet West of the East Section line. 5) Box Elder Ditch whose headgate is located on the South bank of the Cache La Poudre River located in the Southwest Quarter of the Southeast Quarter of the Northeast Quarter of Section 20, Township 7 North, Range 68 East of the 6th P.M., 2500 feet South of the North section line and 1000 feet West of the East section line. 6) Jacoby-Schmidt Ditch whose headgate located on the South bank of Fossil Creek, tributary to the Cache La Poudre River, in the Northeast Quarter of the Southeast Quarter of Section 14, Township 6 North, Range 68 West of the 6th P.M., 2200 feet North of the South section line and 400 feet West of the East section line. 7) New Cache La Poudre Irrigation Canal whose headgate is on the North bank of the Cache La Poudre River located in the Southeast Quarter of the Northeast Quarter of Section 11, Township 6 North, Range 68 West of the 6th P.M., 2500 feet South of the North section line and 1100 feet West of the East section line. Appropriation: 4/13/90 for 1600 a.f. from the Cache La Poudre River for augmentation and other uses. 3.11 Lupton Bottoms Ditch (5 shares). Case μ 93CW085 decreed 8/9/95. The ditch headgate is located just North of Wattenburg in Section 19, Township 1 North, Range 66 West on the West bank of the South Platte River in the NW¼NW¼SW¼ of said section. Appropriations: 5/15/1863 for 47.70 cfs; 3/10/1871 for 10 cfs; 9/15/1873 for 92.87 cfs. 5 shares of the ditch yields 269 a.f. consumptive use from the South Platte River for augmentation and other uses. 3.12 83rd Avenue Reservoir. Case μ 94CW096 decreed 2/27/95. Located in the Northeast Quarter of the Southeast Quarter and the Southeast Quarter of the Northeast Quarter of Section 31, Township 6 North, Range 66

West of the 6th P.M., Weld County, Colorado lying south of the Cache La Poudre River. Points of Diversion: 1) the William R. Jones Ditch the headgate of which is on the South side of the Cache La Poudre River in the Northeast Quarter of the Northwest Quarter of the Southwest Quarter, Section 36, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado. 2) From a pump adjacent to the Cache La Poudre River In the Northeast Quarter of the Southeast Quarter and the Southeast Quarter of the Northeast Quarter of Section 31, Township 6 North, Range 66 West of the 6th P.M., Weld County, Colorado lying south of the Cache La Poudre River. Appropriation: 5/17/94 for 300 a.f. from the Cache La Poudre River for augmentation and other uses. 3.13 La Poudre Reservoirs 3 & 4. Case μ 94CW097 decreed 3/22/96. Located in the East One-half of the Northwest Quarter, West One-half of the Northeast Quarter and Northwest Quarter of the Southeast Quarter of Section 19, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado. Points of Diversion: 1) The B. H. Eaton Ditch the headgate of which is on the South side of the Cache La Poudre River in the Northwest Quarter of the Southeast Quarter, Section 19, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado. 2) From La Poudre μ 1 pump adjacent to the Cache La Poudre River In the West One-half of the Southeast Quarter of Section 19, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado lying south of the Cache La Poudre River and east of the B. H. Eaton Ditch. 3) The Whitney Ditch the headgate of which is on the North side of the Cache La Poudre River in the Northwest Quarter of the Southeast Quarter, Section 19, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado. 4) From La Poudre μ 2 pump adjacent to the Cache La Poudre River in the Northwest Quarter or the West One-half of the East One-half of Section 19, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado and surface flow, seep and runoff water. Appropriation: 5/17/94 for 1600 a.f. from the Cache La Poudre River for augmentation and other uses. 3.14 Lupton Bottoms Recharge & Storage Project. Case μ 94CW199 decreed 12/16/96. Diverts at the headgate of the Lupton Bottom Ditch, located just North of Wattenburg in Section 19, Township 1 North, Range 66 West on the West bank of the South Platte River in the Northwest Quarter of the Northwest Quarter of the Southwest quarter of said section. Appropriation: 10/18/94 for 100 c.f.s. from the South Platte River for augmentation and other uses. 3.15 Greeley Irrigation Company (20 shares). Case μ 97CW077 decreed 12/11/01. The headgate of Canal μ 3 is located on the south side of the Cache La Poudre River in the Northeast Quarter of the Northwest Quarter of the Southeast Quarter of Section 32, Township 6 North, Range 66 West of the 6th P.M., Weld County, Colorado at a point 1900 feet West and 2200 feet North of the southeast corner of said Section 32. Appropriations: 04/01/1870 for 52.0 c.f.s.; 10/01/1871 for 41.0 cfs; 07/15/1872 for 63.13 cfs; 05/15/1873 for 16.67 cfs. 20 shares of the ditch yield 206.2 a.f. consumptive use from the Cache La Poudre River for augmentation and other uses. 3.16 Robert W. Walker Reservoir. Case μ 97CW272 decreed 5/10/00. Located in the East ½ of Section 36, Township 1 North, Range 67 West of the 6th P.M., and the West ½ of Section 31, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. The inlet is located on the Brighton Ditch in the Southwest Quarter of Section 36 at a point 2,620 feet north and 1,200 feet east of the Southwest corner of Section 36. Points of diversion: 1) The Brighton Ditch the headgate of which is located on the west bank of the South Platte River in the Southeast Quarter of the Southeast Quarter of the Southeast Quarter, Section 11, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. 2) The Robert W. Walker pump station adjacent to the South Platte River located on the west bank of the South Platte River in the Southwest Quarter of the Northwest Quarter, Section 31, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado at a point 2,400 feet south and 1,300 feet east of the Northwest corner of Section 31. Appropriation: 10/21/97 for 2000 a.f. from the South Platte River for augmentation and other uses. 3.17 Stillwater Ranch Reservoir. Case μ 97CW392

decreed 5/10/00. Located in the East ½ of Section 36, Township 1 North, Range 67 West of the 6th P.M., and the West ½ of Section 31, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. The inlet is located on the Brighton Ditch in the Southwest Quarter of Section 36 at a point 2,620 feet north and 1,200 feet east of the Southwest corner of Section 36. Points of Diversion: 1) The Brighton Ditch the headgate of which is located on the west bank of the South Platte River in the Southeast Quarter of the Southeast Quarter of the Southeast Quarter, Section 11, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. 2) The Robert W. Walker pump station adjacent to the South Platte River located on the west bank of the South Platte River in the Southwest Quarter of the Northwest Quarter, Section 31, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado at a point 2,400 feet south and 1,300 feet east of the Northwest corner of Section 31. Appropriation: 9/12/97 for 1600 a.f. from the South Platte River for augmentation and other uses. 3.18 McDowell Ranch. Case μ 86CW397, 88CW267, 88CW129. 15 acre feet by Stipulation with the City of Thornton. 4. Pending Applications for Water Rights to be Used for Augmentation: (All are in Water Division μ 1, see Figure 1). 4.1 Greeley and Loveland Irrigation Company (GLIC), 26.167 shares; Seven Lakes Reservoir Company (SL), 16 shares; and Loveland and Greeley Reservoir Company a\k\a Lake Loveland (LL), 9 contract rights. Case μ 97CW078 filed 1/31/97. The Loveland and Greeley Canal has its decreed point of diversion at two separate headgates, one located in Section 15 and one in Section 17, each in Township 5 North, Range 69 West of the 6th P.M., Larimer County. The actual point of diversion of the Loveland and Greeley Canal is in the Southwest Quarter of Section 15, Township 5 North, Range 69 West of the 6th P.M., Larimer County. Appropriation: 04/01/1881 for 297.44 cfs. The Barnes Ditch and Little Barnes Ditch have their decreed point of diversion in Section 17, Township 5 North, Range 69 West of the 6th P.M., Larimer County. The historic point of diversion is on the North side of the Big Thompson River in the Northwest Quarter of the Northeast Quarter of said Section 17. Appropriations: 10/20/1865 for 18.56 cfs; 06/01/1867 for 12.06 cfs; 06/23/1873 for 19.93 cfs. The Chubbuck Ditch a\k\a the Larimer County Irrigation and Manufacturing Ditch has its decreed point of diversion at two separate headgates, one located in Section 15 and one in Section 17, each in Township 5 North, Range 69 West of the 6th P.M., Larimer County. The actual point of diversion is the Loveland and Greeley Canal in the Southwest Quarter of Section 15, Township 5 North, Range 69 West of the 6th P.M., Larimer County. Appropriations: 11/01/1865 for 8.36 cfs; 10/20/1870 for 39.04 cfs; 10/25/1873 for 35.50 cfs; 11/01/1878 for 15.20 cfs. Loveland and Greeley Reservoir (Lake Loveland) is located in the Northeast Quarter of Section 10, Section 11, and the North One-half of the North one-half of Section 14, all in Township 5 North, Range 69 West of the 6th P.M., Larimer County and is filled through the Barnes Ditch and waters arising in its watershed. Appropriations: 1/14/1893 for 14,238.7 a.f.; 1/14/1893 for 14,239 a.f. Seven Lakes Reservoir System consists of interconnected reservoirs located in Sections 30 and 31, Township 6 North, Range 68 West of the 6th P.M., Section 36, Township 6 North, Range 69 West of the 6th P.M., Section 1, Township 5 North, Range 69 West of the 6th P.M., and Sections 6 and 7, Township 5 North, Range 68 West of the 6th P.M., all in Larimer County and are filled by waters of Dry Creek and diversions from the Big Thompson River through the Barnes Ditch, the Louden Ditch and the Loveland and Greeley Canal. Appropriations: 4/28/1902 for 8,432 a.f.; 4/28/1902 for 8,432 a.f. Boyd Lake is located in Section 5, the Southeast Quarter of Section 6, the East One-half of the East One-half of Section 7, Section 8, all in Township 5 North, Range 68 West of the 6th P.M., Section 29, the East One-half of the East One-half of Section 30, the East One-half of the East One-half of Section 31, Section 32, all in Township 6 North, Range 68 West of the 6th P.M., Larimer County and is filled by diversions from the Big Thompson River through the Loveland and Greeley Canal, the Barnes Ditch and delivered to Boyd Lake through Lake Loveland and Horseshoe Reservoir and the Louden Ditch and is supplied by waters arising in the Dry Creek drainage basin

and the natural drainage area of the lake. Appropriations: 4/28/1902 for 48,564 a.f.; 4/28/1978 for 44,031 a.f. The Seven Lakes Reservoir Company also owns 26.5 shares of the 600 shares of the Louden Irrigation Canal Company. The Louden Ditch has its decreed point of diversion in Section 12, Township 5 North, Range 70 West of the 6th P.M., Larimer County. The historic point of diversion is on the North side of the Big Thompson River in the Southwest Quarter of the Northwest Quarter of said Section 12. Appropriations: 11/10/1861 for 7.0 cfs; 10/01/1871 for 40.0 cfs; 11/01/1877 for 123.0 cfs; 9/17/1883 for 0.008 cfs. The consumptive use from all the shares and contract rights, the source of which is the Big Thompson River will be used for augmentation and other uses. 4.2B.H. Eaton (9 shares) and Boxelder Ditch (1.5 shares). Case μ 00CW166 filed 9/18/00. The B. H. Eaton ditch headgate is located on the South bank of the Cache La Poudre River in the Southeast Quarter of Section 19, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado. Appropriations: 4/1/1864 for 29.1 c.f.s.; 6/1/1866 for 3.33 c.f.s; 7/25/1872 for 9.72 c.f.s. 9 shares of the ditch yield 99.78 a.f. consumptive use from the Cache La Poudre River for augmentation and other uses. Applicant seeks approval to use 99.78 a.f. for augmentation purposes until the application for change of water right is approved by the Court. The Boxelder ditch headgate is located on the South bank of the Cache La Poudre River in the Southwest Quarter of the Southeast Quarter of the Northeast Quarter of Section 20, Township 7 North, Range 68 West of the 6th P.M., Larimer County, Colorado, 2500 feet South of the North section line and 1000 feet West of the East section line. Appropriations: 3/1/1866 for 32.50 c.f.s.; 5/25/1867 for 8.33 c.f.s.; 7/1/1868 for 11.93 c.f.s. 1.5 shares of the ditch yield 58.33 a.f. consumptive use from the Cache La Poudre River for augmentation and other uses. 4.3 W.R. Jones Ditch (15 shares). Case μ 00CW072 filed 5/22/00.The ditch headgate is on the South side of the Cache La Poudre River in the Northeast Quarter of the Northwest Quarter of the Southwest Quarter, Section 36, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado. Appropriation: 9/1/1867 for 15.52 c.f.s. 15 shares of the ditch yield 94.81 a.f. consumptive use from the Cache La Poudre River for augmentation and other uses. 4.4 Platteville Irrigating and Milling Ditch Recharge Project. Case μ 01CW048 filed 4/19/2001. Diverts at the headgate of the Platteville Irrigating & Milling Ditch, located in the NE¼ NE¼ SE¼, Section 31, Township 2 North, Range 66 West of the 6th P.M., Weld County, Colorado. Appropriation: 3/20/01 for 150 c.f.s. from the South Platte River for augmentation and other uses. 4.5 Weldon Valley Ditch Company (4 shares). Case μ 01CW263 (91CW073) filed 12/20/01. The Weldon Valley Ditch headgate is located the north bank of the South Platte River in the SW¼ NW¼ SE¼ of Section 13,Township 4 North, Range 61 West of the 6th P.M., Weld County, Colorado. Appropriation: 10/26/1881for 165 c.f.s. 4 shares of the ditch yield 223.08 a.f. consumptive use pursuant to the decree in 91CW073 from the South Platte River for augmentation and other uses.4.6 Fulton Irrigation Ditch Company (150 shares). Case μ 01CW265 filed 12/20/01. The ditch headgate is located near Section 9, between Sections 16 and 17 in Township 2 South, Range 67 West of the 6th P.M., Adams County, Colorado. Appropriations: 5/1/1865 for 79.7 c.f.s.; 7/8/1876 for 74.25 c.f.s; 11/5, 1879 for 50.23 c.f.s. 150 shares of the ditch yield 184.83 a.f. consumptive use from the South Platte River for augmentation and other uses. 4.7 Union Reservoir Company (20.5 shares). Case μ 02CW172 filed 8/28/02. Union Reservoir is located in portions of Sections 30, 31 and 32, T3N, and Sections 5 and 6, T2N, R68 W of 6th P.M. Weld County, Colorado. Appropriations: 10/6/1902, 13,219 a.f. and 3/11/1973, 5,879 a.f. 20.5 shares of the reservoir yield 266.5 a.f. consumptive use in accordance with decree in 87CW222, from St. Vrain Creek for agricultural purposes. 4.8 W. R. Jones Ditch (60 shares). Case μ 02CW200 filed 9/20/02. See ¶ 4.3. 60 shares of the ditch yield 424.52 a.f. consumptive use from the Cache La Poudre River for augmentation and other uses. 4.9 Lupton Meadows Ditch Company (60 shares). Case μ 02CW265 filed 11/12/02. Central's 60 shares are supplied by

the Lupton Bottoms Ditch. The headgate of the Lupton Bottom Ditch is located just North of Wattenburg in Section 19, Township 1 North, Range 66 West on the West bank of the South Platte River in the Northwest Quarter of the Northwest Quarter of the Southwest quarter of said section. Appropriations: 5/15/1863 for 47.70 cfs; 3/10/1871 for 10 cfs; 9/15/1873 for 92.87 cfs. 60 shares of the ditch yield 62.74 a.f. consumptive use from the South Platte River for augmentation and other uses. 4.10 Bernhardt Reservoir. Case µ 02CW269 filed 11/21/02. In the South ½ of Section 1, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. Points of Diversion: 1) The Beeline Ditch the headgate of which is located in the NW¼ SW¼ NE¼ of Section 10, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. 2) Big Thompson Platte River Ditch the headgate of which is located in the SW¼ NE¼ NE¼ of Section 10, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. 3) The Bernhardt pump station adjacent to the Big Thompson River and the reservoir in the South ½ of Section 1, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. Appropriation: 11/19/02 for 3000 a. f. from the Big Thompson River for augmentation and other uses. 4.11 Nissen Reservoir. Case µ 02CW270 filed 11/21/02. In the SE¼ and the E½ SW¼ of Section 12, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado. Points of Diversion: 1) The Plumb Ditch the headgate of which is located in the SW 1/4 NW 1/4 of Section 13, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado. 2) Lower Latham Ditch the headgate of which is located in the NE¼ NW¼ NE¼ of Section 31, T5N, R65W of the 6th P.M. Weld County, Colorado. 3) The Nissen pump station adjacent to the South Platte River and the reservoir in the SE¼ and the E½ SW¼ of Section 12, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado. Appropriation: 11/19/02 for 3000 a. f. from the South Platte River for augmentation and other uses. 4.12 Applicant seeks approval to use the consumptive use set out in ¶4.1 through ¶4.3 and ¶4.5 through ¶4.9 for augmentation purposes until the applications for changes of water rights are approved by the Court. 5. Water Rights owned or leased by Applicant to be Used for Augmentation: (All are in Water Division µ 1). 5.1 Owned Sources: Farmers Independent Ditch Company (3 shares); Greeley Irrigation Company (3 shares). Platte Valley Irrigation Company (6 shares); Platteville Irrigating and Milling Company (13/24th share); Rural Ditch (2.5 shares); Brighton Ditch Company (1/10th share). 5.2 Leased Sources: Greeley Irrigation Company, use will be made on the terms of the decree in Case µ 97CW077 described in ¶3.13; Lupton Meadows Ditch; Fulton Irrigation Ditch; Brighton Ditch; McCanne Ditch; Morgan-Prewitt Reservoir; Aurora reuseable effluent; Sublette Recharge; North Sterling Recharge; Bijou Ditch Recharge; Fort Morgan Ditch Recharge. 5.3 The Subdistrict seeks approval to add water rights it acquires by purchase or lease to be used as replacement sources for this plan of augmentation. Applicant seeks approval to use the shares and rights for augmentation purposes until the applications for changes of water rights are approved by the Court. Applicant proposes that for reservoir water 60% and for direct flow water 50% of the previous 5 years average releases be available for augmentation purposes. If the Water Court has quantified the historic use of the same type of shares to be used for replacement water, Applicant proposes to use the consumptive use and return flow obligations found in such a decree, unless changed circumstances indicate a different historic use should be used. 6. Statement of Plan for Augmentation: 6.1 No replacement sources will be changed pursuant to this application. All changes of water rights for replacement sources will be filed as separate applications or amendments to this application. 6.2 Diversions from the wells listed in Table 1 cause depletions to the South Platte River and it's tributaries. To the extent that those depletions are out of priority, the purpose of this plan is to provide for replacement of such out of priority depletions in time, location and amount to the extent necessary to prevent material injury to senior vested water rights.6.3 Method for Determination of Well Depletions. Applicant proposes to use the following method to determine well depletions. 6.3.1 Historic Consumptive Use: The

historic consumptive use for each parcel was estimated for the period 1974 – 2001 and future years will be added. This history was necessary to determine the long term resulting depletion attributed to the Subdistrict wells after consideration of alluvial lagging effects. The modified Blaney-Criddle crop evapotranspiration method is used to estimate monthly crop potential consumptive use for the crops historically grown over the period. These crops include corn, alfalfa, beets, beans, pasture/turf, grain, wheat and vegetables. It is assumed for this analysis, that these crops were grown routinely throughout the study period. The consumptive use model is a water budget that includes surface water inputs, effective precipitation and soil moisture storage. A monthly water budget is simulated for each parcel for every month of the study period. This budget includes the distinction between flood and sprinkler acres. In addition, the budget includes the application of surface supplies assuming a 65 percent field application efficiency for flood irrigation and an 80 percent field application efficiency for pivot and sprinkler irrigation. It is assumed that each ditch system has a ditch conveyance loss ranging from 15 to 30 percent for the the ditch systems that deliver water to the Subdistrict augmentation plan members. After credit for any applicable surface water sources, the model estimates the amount of alluvial water to fulfill the net crop water irrigation requirement not met by the surface water supplies (if any supplies existed). The water budget includes the historic irrigation water requirement after credit for effective precipitation and soil moisture for the irrigated parcels. 6.3.2 Historic River Depletions: The on-site monthly alluvial depletions for the Subdistrict alluvial wells are lagged to the South Platte River using the SDF (Stream Depletion Factor) method. It is assumed that all irrigated parcels that had a parcel SDF less than 120 days had a surface water return flow component as a result of pumping the alluvial well, with the exception of wells in Reach D and E. To model this assumption, it is necessary to estimate the total pumping from each alluvial well from the on-site alluvial depletion. This is accomplished by dividing the pro-rated alluvial on-site depletion for each well by the appropriate well efficiency. For those wells that irrigate by both flood and sprinkler methods, the area weighed well efficiency was used. The resulting estimated monthly well pumping is then used to estimate the total return flow portion of the alluvial groundwater and then the surface water return component of the alluvial groundwater. It is assumed that the alluvial surface water component is 40 percent of the total alluvial return flow component (leaving 60 percent as deep percolation). The alluvial surface water component is assumed to return directly to the South Platte River within the same month the alluvial water was pumped from the well. The remaining deep percolation component attributed to the irrigation wells is lagged back to the South Platte River using the farm SDF value. The deep percolation is computed for all Subdistrict wells. Only those farms having an SDF value less than or equal to 120 days were assumed to have an alluvial surface water return component. The description of this method is to provide notice as required by law, and does not state all the calculations or assumptions made. The actual method finally approved by the Water Court may vary from this proposal. 6.3.3 Table 2 presents the average monthly estimated river depletion for all Subdistrict's wells, by Reach. Reaches are identified as A-F and shown on Figure 1. Reach A is from the headgate of the Upper Platte and Beaver Ditch to the headgate of the Riverside Ditch; Reach B is from Reach A to the Latham Ditch headgate; Reach C is from Reach B to the confluence of the St. Vrain River with the South Platte River; Reach F is from Reach C to the Burlington Ditch headgate; Reach E is Beebe Draw, from Barr Lake to the confluence with the South Platte River; Reach F is from the headwaters of Boxelder Creek to the confluence with the South Platte River. For those reaches adjacent to the South Platte River (Reaches A, B, C and F), the SDF analysis is used. Reach D (Beebe Draw) and Reach E (Box Elder Creek) are off-channel and stream depletion is assumed to occur at a constant annual rate; the SDF analysis is not used for these areas. The monthly river depletions contained in Table 2 are the result of lagging the 1974 – 2001 historic well pumping and deep

percolation and the estimated 1974 – 2001 historic well pumping and deep percolation for all wells. The lagged well pumping and deep percolation and the alluvial surface water return flow (un-lagged) were added to obtain the net river depletion contained in Table 2. These estimates are not fixed but will vary year to year and change based on changes in annual and monthly data, based on changed assumptions and methodology during the pendency of this application.

Table 2

December 2002 Resume

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
Reach A	-379.83	-345.20	-376.09	-360.76	-372.47	-371.81	-403.93	-404.91	-381.65	-387.07	-363.25	-378.68	-4525.65
Reach B	-77.11	-64.07	-64.27	-57.81	-58.96	-68.14	-110.44	-145.26	-142.43	-124.02	-97.12	-86.69	-1059.79
Reach C	-308.39	-264.48	-273.98	-253.23	-256.30	-269.43	-358.11	-466.87	-472.14	-431.65	-356.83	-333.54	-3910.14
Reach D	-146.08	-146.08	-146.08	-146.08	-146.08	-146.08	-146.08	-146.08	-146.08	-146.08	-146.08	-146.08	-1752.99
Reach E	-128.24	-128.24	-128.24	-128.24	-128.24	-128.24	-128.24	-128.24	-128.24	-128.24	-128.24	-128.24	-1538.87
Reach F	-252.02	-211.79	-216.37	-198.06	-201.01	-220.68	-334.60	-464.47	-467.36	-410.85	-318.32	-282.18	-3458.45
Total	-1291.67	-1159.86	-1205.03	-1144.18	-1163.06	-1204.38	-1481.40	-1755.83	-1737.90	-1627.91	-1409.84	-1355.41	-16245.89
d.s.f.	-21.01	-20.89	-19.60	-19.23	-18.92	-20.25	-24.10	-28.56	-29.21	-26.48	-23.70	-22.05	

Values are in acre feet except the last row which is daily second feet. 6.4 Replacement of Out of Priority Depletions. The Subdistrict will make replacement of out-of-priority depletions, that cause material injury to senior vested water rights from the sources identified in ¶'s 3, 4 and 5. 6.5 Accounting and Reporting. The Subdistrict currently maintains accounting of it's replacement plan and makes reports to the State and Division Engineers and proposes to continue to prepare accounting and make reports. Accounting will continue to be developed to meet the needs of the plan. 7. The Subdistrict reserves the right to operate pursuant to the 2002 Amended Rules and Regulations, Case μ 02CW108, or terms contained therein, until a decree is entered in this case, to the extent such Rules are approved by the Water Court or are otherwise legally effective. The District reserves the right to operate pursuant to §37-92-308 C.R.S. or any amendments thereto. 8. Name and Address of Owners of Structures: The wells listed in ¶2 are owned by the wells owners, each who have a Contract with the Subdistrict. The Subdistrict either owns or has the right to use the land and structures upon which the replacement sources are located.

2002CW336, CONCERNING THE APPLICATION OF **CHARLES C. MCKAY AND DEBROUILLARDE RESOURCES, LLC**, APPLICATION FOR APPROVAL OF WATER RIGHTS AND WATER STORAGE RIGHTS, **IN JEFFERSON COUNTY**. 1. Name, address, and telephone number of Applicants: Charles C. McKay, 10050 Wadsworth Blvd., Westminster, CO 80021 (303) 469-2534, and Debrouillarde Resources, LLC, 98 S. Rogers Way, Golden, CO 80401 (303) 215-9550. (Carmen S. Hall, Esq., Petrock & Fendel, P.C., 700 17th Street, #1800, Denver, Colorado 80202 (303) 534-0702). REQUEST FOR APPROVAL OF WATER RIGHTS 2. Name and location of structure: McKay-Debrouillarde Pipeline System. The point of diversion for the pipeline will be located at a point on the north side of Coal Creek in the SW1/4NE1/4 of Section 13, T2S, R71W of the 6th P.M., at a point approximately 2410 feet from the north section line, and 1830 feet from the east section line of said Section 13, as shown on Attachment A hereto. 3. Source: Coal Creek. 4. Rate of flow: 0.33 cfs (conditional) Date of appropriation: December 3, 2002. How appropriation initiated: Intent to appropriate water for beneficial use and posting of a notice of appropriation at the point of diversion. 5. Uses: stock-watering, irrigation, and fire protection, including storage. 6. Irrigated acreage: A total of approximately 60 acres of land to be located in parts of the N1/2 and SE1/4 of Section 13, T2S, R71W; and the SW1/4 and W1/2NW1/4 of Section 18 and W1/2SW1/4 of Section 7, T2S, R70W of the 6th P.M.. Applicants are the owners of said land comprising a total of approximately 252 acres on which the 60 acres of irrigated acreage will be located, as more particularly described and shown on Attachment A hereto. The area of irrigation has not been specifically located at this time and Applicants reserve the right to put said 60 acres at any location on the property based on final planning considerations. REQUEST FOR APPROVAL OF WATER STORAGE RIGHTS 7. Name and location of structure: Marcus Pond, Silver Pond, Fox Pond, and Equinox Pond, to be located on Applicants' property as described in paragraph 6 above. Said ponds have not been specifically located at this time and Applicants reserve the right to place these ponds at any location on the property based on final planning considerations. The ponds will be located off channel and will be lined and no augmentation plan to replace evaporative losses will be necessary. 8. Source: Coal Creek through the McKay-Debrouillarde Pipeline System. 9. Amount claimed: 20 acre-feet total in one or a combination of the four ponds requested herein and the right to refill (conditional). Date of appropriation: December 3, 2002. How appropriation initiated: Intent to appropriate water for beneficial use and posting of a notice of appropriation at the point of diversion. 10. Uses: stock-watering, irrigation, and fire protection. 11. Acreage to be irrigated: Same as referenced in paragraph 6. 12. Names and addresses of owners of land upon which structures are located: Charles C. and Sandra L. McKay, 10100 Old Wadsworth Blvd., Westminster, CO 80021, and Artemis Properties, LLC, 98 S. Rogers Way, Golden, CO 80401. WHEREFORE, Applicants pray that this Court enter a decree granting the application requested herein, finding that the application will prevent injury to owners and users of vested and conditional water rights, and for such other and further relief as this Court deems just and proper in the premises.

2002-CW-337 Michael Stanton, Applicant, by Kim R. Lawrence, Lind, Lawrence & Ottenhoff, 1011 11th Avenue, Greeley, CO, 80631, (970)356-9160. Application for Finding of Reasonable Diligence

in BOULDER COUNTY. 2. Name of Structures: Midwest Wells μ 2-6. 3. Conditional Water Right, Civil Action μ 20716, September 1, 1970, Boulder District Court; 96CW072. a. Legal Description of Structures: East one-half of the Southwest Quarter of Section 33, Township 2 North, Range 70 West of the 6th P.M., Boulder County, commencing from a point whence the Northwest corner, Section 33 bears North 56E4' West, 2.138.8 feet thence to:

Midwest Well μ 2: North 6E30' West 500 feet (NW/NE/NW)
Midwest Well μ 3: North 6E30' West 1,000 feet (NW/NE/NW)
Midwest Well μ 4: South 6E30' East 500 feet (NW/SE/NW)
Midwest Well μ 5: South 6E30' East 1,000 feet (SW/SE/NW)
Midwest Well μ 6: South 6E30' East 1,500 feet (NW/NE/SW)

b. Source: Dakota Formation, Goodrich fault and all other fractures and faults associated therewith. c. Appropriation Date: February 6, 1964 (This is Priority μ 62 in the 1968 series). d. Amount: 4.44 cubic feet per second (2,000 g.p.m.) total flow for all wells combined limited to 1400 g.p.m. for each well. CONDITIONAL. e. Use: Irrigation, domestic, municipal, industrial, power, and other beneficial uses. 4. Outline of What Has Been Done Toward Completion: Applicant has determined that the water is not fit for drinking purposes and has no plans for use of the water except on the property and therefore proposes to abandon all uses except irrigation and domestic on the property. Applicant planned to build a home on the property and use the wells to supply irrigation and water for outside uses. Beginning in 1999 the wells, which have no pumps because they are artesian, ceased to provide water. It is not clear if this is a temporary condition due to the drought or a permanent condition. Applicant seeks additional time to see if the wells recover their artisan qualities and can supply water for irrigation and domestic uses on the property. 5. Claim for Diligence: Applicant seeks a finding of reasonable diligence for the conditional water rights, but proposes to abandon all uses except irrigation and domestic.

2002CW338 **ALBERT R. FREI AND SONS, INC**. Timothy J. Flanagan, Steve Fox, Fowler, Schimberg & Flanagan, P.C., 1640 Grant Street, Suite 300, Denver, Colorado 80203. Phone Number: (303) 298-8603 Fax Number: (303) 298-8748 E-mail: t_flanagan@fsf-law.com s_fox@fsf-law.com **APPLICATION FOR CONDITIONAL WATER STORAGE RIGHT AND DIRECT FLOW RIGHT, IN ADAMS COUNTY**.

1. NAMES, ADDRESS AND TELEPHONE NUMBER OF APPLICANT:

   Albert R. Frei and Sons, Inc.
   Attention: Albert R. Frei
   11521 Brighton Road
   Henderson, Colorado 80640
   (303) 289-1837

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

   Timothy J. Flanagan, Esq.
   Steve Fox, Esq.
   Fowler, Schimberg & Flanagan, P.C.
   1640 Grant Street, Suite 300
   Denver, CO 80203
   (303) 298-8603

2. NAME OF RESERVOIR:

   Lake Frei will be constructed in a gravel mine known as the Worthing Pit (a/k/a Henderson Pit No. 4). Application is also made for a new pipeline and pumping plant to serve this new reservoir.

3. A. Legal Description: Lake Frei will be located in parts of Sections 26, Township 1 South, Range 67 West, 6th P.M. The lake is east of the South Platte River and west of Old Brighton Road.

   B. Points of Diversion/Capacity:

1. Lake Frei will be served by Lake Frei Pipeline, which has not yet been constructed, and is planned to divert on the east bank of the South Platte River in the northwest quarter of the northeast quarter, Section 26, Township 1 South, Range 67 West, 6th P.M. The capacity of the Lake Frei Pipeline will be 300 cfs.

2. The Lake Frei Pumping Plant, which has not yet been constructed, is planned to be located on a parcel of land in Section 26, Township 1 South, Range 67 West, 6th P.M. The capacity of the Lake Frei Pumping Plant will be 50 cfs.

3. Prior to gravel mining, this property was served by a lateral from the Fulton Ditch. The headgate of the lateral to the subject property from the Fulton Ditch is located in the southwest quarter of the northeast quarter of Section 35, Township 1 South, Range 67 West of the 6th P.M. The headgate of the Fulton Ditch is located at the east bank of the South Platte River in the NE/4 of the SE/4, Section 17, T2S, R67W, 6th P.M., Adams County, at a point approximately 2,815 feet south and 145 feet west of the NE corner of said Section 17. The capacity of the Fulton Ditch is 300 cfs.

4. Lake Frei may be interconnected with Brannon Lake which is immediately to the west of Lake Frei and the two are separated by Old Brighton Road.

   If this interconnection is made, then Fulton Ditch water could also be conveyed to Lake Frei via Brannon Lake.

5. The Lake Frei Pipeline will be located on the east bank of the South Platte River in the east half of the northwest quarter of Section 26, Township 1 South, Range 67 West of the 6th P.M.

4. SOURCE FOR RESERVOIR:

South Platte River.

5. A. Date of Appropriation: November 4, 1977.

B. How Appropriation was Initiated: Filing and publication of Application to Mine with the Mined Land Reclamation Board.

C. Date Water Applied to Beneficial Use: Not applicable.

6. AMOUNT CLAIMED:

A. Lake Frei: 2,900 acre-feet (conditional).

B. Lake Frei Pipeline: 300 cfs (conditional).

C. Lake Frei Pumping Plant: 50 cfs (conditional).

7. PROPOSED USE:

The water diverted under the water right sought herein will be used directly or by exchange for irrigation, agricultural, commercial, and all industrial uses including but not limited to manufacturing, industrial, irrigation, recreation, piscatorial, lake and reservoir evaporation, augmentation and replacements including exchanges with other water uses. The Applicant seeks the right to fully consume such water diverted under these water rights by direct use, storage and

subsequent release, reuse, successive use, further exchange and disposition to the point of extinction.

8. SIZE OF THE RESERVOIR:

A. Surface Area: 86 acres.

B. Maximum Depth: 45 feet.

9. TOTAL CAPACITY OF RESERVOIR:

A. Active capacity: 2,900 acre-feet.

B. Dead storage: -0- acre-feet.

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

A. The Applicant owns the property upon which Lake Frei will be located as well as the pumping plant and the pipeline described above.

11. REMARKS:

A. Attached is a general location map of the facilities subject to this Application.

B. This property is currently being wet-mined in accordance with a Section 112 Permit granted by the Colorado Division of Minerals and Geology (Permit No. 77-526) as well as an Adams County Special Use Permit (Permit No. 55-76-ZP).

C. It is anticipated that the mined out gravel pit will be lined with a compacted clay liner or a combination compacted clay liner and bentonite slurry wall.

D. This Applicant has no carriage agreement with the Fulton Ditch and does not claim such by this filing. The only present right this Applicant has to the use of that ditch is for delivery of its pro-rata entitlement as a shareholder.

2002-CW-339 Town of Milliken, J. R. Schnelzer, Town Administrator, 1101 Broad Street, P. O. Box 290, Milliken, Colorado 80543. Telephone: 970-587-4331. Lot Holding Company, LLC, 3026 4th Avenue, Greeley, Colorado 80631. (970) 352-6057. Kim R. Lawrence, Lind, Lawrence & Ottenhoff, LLP, 1011 11th Avenue, Greeley, Colorado, 80631. Application for Water Rights, Change of Water Rights and Approval of Plan for Augmentation in WELD COUNTY. APPLICATION FOR WATER RIGHTS. 2. Name of Structure: Town of Milliken Well μ 3. 2.1. In the NE¼, Section 3, Township 4 North, Range 67 West of the 6th P.M.,Weld County, Colorado, approximately 1700 feet south and 150 feet west from the Northeast corner of said section. 2.2. Source: Groundwater tributary to the Big Thompson River. 2.3. Depth: 35 feet. 2.4. Date of Appropriation: December 11, 2002. 2.5. How Appropriation Was Initiated: Action of Town Board. 2.6. Amount Claimed: 1000 g.p.m., conditional. 2.7. Use: Municipal. 3. Name of Structure: Mad Russian Well μ 1. 3.1. In the NE¼, Section 3, Township 4 North, Range 67 West of the 6th P.M.,Weld County, Colorado, approximately 1200 feet south and 475 feet west from the Northeast corner of said section. 3.2. Source: Groundwater tributary to the Big Thompson River. 3.3. Depth: 35 feet. 3.4. Date of Appropriation: December 11, 2002. 3.5. How Appropriation Was Initiated: Approval of filing of application. 3.6. Amount Claimed: 1000 g.p.m., conditional. 3.7. Use: Irrigation of Mad Russian Golf Course. 100 acres located in the E½, Section 34, Township 6 North, Range 67 West of the 6th P.M.,Weld County, Colorado. CHANGE OF WATER RIGHTS. 4. Decreed Name of Structures: Watson Well μ 2-6932; 12 shares of the Consolidated Hillsborough Ditch Company(12 shares). 5. Previous Decrees: 5.1. A decree was entered in the Water Court, Water Division μ 1, Case μ W-6449 on June 28, 1976 for Watson Well μ 2-6932 located in the NW¼ NE¼ of Section 14, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado, at a point 810 feet south and 2600 feet west of the Northeast corner of said Section 14, with a date of appropriation of April 1, 1949 in the

amount of 1.777 c.f.s. for irrigation of 80 acres in the NW¼ of Section 15, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. 5.2. The headgate of the Consolidated Hillsborough Ditch is located in SE¼ NW¼ of Section 21, T5N, R68W of the 6th P.M. Weld County, Colorado, on the Big Thompson River. The Ditch has the following absolute water rights:

Adjudication Date	Appropriation Date	Amount
5/28/1883	11/10/1861	63.31c.f.s.
5/28/1883	10/15/1874	8.25 c.f.s.
5/28/1883	4/15/1878	54.00 c.f.s.
5/28/1883	10/6/1881	45.69 c.f.s.

The above water rights are used for irrigation purposes. 6. Historic Use: 6.1. Watson Well μ 2-6932 has been used for irrigation of 80 acres in the NW¼ of Section 15, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. 6.2. The 12 shares have been used to irrigate up to 1,596 acres on 5 separate farms located in Sections 3, 12, 13, 14, 22, 23, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado as shown on Figure 1. The crops historically irrigated were corn, alfalfa, sugar beets and dry beans. See Figure 1. 7. Proposed Change: 7.1. A replacement permit, 6932-R-R was issued for Watson Well μ 2 on 7/03/02. **Applicants seek to change the location of Watson Well μ 2-6932 to the NW¼ NE¼ of Section 12, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado, at a point 1200 feet south and 2420 feet west of the Northeast corner of said Section 12 and to change the location of the irrigated acres to the N½ of Section 12, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado**. 7.2. Applicants seek to change the use of the 12 shares to add uses for augmentation, replacement and exchange pursuant to the plan of augmentation set out below. **PLAN FOR AUGMENTATION. 8. Structures to Be Augmented: Town of Milliken Wells μ 1-15032 and 2-15031 decreed in Case μ 3740,Oster Well μ 1378 decreed in Case μ W-1635; Seele Well μ 11676 decreed in Case μ W-2003; Ehrlich Feedlots Well μ1-10445 decreed in Case μ W-3116; Watson Well μ 2-6932 decreed in Case μ W-6449; Town of Milliken Well μ 3; Mad Russian Well μ 1; all in Water Division μ 1. 9. Water Rights to be Used for Augmentation: 12 shares of the Consolidated Hillsborough Ditch Company. 2.0 shares of the Greeley and Loveland Irrigation Company, 0.5 shares of the Seven Lakes Reservoir Company and 5 contract rights of Loveland and Greeley Reservoir Company a\k\a Lake Loveland which are the subject of Case μ 02CW043, if needed. 10. Plan for Augmentation:** 10.1. Diversions from the wells listed in ¶8 cause depletions to the Big Thompson River. To the extent that those depletions are out of priority, the purpose of this plan is to provide for replacement of

such out of priority depletions in time, location and amount to the extent necessary to prevent injury to senior water rights. 10.2. Town of Milliken Well μ 3 will be used to provide a supplemental source of potable supply to the Town. The Town anticipates pumping at least 348 acre feet from the well for 2003. The average annual net stream depletion is 228.92 acre feet/year. 10.3. Town of Milliken Wells μ 1-15032 and 2-15031; Oster Well μ 1378; Seele Well μ 11676; **Ehrlich Feedlots Well μ1-10445; Watson Well μ 2-6932 are used for irrigation of 30 acres of parks and green belt in the Town. The average annual net stream depletion is 48.32 acre feet/year. 10.4. Mad Russian Well μ 1 will be used for supplemental irrigation of 100 acres of the Mad Russian Golf Course. The average annual net stream depletion is 48.55 acre feet/year. 10.5. The farm headgate delivery for the 12 shares is shown in Row 1 below. The values are in acre feet. The irrigation water requirement for the 1,596 acres, based on the crops grown, is shown in Row 2. The historic consumptive use of the 12 shares is shown in Row 3. The lagged return flows from the 12 shares are shown in Row 4. The water available as a replacement source is shown in Row 5. The lagged depletions from all the wells is shown in Row 6. The net effect on the river is shown in Row 7. Since there an annual average of 822.33 acre feet of accretion to the river, no injury will result to senior vested rights. Historic returns will be maintained for all calls senior to the date of the filing of this application.**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total
1	0.00	0.00	0.30	18.77	157.51	278.99	354.30	302.75	184.90	34.71	0.05	0.00	1332.28
2	0.00	0.00	0.00	39.00	146.80	388.22	622.88	538.45	239.38	68.26	15.47	4.61	2063.08
3	0.00	0.00	0.25	9.45	84.60	176.59	237.57	204.25	122.21	19.29	0.03	0.00	854.24
4	30.46	28.30	26.28	25.35	29.71	33.35	38.36	41.75	42.12	39.31	36.55	33.58	405.14
5	60.43	56.78	53.07	61.92	151.31	230.64	282.45	253.37	181.88	88.11	67.50	66.22	1553.68
6	-1.05	-3.45	-5.16	-3.53	-65.50	-65.79	-57.88	-54.72	-10.25	-8.65	-6.70	-5.05	-326.21
7	25.92	25.04	21.62	-2.97	56.10	131.50	186.21	157.39	129.51	40.15	24.26	27.59	822.33

10.6. Replacement of Out of Priority Depletions. Applicants will make replacement of out-of-priority depletions that cause material injury to senior vested water rights from the sources identified in ¶9. 8 of the 12 shares will be recharged in the Fishing is Fund recharge pond identified on Figure 2 and the remaining shares will be released directly to the Big Thompson River. 10.7. Accounting and Reporting. Applicants have prepared an accounting for

their augmentation plan and will make reports to the State and Division Engineers. 11. Applicants reserve the right to operate pursuant to the 2002 Amended Rules and Regulations, Case μ 02CW108, or terms contained therein, until a decree is entered in this case, to the extent such Rules are approved by the Water Court or are otherwise legally effective. Applicants reserve the right to operate pursuant to §37-92-308 C.R.S. or any amendments thereto**. 12. Name and Address of Owners of Structures: The wells listed in ¶8 are owned by Applicants. Applicants either own or have the right to use the land and structures upon which the replacement sources are located. The Hillsborough Ditch is owned by the Consolidated Hillsborough Ditch Company c/o Margaret Vetter, Secretary, 612 Charlotte Street, Johnstown, Colorado 80534.**

2002CW340 Dove Hill Lotowners, being Dan and Pat Adams, Robert and Lora Attwood, Judi and Gary Ballman, Ron and Ronna Banks, Alisa and Denice Bishop, Steven Capramboise, Larry and Tina Crowley, Henri and Diane Dengah, Susan and Joey Drawbaugh, Richard and Donna Elsinger, Larry and Beverly Fields, Hillegrand and Franciska Fokkinga, John and Kelley Ford, Shoaib Ghori, Roberto and Hilda Gonzalez, Scott and Julie Heiss, David Jernigan, Nancy Kurpanek, Roger Landsiedel, Phil Loo, Mary Lundgren, Stephen McDonald, Donald and Sharon Milliron, Lance and Ann Moore, James Pembrook Jr., Gurmit and Harpinder Purewal, Daniel and Patrice Rains, Calvin and Debra Herder Reeves, Michelle Rust, Mary and Charles Shoemaker, Mallory and Mary Smith, David and Mona Tebeau, Steven and Kendra Thompson, Mary and Frank Velasquez, Joy E. Wahl, Applicants, Petrock & Fendel, P.C., Carmen S. Hall, 5700 Seventeenth Street, Suite 1800, Denver, Colorado 80202 Telephone: (303) 534-0702. APPLICATION FOR UNDERGROUND WATER RIGHTS AND **UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT NONTRIBUTARY SOURCES, IN ARAPAHOE COUNTY.**

1. Names and Address of Applicants:

Dove Hill Lotowners, et al.
c/o 71 Algonquian St.
Aurora, Colorado 80018
(303) 364-2905

The names and legal descriptions of the Applicants described in the caption are described on Attachment A hereto.

Please send all correspondence to:

Carmen S. Hall, Esq.
Petrock & Fendel, P.C.
700 Seventeenth Street, Suite 1800
Denver, Colorado 80202
(303) 534-0702

2. Well Permits: Well permits will be applied for prior to construction of the wells, which are the subject of this application.

3. Legal Description of Wells and Subject Property: The property which is the subject of this application are individual residential lots located in the Dove Hill Subdivision, comprised of approximately 98.5 acres, which is located in the NW1/4 of Section 18, T5S, R65W of the 6th P.M. (Subject Property). The acreage and legal description of each of each of the lots are more particularly described on Attachment A hereto, and the location of the lots within the subdivision are shown on Attachment B hereto. Applicants will own a pro-rata interest in the

total amount of groundwater requested herein underlying their respective lots. The wells which will withdraw the subject groundwater will be located at any location on the Subject Property.

4. Source of Water Rights: The source of the groundwater to be withdrawn from the Arapahoe and Laramie-Fox Hills aquifers underlying the Subject Property is nontributary groundwater as described in §37-90-103(10.5), C.R.S.

5. Underground water rights pursuant to Section 37-92-602(4), C.R.S.: There are existing wells located on the lots which are located in the Denver or Arapahoe aquifers which were previously permitted for exempt uses pursuant to Section 37-92-602, C.R.S. Applicants will adjudicate these wells pursuant to Section 37-92-604(4), C.R.S. The appropriation date for each well will be the date the permit was issued and the rate of flow for each well will not exceed 15 gpm for domestic uses.

6. 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. Applicants estimate that the following annual amounts are representative of the aquifers underlying the Subject Property. Parts of this water may be reserved underlying certain lots for use through exempt wells, if necessary:

Aquifer	Saturated Thickness	Annual Amount
Upper Arapahoe	93 feet	16 acre-feet
Lower Arapahoe	124 feet	21 acre-feet
Laramie-Fox Hills	167 feet	25 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.

7. Well Fields: Applicants request that this Court determine that Applicants have the right to withdraw all of the legally available groundwater lying below their respective lands, through wells or any additional wells which may be completed in the future, as Applicants' well fields, subject to Rule 11.B of the Statewide Nontributary Ground Water Rules (2 CCR 402-7).

8. Proposed Use: The water will be used, reused, successively used, and after use leased, sold, or otherwise disposed of for the following beneficial purposes: municipal, domestic, industrial, commercial, irrigation, livestock watering, fire protection, and augmentation purposes.

9. 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.

10. Remarks:

A. Applicants claim the right to withdraw more than the average annual amounts estimated in paragraph 6 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7.

B. 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:

11. 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;

12. 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 pursuant to §37-92-305(11), C.R.S. and Denver Basin Rule 9.A.; and

B. Vested or conditionally decreed water rights of others will not be materially injured by the withdrawals of groundwater proposed herein.

FURTHER, Applicants pray that this Court grant such other relief as it deems proper in the premises.

2002CW341 CITY OF AURORA, ACTING BY AND THROUGH ITS UTILITY ENTERPRISE John M. Dingess, 4600 South Ulster Street, Suite 1111, Denver, Colorado 80237-2875 Phone Number:303-779-0200 FAX Number: 303-779-3662E-mail:dodpc@dodpc.com APPLICATION FOR QUANTIFICATION OF WATER RIGHTS, **IN ADAMS, ARAPAHOE, DENVER AND DOUGLAS COUNTIES**

1. **Name, Address, and Telephone Number of Applicant:**

1.1. City of Aurora, Colorado, a municipal corporation of the Counties of Adams, Arapahoe and Douglas, acting by and through its Utility Enterprise ("Aurora"):

1470 South Havana Street, Suite 400
Aurora, Colorado 80012
Telephone: (303) 739-7030

1.2. The Applicant owns and maintains water service facilities to provide municipal water service to its inhabitants and those with whom it has agreements to serve. The present Aurora boundaries are generally located in Townships 2 and 3 South, Ranges 64, 65, 66 and 67 West of the 6th P.M. in Adams County; Townships 4 and 5 South, Ranges 64, 66 and 67 West of the 6th P.M. in Arapahoe County; and Township 6 South, Ranges 65 and 66 West of the 6th P.M. in Douglas County. This location is entirely within the South Platte River Basin.

2. **Purpose of Application:**

2.1. The purpose of this Application is to quantify the lawn irrigation return flows that Aurora is entitled to claim from the Applicant's municipal water system that serves the following enumerated creeks. This quantification, expressed as a proportion of the water delivered to the Applicant's inhabitants and customers, will vary between Creek systems depending on the mix of irrigation and other exterior uses. Applicant claims credit for lawn irrigation return flows from those portions of the present and future boundaries of the City of Aurora which are tributary to the Box Elder Creek, Coal Creek (a tributary of Sand Creek) First Creek, Irondale Gulch, Lost Creek, Cherry Creek, Murphy Creek, Sand Creek, Second Creek, Third Creek, Tollgate Creek (East and West), and Westerly Creek stream systems from irrigation of lawn grass, trees, shrubs, other landscaping and irrigation of parks, golf courses, and open space. A map illustrating the location of the various stream systems herein referenced is attached as Exhibit I. The Court is requested to determine the portion of water applied by the Applicant for such uses that returns to each of the enumerated creek systems and further determine that Applicant maintains dominion and control of all such return flows.

2.2. The Applicant has already quantified its reusable lawn irrigation return flows accruing to Cherry Creek above the Cherry Creek Reservoir from that portion of the present and future boundaries of the City of Aurora that are tributary to Shop Creek in the decree issued in Case Nos. 95-CW-226 & 227, Water Division 1.

2.3. This Application addresses Aurora's lawn irrigation return flows associated with the Box Elder, Coal Creek, First Creek, Irondale Gulch, Lost Creek, Cherry Creek, Murphy Creek, Sand Creek, Second Creek, Third Creek, Tollgate Creek, and Westerly Creek systems and does not in any manner affect or amend the decree issued in Case Nos. 95-CW-226 & 227, Water Division 1.

2.4. Data collected from studies in the Shop Creek drainage basin was used in Case Nos. 95-CW-226 & 227 to establish the relationship between the amount of water applied and surface runoff, irrigation, evapotranspiration and deep percolation. Such data may also be used in this case to predict subsurface return flows for the remainder of the City of Aurora that is part of this Application.

2.5. Applicant proposes to quantify its lawn irrigation return flows as follows; however, other methodologies approved by the Court may be acceptable to the Applicant. The water deliveries to Aurora customers from the sources listed herein will be separately metered and the amounts recorded in an accounting system. Lawn irrigation return flows to the Box Elder, Coal Creek, First Creek, Irondale Gulch, Lost Creek, Cherry Creek, Murphy Creek, Sand Creek, Second Creek, Third Creek, Tollgate Creek, and Westerly Creek drainage basins attributable to Applicant's municipal water system deliveries within its service area will be calculated by Applicant based on the return flow percentages established in the decree entered in this case. The deep percolation portion of the lawn irrigation return flows will be quantified based on a relationship between deep percolation (expressed as a fraction of the amount of water applied) and the amount of water applied (expressed as a fraction of the potential consumptive use of lawn grass). This relationship, referred to as the "Cottonwood curve," was first used in Water Division 1, Case No. 81-CW-142. This curve, previously approved by this Court in other cases, is reasonable and can be used for the purposes of establishing deep percolation from irrigation of lawn grass, trees, shrubs, golf courses, open space and other landscaping and park irrigation.

3. **Water Rights Included in Application**: Water derived from the following sources listed in this paragraph 3 is fully reusable to extinction by Aurora. The sources listed below are enumerated in this Application for purposes of identification only. No change of any type is requested regarding any of the following sources listed in this paragraph 3. No amendment or change is requested for any of the decrees listed in this paragraph 3. Aurora retains dominion and control over its consumptive use, transbasin, and nontributary water sources until the water has been used, reused, and successively used to extinction. These water rights include:

3.1. Water originating in the Colorado River system that is diverted into the Arkansas River system and transported via the Otero Pipeline system to the South Platte River Basin:

3.1.1. Homestake System: District Court, Eagle County, Case No. 1193, Original Decree entered July 23, 1958, Amended and Supplemental Decree entered June 8, 1982; District Court, Water Division 5, Case Nos. 88-CW-449, Decree entered August 20, 2002; District Court, Water Division 5, Case Nos. 95-CW-272 and 98-CW-270 (pending).

3.1.2. Twin Lakes System: District Court, Water Division 5, Case No. W-1901, Decree entered May 12, 1976, and District Court, Water Division 5, Case No. 95-CW-321, Decree entered April 20, 2001.

3.1.3. Busk-Ivanhoe System: District Court, Garfield County, Case No. 2621, Decree entered January 9, 1928; District Court, Garfield County, Case No. 3082, Decree entered August 25, 1936 and Case No. 4033, Decree entered October 24, 1952.

3.2. Water arising in the Arkansas River Basin and imported into the South Platte River Basin through the Otero Pipeline:

3.2.1. Burroughs Ranch: District Court, Water Division 2, Case Nos. W-4799 and 82-CW-182, Decree entered June 29, 1984.

3.2.2. Rocky Ford Ditch: District Court, Water Division 2, Case No. 83-CW-18, Decree entered November 3, 1986. Aurora is purchasing additional shares and the change thereof is the subject of District Court, Water Division 2, Case No. 99-CW-169 (pending).

3.2.3. Colorado Canal Companies: District Court, Water Division 2, Case Nos. 84-CW-62, 84-CW-63, and 84-CW-64, Decree entered October 21, 1985.

3.2.4. Buffalo Park Ranch: District Court, Water Division 2, Case No. 89-CW-42, Decree entered March 27, 1992.

3.2.5. Spurlin-Shaw and Hayden Ranches: District Court, Water Division 2, Case No. 98-CW-137 (pending).

3.3. Water rights that are tributary to the South Platte River that were changed from their original irrigation use to municipal fully consumptive uses in the following cases:

3.3.1. Augustine Ranch: District Court, Park County, Civil Action Nos. 3684 and 3705, Decree entered November 22, 1968.

3.3.2. Huron Ranch: District Court, Water Division 1, Case No. W-7595-74, Decree entered August 26, 1983.

3.3.3. Cheek (High Creek) Ranch: District Court, Water Division 1, Case No. W-7931-75, Decree entered June 21, 1979.

3.3.4. Janitell Ranch: District Court, Water Division 1, Case No. W-7936-75, March 6, 1991.

3.3.5. Badger Basin Ranch: District Court, Water Division 1, Case No. W-9234-78, Decree entered August 26, 1983.

3.3.6. Trout Creek Ranch: District Court, Water Division 1, Case No. W-9242-78(A), Decree entered March 20, 1985, and modified by Order dated September 11, 1989.

3.3.7. Platte - Ansley Ranch: District Court, Water Division 1, Case No. W-9242-78(B), Decree entered March 20, 1983.

3.3.8. Coil Ranch: District Court, Water Division 1, Case No. W-9448-78, Decree entered August 26, 1983.

3.3.9. McNulty Ranch: District Court, Water Division 1, Case No. 79-CW-274, Decree entered December 1, 1986.

3.3.10. Walker Ranch: District Court, Water Division 1, Case No. 79-CW-351, Decree entered August 26, 1983.

3.3.11. Black Mountain Ranch: District Court, Water Division 1, Case No. 84-CW-010, Decree entered March 20, 1991.

3.3.12. Collard Ranch: District Court, Water Division 1, Case No. 88-CW-228, Decree entered September 19, 1991.

3.3.13. Indian Mountain Ranch: District Court, Water Division 1, Case No. 84-CW-065, Decree entered August 10, 1988.

3.3.14. Last Chance Ditch: District Court, Water Division 1, Case No. 91-CW-117, Decree entered March 17, 1993. Only that water diverted pursuant to the Depletion Diversion Schedule set forth in paragraph 22.e. of said Decree.

3.3.15. Johnson Ranch: District Court, Water Division 1, Case No. 92-CW-156, Decree entered January 4, 1995.

3.3.16. Steiner Ranch: District Court, Water Division 1, Case No. 93-CW-140, Decree entered August 16, 1994.

3.4. Denver Basin well water as adjudicated and permitted from the following sources:

3.4.1. Cherry Creek Non-Tributary Wells:

(Permit No. 5127-F) In the SE1/4 of the SE1/4 of Section 19, T5S, R66W, 6th P.M., Arapahoe County, Colorado, Permit approved February 14, 1964 for 0.67 c.f.s. limited to 485 acre-feet per year.

(Permit No. 5128-F) In the NE1/4 of the NE1/4 of Section 30, T5S, R66W, 6th P.M., Arapahoe County, Colorado, Permit approved February 14, 1964 for 0.78 c.f.s., limited to 351 acre-feet per year.

(Permit No. 5129-F) In the SE1/4 of the NE1/4 of Section 30, T5S, R66W, 6th P.M., Arapahoe County, Colorado, Permit approved February 14, 1964 for 0.72 c.f.s., limited to 521 acre-feet per year.

3.4.2. Front Range Airport System: District Court, Water Division 1, Case Nos. 80-CW-237 and 80-CW-238, Decree entered March 26, 1984.

3.4.3. Box Elder Creek System: District Court, Water Division 1, Case No. 85-CW-253, Decree entered January 13, 1988.

3.4.4. Senac Wells: District Court, Water Division 1, Case No. 86-CW-219, Decree entered June 25, 1987; District Court, Water Division 1, Case No. 91-CW-007, Decree entered April 30, 1993.

3.4.5. U.S. Home Wells: District Court, Water Division 1, Case No. 98-CW-420, Decree entered April 28, 1999.

3.4.6. Havana Office Park Well: District Court, Water Division 1, Case No. 96-CW-211, Decree entered October 20, 1997.

3.4.7. Planet Wells: District Court, Water Division 1, Case No. 87-CW-210 (originally filed as 80-CW-232), Decree entered December 31, 1991.

3.4.8. Kings Pointe: District Court, Water Division 1, Case No. 85-CW-145(A), Decree Entered February 3, 1999.

3.4.9. Arapahoe County, North Quincy, Post-85, Water Division 1, Case No. 01-CW-297 (pending).

3.4.10. Arapahoe County, Pre-85, Water Division 1, Case No. 01-CW-298 (pending).

3.4.11. Douglas County, Water Division 1, Case No. 01-CW-299 (pending).

3.4.12. Arapahoe County, South Quincy, Post-85, Water Division 1, Case No. 01-CW-300 (pending).

3.4.13. Adams County, Post-85, Water Division 1, Case No. 01-CW-301 (pending).

3.4.14. Adams County, Pre-85, Water Division 1, Case No. 01-CW-302 (pending).

3.5. Pending Future Agreement with the City of Thornton: Upon approval of the governing entities of the two cities, the Applicant may obtain the following fully consumptive use water rights, all of which are located in the Upper South Platte River basin:

3.5.1. McDowell Ranch: District Court, Water Division 1, Case No. W-8345-76, Decree entered January 16, 1979.

3.5.2. Schattinger Ranch, District Court, Water Division 1, Case No. 84-CW-55, Decree entered October 15, 1987.

3.5.3. Rocker 7 Ranch, District Court, Water Division 1, Case No. 84-CW-56, Decree entered June 25, 1987.

3.5.4. Sibley Ranch, District Court, Water Division 1, Case No. 84-CW-57, Decree entered July 23, 1987.

3.5.5. Teter Ranch, District Court, Water Division 1, Case No. 86-CW-222, Decree entered April 29, 1988.

3.5.6. Dixson Johnson Ranch, District Court, Water Division 1, Case No. 86-CW-223, Decree entered April 29, 1988.

3.5.7. Furman Ranch, District Court, Water Division 1, Case No. 88-CW-262, Decree entered February 8, 1991.

3.5.8. Michigan Creek Ranch, District Court, Water Division 1, Case No. 88-CW-263, Decree entered February 8, 1991.

3.6. Other transbasin and fully consumable in-basin water rights that are available for municipal use, and decreed nontributary sources that Aurora adjudicates, buys, leases or otherwise acquires in the future

4. **Terms and conditions:**

   4.1. The Applicant does not presently believe it will be necessary to construct or maintain any structures or facilities. The points of quantification listed on the attached Appendix A may be used if necessary in the calculation and/or measurement of return flow entitlements. The names and addresses of owners of these locations are included on Appendix A.

   4.2. Applicant will use appropriate measuring devices and develop and use accounting forms as required by the Division Engineer for Water Division 1. Accounting and reporting will be provided as requested by the Division Engineer for Water Division 1.

5. **Appropriation:** To the extent it is necessary or appropriate, the Applicant seeks an appropriation date for this Quantification of Lawn Irrigation Return Flows of December 17, 2002. On December 16, 2002 the City Council of the City of Aurora passed Resolution No. R2002-69 evincing Aurora's intent to act through its Utility Enterprise to ratify, affirm, and quantify its lawn irrigation return flows occurring within its boundaries and service area. Following that, personnel from the Applicant's Utilities Enterprise began field survey operations on December 17, 2002 to locate the quantification points suggested in this Application. Said personnel further posted written notices of Aurora's request for quantification of its lawn irrigation return flows at these locations.

6. **Remarks:** Applicant seeks the quantification of all of the above described lawn irrigation return flows and requests that the Court find that the allegations herein are true, that Aurora has retained dominion and control and continues to retain dominion and control over such water after its prior use, and that Aurora by virtue of its entitlement to reuse and successively use such water and is also entitled to have such water quantified in this matter.

7. **Proposed Uses of Return Flow Water:** All municipal and domestic purposes including, but not limited to, fire protection, irrigation, commercial and industrial use, recreational purposes, fish and wildlife propagation, reservoir evaporation replacement, storage, exchange, and augmentation purposes, for use and reuse until extinction.

8. **Prayers For Relief:**

   8.1. Applicant seeks the quantification of all of the above described return flows and further requests that the Court find that the allegations herein are true.

   8.2. The Applicant requests that the Court grant such additional relief that it deems necessary and appropriate to further the purposes of the Application and the relief requested herein. (9 pages-Appendix A-2 pages Ex. 1 –1 page)

2002CW342 THE BAR 15 RANCH, LLP, 303 16th Street, Suite 300, Denver, CO 80202. Ph: (303)595-7070. (Mary Mead Hammond, CARLSON, HAMMOND & PADDOCK, L.L.C., 1700 Lincoln Street, Suite 3900, Denver, CO 80203-4539). Ph: (303-861-9000; Fax: (303) 861-9026. E-mail: mhammond@chp-law.com. Application for Adjudication of Underground Water Rights, Including Existing Exempt Well and Not-Nontributary and Nontributary Groundwater; for Adjudication of Absolute and Conditional Water Storage Rights; and for Approval of A Plan for Augmentation of the Bar 15 Ranch, LLLP, **IN DOUGLAS COUNTY**. 1. Name, Address, and Telephone Number of Applicant: The Bar 15 Ranch, LLLP, 303 16th Street, Suite 300, Denver, Colorado 80202, Phone: (303) 595-7070. Direct all pleadings to: Mary Mead

Hammond, Carlson, Hammond & Paddock LLC, 1700 Lincoln Street, Suite 3900, Denver, Colorado 80203, Phone: (303) 861-9000. 2. Application for Adjudication of Underground Water Rights, Including existing Exempt Well and Nontributary and Not-Nontributary Groundwater. 2.1. Description of the Property: Applicant is the owner of approximately 160 acres of land in Douglas County, Colorado, described in & 2.6 below (the AProperty≅), and through this Application claims all of the groundwater in the Dawson, Denver, Arapahoe, and Laramie-Fox Hills Aquifers underlying the Property. In addition to the existing wells described in & 2.2, below, Applicant will locate a sufficient number of wells on the Property to withdraw all groundwater in the Dawson, Denver, Arapahoe, and Laramie-Fox Hills Aquifers underlying the Property and apply for the well permits prior to construction of any other wells to withdraw the groundwater adjudicated herein. The wells may be constructed at any location on the Property subject to the State Engineer=s Rules and Regulations and C.R.S. ∋ 37-90-137(4). Applicant may establish a well field for the production of groundwater that is the subject of this Application and shall be entitled to well permits for additional wells pursuant to C.R.S. ∋ 37-90-137(10). 2.2. Existing Wells and Well Permits. 2.2.1. Bar 15 Dawson Well No. 1: (1) Well Permit No. 235809 (Exempt Well Permit). (2) Located in the SE3 of the SE3 of Section 25, Township 10 South, Range 66 West of the 6th P.M. at a point 1,050 feet from the South Section Line, and 240 feet from the East Section Line, Douglas County, Colorado. (3) Source: Not-nontributary Dawson Aquifer.
(4) Depth: 1,066 feet. (5) Date of Appropriation: Not applicable pursuant to C.R.S. ∋ 37-92-305(11). (6) How Appropriation Was Initiated: Not applicable, see above. (7) Date Water Applied to Beneficial Use: Not applicable; well has not yet been put to use. (8) Amount Claimed: 15 g.p.m. in accordance with exempt permit limitations. (9) Use: Fire protection, ordinary household purposes inside not more than three single-family dwellings, watering of poultry, domestic animals, and livestock and irrigation of not more than one acre of home gardens and lawns. (10) Remarks: This is an exempt well pursuant to C.R.S. ∋ 37-92-602(3)(b)(II)(A). (11) Owner of Land upon which Well Is Located, and Where Water Is Put to Beneficial Use: The Bar 15 Ranch, LLLP, 303 16th Street, Suite 300, Denver, Colorado 80202, Phone: (303) 595-7070, 2.2.2. Bar 15 Denver Well No. 1: (1) Well Permit No. 56358-F. (2) Located in the SE3 of the SE3 of Section 25, Township 10 South, Range 66 West of the 6th P.M. at a point 1,030 feet from the South Section Line, and 240 feet from the East Section Line, Douglas County, Colorado. (3) Source: Nontributary Denver Aquifer. (4) Depth: 1,923 feet. (5) Date of Appropriation: Not applicable pursuant to C.R.S. ∋ 37-92-305(11). (6) How Appropriation Was Initiated: Not applicable, see above. (7) Date Water Applied to beneficial Use: Not applicable; well has not yet been put to use. (8) Amount Claimed: 100 g.p.m.; 53 acre-feet per year; provided that 100 g.p.m. is a nominal pumping rate that can be exceeded from time to time as needed to withdraw the full annual entitlement.
(9) Use: Irrigation, domestic, storage, fire protection, livestock, fish and wildlife, augmentation and replacement, recreation, aesthetic. (10) Remarks: This well will be used to withdraw all or part of Applicant=s entitlement to groundwater in the Denver Aquifer underlying its land.
(11)Owner of Land upon which Well is Located, and Where water is Put to Beneficial Use: The Bar 15 Ranch, LLLP, 303 16th Street, Suite 300, Denver, Colorado 80202, Phone: (303) 595-

7070. 2.3. Total Amount of Water Claimed: Applicant seeks a decree confirming its right to all unappropriated water underlying the Property in the Dawson, Denver, Arapahoe, and Laramie-Fox Hills Aquifers. The following estimated average annual amounts of withdrawal from the subject aquifers are based upon information derived from the geophysical log for the Bar 15 Dawson Well No. 1 and the Bar 15 Denver Well No. 1 and the State Engineer=s Denver Basin Rules and Regulations. Dawson Aquifer: 173 acre-feet per year (20% specific yield, 540 feet average saturated thickness);Denver Aquifer: 53 acre-feet per year (17% specific yield, 195 feet average saturated thickness); Arapahoe Aquifer: 77 acre-feet per year (17% specific yield, 284 feet average saturated thickness); Laramie-Fox Hills Aquifer: 49 acre-feet per year (15% specific yield, 204 feet average saturated thickness). Applicant requests that the decree entered herein provide that the annual amounts of withdrawal be adjusted to conform to actual local aquifer characteristics when adequate information is obtained from well drilling or test holes. Applicant claims all nontributary and not-nontributary groundwater underlying the Property, and requests the right to revise the estimated amount of water from the subject aquifers upward or downward based upon better or updated data, without the necessity of amending this Application or republishing it. Applicant requests confirmation of the ability to withdraw the groundwater through the existing wells, and through wells to be constructed in the future, in excess of the average annual amount decreed, and in excess of the nominal pumping rate set from above, so long as the sum of withdrawals from the aquifer does not exceed the product of the total number of years since the date of issuance of a well permit or of the decree in this matter, whichever occurs first, and the amount of average annual withdrawal. Applicant will supplement this Application with evidence that the State Engineer has issued or failed to issue, within four months of the filing of this Application, his determination as to the facts of this Application. 2.4. Nature of the Groundwater. Applicant asserts that the groundwater that is the subject of this Application contained within the Dawson Aquifer is not-nontributary in nature, in accordance with C.R.S. ə 37-90-103(10.7) and that the groundwater that is the subject of this Application in the Denver, Arapahoe, and Laramie-Fox Hills Aquifers is nontributary as defined in C.R.S. ə 37-90-103(10.5). Except for the water withdrawn through the existing Bar 15 Ranch Dawson Well No. 1, an exempt well, in accordance with the restrictions imposed by the exempt well permit, groundwater from the not-nontributary Dawson Aquifer shall be withdrawn and used only in accordance with a plan for augmentation for the use of the same pursuant to C.R.S. ə 37-90-137(9)(c). Further, in order to assure that no vested water rights are materially affected by withdrawals of the groundwater in the Denver, Arapahoe, or Laramie-Fox Hills Aquifers, Applicant will consume no more than 98% of the water withdrawn annually from those aquifers. 2.5. Use of Water. Water withdrawn from the subject aquifers will be used for beneficial purposes on or off of the Property, including without limitation, domestic, irrigation, fire protection, recreation, fish and wildlife, aesthetics, livestock watering, dust control, augmentation, and replacement. Applicant claims the right to recapture, reuse, and successively use, and after use to lease, sell, or otherwise dispose of the groundwater that is the subject of this Application subject, however, to the obligation to adjudicate a plan for augmentation prior to withdrawal or use of any groundwater from the not-nontributary Dawson Aquifer, (except for water withdrawn and used through the exempt Bar 15 Dawson Well No. 1) and to operate in

accordance with said plan; and to the obligation to consume no more than 98% of the water withdrawn from the Denver, Arapahoe, and Laramie-Fox Hills Aquifers. The groundwater that is the subject of this Application will be produced for immediate application to beneficial use, as well as for storage and subsequent application for beneficial use; for exchange purposes; for augmentation; for replacement of depletions; and for any other beneficial purpose. 2.6.Overlying Land. A. Legal Description: The Property comprises the SE3 of Section 25, Township 10 South, Range 66 West of the 6th Principal Meridian. B. Title to the foregoing land is held by the Applicant. 3. Application for Absolute and Conditional Surface Water Storage Rights. 3.1 Description of the Structures: A. Bar 15 Upper Pond: (1) Location: In the SE3 of the SE3 of Section 25, Township 10 South, Range 66 West of the 6th Principal Meridian, at a point 675 feet from the South Section Line and 195 feet from the East Section Line, Douglas County, Colorado. (2) If Off-Channel Reservoir, Name and Capacity of Ditch or Ditches Used to Fill Reservoir: Not applicable. (3) Source: Crowfoot Creek, and springs tributary to Crowfoot Creek, tributary to Cherry Creek, tributary to South Platte River. (4) Date of Appropriation: October 10, 1958. (5) How Appropriation Was Initiated: Construction of dam and stock tank. (6) Date Water Applied to Beneficial Use: 1958. (7) Amount Claimed: 20 acre-feet, absolute. (8) Use of Water: Irrigation, recreation, fish and wildlife, livestock, aesthetic, augmentation and replacement. (9) If Off-channel Reservoir, Rate of Diversion: Not Applicable. (10) Surface Area of High Water Line: 2.03 acres. (11) Maximum Height of Dam: 16.2 feet. (12) Length of Dam: 216 feet. (13) Total Capacity: 20 acre-feet. (14) Remarks: Date of appropriation based upon original livestock water tank application. (15) Owner of Land Upon Which Structure is Located and Water is Used: The Bar 15 Ranch, LLLP, 303 16th Street, Suite 300, Denver, Colorado 80202, Phone: (303) 595-7070. B. Bar 15 Lower Pond:(1) Location: In the NE3 of the SE3 of Section 25, Township 10 South, Range 66 West of the 6th Principal Meridian, at a point 1,725 feet from the South Section Line and 750 feet from the East Section Line, Douglas County, Colorado. (2) If Off-Channel Reservoir, Name and Capacity of Ditch or Ditches Used to Fill Reservoir: Not applicable. (3) Source: Crowfoot Creek and springs tributary to Crowfoot Creek, tributary to Cherry Creek, tributary to South Platte River. (4) Date of Appropriation: December 30, 1949. (5) How Appropriation Was Initiated: Construction of dam and stock tank. (6) Date Water Applied to Beneficial Use: 1949. (7) Amount Claimed: 10 acre-feet, absolute. (8) Use of Water: Irrigation, recreation, fish and wildlife, livestock, aesthetic, augmentation and replacement. (9) If Off-channel Reservoir, Rate of Diversion: Not Applicable. (10) Surface Area of High Water Line: 0.204 acres. (11) Maximum Height of Dam: 12 feet. (12) Length of Dam: 81 feet. (13) Total Capacity: 10 acre-feet. (14) Remarks: Date of appropriation based upon original livestock water tank application.(15) Owner of Land Upon Which Structure is Located and Water Is Used: The Bar 15 Ranch, LLLP, 303 16th Street, Suite 300, Denver, Colorado 80202, Phone: (303) 595-7070. C. Bar 15 Middle Pond: (1) Location: In the SE3 of the SE3 of Section 25, Township 10 South, Range 66 West of the 6th Principal Meridian, at a point 1,320 feet from the South Section Line and 705 feet from the East Section Line, Douglas County, Colorado. (2) If Off-Channel Reservoir, Name and Capacity of Ditch or Ditches Used to Fill Reservoir: Not applicable. (3) Source: Crowfoot Creek and springs tributary to Crowfoot Creek, tributary to Cherry Creek tributary to South Platte River. (4) Date of Appropriation: April 18, 2002. (5) How

December, 2002 Resume

Appropriation Was Initiated: By filing construction plans for dam with State Engineer on April 18, 2002. (6) Date Water Applied to Beneficial Use: Not applicable. (7) Amount Claimed: 34 acre-feet, conditional.(8) Use of Water: Irrigation, recreation, fish and wildlife, livestock, aesthetic, augmentation and replacement. (9) If Off-channel Reservoir, Rate of Diversion: Not Applicable.(10) Surface Area of High Water Line: 3.43 acres. (11) Maximum Height of Dam: 32 feet. (12) Length of Dam: 320 feet. (13) Total Capacity: 34 acre-feet. (14) Owner of Land Upon Which Structure is to be Located and Water will be Used: The Bar 15 Ranch, LLLP, 303 16th Street, Suite 300, Denver, Colorado 80202, Phone: (303) 595-7070. 4. Application for Approval of Plan for Augmentation for Ponds. 4.1. Names of Structures to be Augmented: Bar 15 Upper Pond, Bar 15 Middle Pond, and Bar 15 Lower Pond. 4.2. Water Rights to be Used for Augmentation: A. Name: Bar 15 Denver Well No. 1, Permit No. 56358-F; adjudication pending. B. Type of Water Right: Groundwater. C. Legal Description: Located in the SE3 of the SE3 of Section 25, Township 10 South, Range 66 West of the 6th Principal Meridian, at a point 1,030 feet from the South Section Line, and 240 feet from the East Section Line, Douglas County, Colorado. D. Source: Nontributary Denver Aquifer Water. E. Amount: 100 g.p.m., 53 acre-feet per year. F. Decreed Use: Irrigation, domestic, storage, fire, livestock, fish and wildlife, augmentation and replacement recreation, aesthetics (pending). 4.3. Historical Use: Not applicable. 4.4. Statement of Plan for Augmentation, Covering All Applicable Matters Under C.R.S. 37-92-103(9), 302(1)(2) and 305(8): 4.4.1. Depletions to be Replaced: up to 16.43 acre-feet per year of depletions resulting from evaporative losses from the ponds described above and irrigation of up to four acres of land that may be irrigated by tributary water withdrawn and impounded out of priority from a natural spring tributary to Crowfoot Creek. Applicant intends to irrigate up to four acres of garden and landscaping with non-tributary water withdrawn through the Bar-15 Denver Well; it may, however, at times also irrigate such land with water from the Bar-15 Ponds. Accordingly, the Plan will cover depletions from irrigation of this acreage. The estimated monthly consumptive use from pond evaporation and irrigation is set forth below:

BAR-15 RANCH CONSUMPTIVE USE FOR AUGMENTATION PLAN

	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.
Pond Evaporation	0.31	0.35	0.49	0.72	0.97	1.45	1.72
4 Acres Irrigation	0.00	0.00	0.00	0.11	0.85	1.21	1.37
Total	0.31	0.35	0.49	0.83	1.83	2.66	3.09

	Aug.	Sep.	Oct.	Nov.	Dec.	Annual
Pond Evaporation	1.64	1.31	0.90	0.58	0.37	10.81
4 Acres Irrigation	1.14	0.95	0.00	0.00	0.00	5.62

Total	2.78	2.26	0.90	0.58	0.37	16.43

4.4.2 Augmentation: Applicant will release water withdrawn by the Bar 15 Denver Well No. 1 described above and/or additional wells to be constructed to withdraw groundwater from the Denver Aquifer into the ponds and/or Crowfoot Creek as needed to replace pond evaporation or impoundment of surface water when they occur out of priority. Applicant will install such measuring devices and perform and report such accounting as are needed to verify depletions and replacement as reasonably required by the Division Engineer for operation of the Augmentation Plan. Operation of the Plan will permit operation of the existing Bar 15 Upper and Lower Ponds and construction and operation of the Bar 15 Middle Pond without injury to senior water users as required by C.R.S. ə 37-92-302. 4.4.3. Owner of the Land Upon Which the Structures Augmented and the Augmenting Rights Are Located and Used: The Bar 15 Ranch, LLLP, 303 16th Street, Suite 300, Denver, Colorado 80202, Phone: (303) 595-7070. WHEREFORE, Applicant asks the Court to enter a judgment and decree: A. Granting the relief requested in Part 1 of this Application, and in connection therewith: (1) Specifically determining that the Bar 15 Dawson Well No. 1, Permit No. 235809, is an exempt well permitted pursuant to C.R.S. ə 37-92-602(3)(b)(II) (A) and adjudicating, that exempt well ; (2) Adjudicating the Bar 15 Denver Well No. 1; (3) Specifically determining as a matter of hydrological and geological fact that unappropriated groundwater from the Dawson Aquifer in the estimated amount specified in & 2.3, above, is available for withdrawal by Applicant, that the vested water rights of others will not be materially injured by such withdrawal and use if the Applicant obtains approval of a plan for augmentation pursuant to C.R.S. ə 37-90-137(9)(c) prior to withdrawal or use of any such groundwater in excess of the amounts withdrawn by the exempt Bar 15 Dawson No. 1 Well; and operates in accordance with said plan; (4) Specifically determining as a matter of hydrological and geological fact that unappropriated groundwater from the Denver, Arapahoe, and Laramie-Fox Hills Aquifers in the estimated amounts specified in & 2.3, above, is available for withdrawal by the Applicant; that the vested rights of others will not be materially injured by withdrawals from the Denver, Arapahoe, and Laramie-Fox Hills Aquifers in the estimated amounts and that such withdrawals will not, within 100 years, deplete the flow of a natural stream at an annual rate greater than 1/10th of one percent of the annual rate of withdrawal; (5) Specifically determining that Applicant=s full average annual entitlement from the Dawson, Denver, Arapahoe, and Laramie-Fox Hills Aquifers may be produced from any combination of wells constructed into those aquifers and that such wells shall be treated as a well field and operated in order to produce the full allocation of water from each aquifer; (6) Specifically determining that Applicant may drill the subject wells at any point within the boundaries of the Property, without the necessity of filing any further amendments to the Application, republishing, or reopening the matter; (7) Specifically determining that the decreed determination of rights to nontributary and not-nontributary groundwater is a determination of the right to use such water for existing and future uses and that this determination is not subject to the reasonable diligence requirements of C.R.S. ə 37-92-301(4); (8) Specifically determining that Applicant has the right to use, successively use, and reuse to extinction, the nontributary groundwater that is the subject of this Application, including the right to claim credit for return

flows generated by the use of such water, subject to adherence to an augmentation plan for the use of any Dawson Aquifer groundwater in excess of the amounts withdrawn by the exempt Bar 15 Dawson Well No. 1; and to the obligation to consume no more than 98% of the groundwater withdrawn from the Denver, Arapahoe, and Laramie-Fox Hills Aquifers; (9) Directing that Applicant may withdraw the not-nontributary and nontributary groundwater that is the subject of this Application from the wells already constructed and those wells constructed in the future in excess of the average annual amount decreed so long as the sum of the total withdrawals from the aquifers does not exceed the product of the total number of years since the date of issuance of the well permit or of the Court=s decree in this matter, whichever occurs first, and the amount of average annual withdrawal; (10) Specifically determining that the return flows resulting from the use of nontributary water that is the subject of this Application may be used to replace out-of-priority depletions under a plan for augmentation; (11) Directing the State Engineer to issue additional well permits in conformance with the provisions of this decree for the wells necessary to withdraw the groundwater decreed herein, to produce the full annual entitlement from the Dawson, Denver, Arapahoe, and Laramie-Fox Hills Aquifers upon proper application by the Applicant; (12) Specifically determining that the right to withdraw and use groundwater determined by this Court shall be deemed a vested property right; (13) Directing that the Water Court shall retain jurisdiction as to determination of the groundwater available for withdrawal as necessary to provide for the adjustment of the average annual amount of withdrawal allowed to conform to actual local aquifer characteristics derived from adequate information from well drilling or test holes pursuant to C.R.S. ∋ 37-92-305(11); (14) Specifically determining that Applicant has given adequate notice that the amounts of not-nontributary and nontributary groundwater decreed herein are subject to being increased or decreased pursuant to the Court=s retained jurisdiction and C.R.S. ∋ 37-90-137(4)(d). B. Granting the relief requested in Part 3 of this Application, and in connection therewith: (1) Specifically determining pursuant to C.R.S. ∋ 37-92-305(9 that the Applicant has diverted, stored, impounded, possessed, and controlled the water in Bar 15 Upper Pond by means of a dam and applied the water to beneficial use, resulting in the appropriation of an absolute water storage right in the amount described above; (2) Specifically determining pursuant to C.R.S. ∋ 37-92-305(9) that the Applicant has diverted, stored, and controlled the water in Bar 15 Lower Pond by means of a dam and applied the water to beneficial use, resulting in the appropriation of an absolute water storage right in the amount described above. (3) Specifically determining pursuant to C.R.S. ∋ 37-92-305(9) that the waters sought for the Bar 15 Middle Pond can be and will be diverted and stored and will be beneficially used and that the pond can and will be completed with diligence and within a reasonable time.(4) Specifically determining pursuant to C.R.S. ∋ 37-92-103(3)(a)(II) that the Applicant has given notice and taken a first step toward appropriation for the Bar 15 Middle Pond with a specific plan and intent to divert and store a specific quantity of water for specific beneficial uses. C. Granting the relief requested in Part 4 of this Application, and in connection therewith: (1) Specifically determining pursuant to C.R.S. ∋ 37-92-305(8) that the plan for augmentation in Part 4 adequately describes the depletions from the Applicant=s use or proposed use of water, in quantity and time, the amount and timing of augmentation water that will be

provided by the Applicant, and that the plan will prevent injury to the owners of or persons entitled to use water under a vested water right or a decreed conditional water right.

2002CW343 Jefferson County, Colorado, a Body Politic and Corporate, c/o Jefferson County Attorney's Office, 100 Jefferson County Parkway, Golden, Colorado 80419, Telephone: (303) 271-8900. (Timothy R. Buchanan, **Timothy R. Buchanan, P.C.**, 7703 Ralston Road, Arvada, Colorado 80002, Telephone: (303) 431-9141). Application for Underground Water Rights in The Nontributary Laramie-Fox Hills Aquifer, **IN JEFFERSON COUNTY. 2. Introduction:** Applicant seeks a determination of its rights to ground water in the Laramie-Fox Hills aquifer underlying approximately 150.3 acres within Jefferson County, Colorado located within the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) of Section 16, Township 3 South, Range 70 West of the 6th P.M. (hereinafter referred to as "the Property"). The full legal description of the property is attached as Exhibit A. **3. Name of well:** Jefferson County Section 16 Well No. 1. **4. Permit Number:** Well Permit No. 58458-F. **5. Legal description of well:** The Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) of Section 16, Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado at a point 1290 feet from the North section line and 2250 feet from the West section line of said Section 16. Applicant requests the right to locate the well, and any replacement or supplemental wells, at any point within the boundaries of the Property described in the attached Exhibit A, without the necessity of filing an amendment to this application, republishing, or petitioning the Court for the opening of any decree hereafter entered. See 2 CCR 402-7, Rule 11. **5.A. Source**: The ground water in the Laramie-Fox Hills Aquifer underlying the boundaries of the property is nontributary ground water as defined by Section 37-90-103(10.5), C.R.S., and as defined by 2 CCR 402-6, Rule 5. **B. Depth:** The depth to fully penetrate the Laramie Fox-Hills Aquifer is estimated to be 300 feet. The depth will vary according to the actual topographic location of the well and the depth of the aquifer. **6.A. Date of appropriation:** Not applicable. **B. How appropriation was initiated**: Not applicable. **C. Date water applied to beneficial use**: Not applicable. **7. Amount of claimed**: The estimated average number of feet of saturated aquifer materials in the Laramie-Fox Hills Aquifer underlying the Property is 140 feet. Pursuant to 2 CCR 402-6, Rule 6 the specific yield of the Laramie-Fox Hills Aquifer is 15 %. Based on the overlying acreage of 55.4 acres and an aquifer life of 100 years, the average annual amount of withdrawal is estimated to be 11.6 acre-feet. Applicant further requests the right to construct such additional wells as may be required to maintain the annual appropriation determined herein. The quantity of ground water described above is estimated and the Applicant requests that this Court retain jurisdiction pursuant to Section 37-92-305(11), C.R.S., for the purpose of adjusting the annual amount of withdrawal decreed from the Laramie-Fox Hills Aquifer, as it underlies the Property, to conform to actual local aquifer characteristics determined from well drilling or test holes. **8. Proposed Use**: The Applicant proposes to apply the water withdrawn from the Laramie-Fox Hills Aquifer to all beneficial purposes, including, but not limited to, municipal, domestic, industrial, commercial, irrigation, stock watering, recreation, and fish and wildlife uses, including reuse and successive uses until such water has been entirely consumed. The water may be used through immediate application to beneficial uses, for storage and subsequent application to beneficial uses, for exchange purposes, for replacement of depletions and for augmentation purposes. **9. Name and address of owner of land on which well is located**: Jefferson County, Colorado, a Body Politic and Corporate, c/o Jefferson County Attorney's Office, 100 Jefferson County Parkway, Golden, Colorado 80419. **10. Remarks: A.** A well permit application has been filed with the Colorado Division of Water Resources ("State Engineer") and Well Permit No. 58458-F was issued on October 17, 2002, along with the Findings of the State Engineer. Applicant requests a determination that should Applicant fail to construct any well prior to the expiration of the corresponding well permit, Applicant may reapply to the State Engineer for a new well permit and the State Engineer shall issue a new well permit identical to the expired permit. **B.** The allowed annual amount of withdrawal may exceed the allowed average annual amount of withdrawal as long as the total volume of water withdrawn from each aquifer does not exceed the product of the number of years since the date of entry of Well Permit No. 58458-F, times the allowed average annual amount of withdrawal. 2 CCR 402-7, Rule 8.A.**C.** The ground water will be withdrawn at a pumping rate consistent with sound engineering principles and practices. Construction and equipping of the wells will be pursuant to the following conditions: **1**. Ground water production from each well will be limited to the aquifer into which the well is drilled. Plain, unperforated casing will be installed and properly sealed to prevent withdrawal of water from more than one aquifer.**2**. A totalizing flow meter

will be installed on the pump discharge prior to diversion of water for beneficial uses. 2 CCR 402-7, Rule 15. **3**. Each well will be equipped so that the water level may be measured and monitored. **4.** The bore hole of each well below the surface casing will be geophysically logged prior to installation of final casing in conformance with the Statewide Nontributary Ground water Rules. 2 CCR 402-7, Rule 9. **D.** Well permit applications will be filed with the Colorado Division of Water Resources ("State Engineer") at such time as the Applicant is ready to drill the well described herein. Applicant requests a determination and order that the State Engineer shall issue a well permit in accordance with the decree entered herein. Applicant further requests a determination that should Applicant fail to construct the well prior to the expiration of the corresponding well permit, Applicant may reapply to the State Engineer for a new well permit and the State Engineer shall issue a new well permit identical to the expired permit. **E**. Applicant asserts that the water rights that are the subject of this application are not "conditional water rights," as that term is defined by Section 37-92-103(6), C.R.S., but are water rights determined by Section 37-90-137, C.R.S. Therefore, Applicant requests that the Court enter an order finding and determining that Applicant shall not be required to file applications for findings of reasonable diligence for the water rights that are the subject of this application. **F.** Withdrawal of ground water from the Laramie-Fox Hills Aquifer will be subject to the relinquishment of 2% of the amount of water withdrawn as required by Section 37-90-137(9)(b), C.R.S., and by 2 CCR 402-6, Rule 8. Wherefore, Jefferson County requests that this Court enter a decree: **1.** Approving the Application for Underground Water Rights in the Nontributary Laramie-Fox Hills Aquifer as described herein; **2**. Retaining jurisdiction, as necessary, pursuant to Section 37-92-305(11), C.R.S., for the purpose of adjusting the annual amount of withdrawal decreed from the Nontributary Laramie-Fox Hills Aquifer underlying the Property described herein to conform to actual local characteristics determined from well drilling or test holes. (8 Pages, including Exhibit).

2002CW344 Gapter Riparian Rights Homeowners Association, Inc.,c/o Alexander M. Hunter, 931 Gapter Rd., Boulder, Colorado 80303, Telephone: (303) 499-7700. (Timothy R. Buchanan, **Timothy R. Buchanan, P.C.,** 7703 Ralston Rd., Arvada, Colorado 80002, Telephone: (303) 431-9141). Application for Plan of Augmentation, Including Change of Water Rights, **IN BOULDER COUNTY**. **APPLICATION FOR CHANGE OF WATER RIGHTS**. **2. Decreed Name of Structure for Which Change is Sought:** Applicant is the lessee of one half (½) share of Howard Ditch Company, a mutual ditch company organized under the laws of the State of Colorado. A copy of the current 3 year lease is attached as Exhibit A. There are 35.036 shares of stock outstanding in Howard Ditch Company. The Howard Ditch administers and distributes the Howard Ditch water right. **3. From Previous Decree: a. Date Entered and Court:** The water right for the Howard Ditch was adjudicated June 2, 1882 in Civil Action No. 1282, Boulder County District Court. **b. Decreed Point of Diversion:** The Howard Ditch diverts from the west bank of South Boulder Creek in SW 1/4 of Section 3, Township 1 North, Range 70 West of the 6th P.M. **c. Source:** South Boulder Creek, a tributary to Boulder Creek, in Boulder County, Colorado. **d. Appropriation Date and Amount:** Appropriation date of April 1, 1860 for 36.0 cubic feet per second for irrigation. As a result of transfers to new points of diversion, diversions are now limited to 13.0582 c.f.s (This limitation will be reduced to 12.6442 c.f.s. when the City of Boulder is diverting water pursuant to Case No. 87CW17). Thus, by virtue of applicant's ownership interest in one-half (½) share of stock, which water rights are subject of this proceeding, applicant is entitled to i) its pro rata share of the decreed direct flow right being 0.18 c.f.s, and ii) its pro rata share of the consumptive use of water under the ditch, that being 9.365 acre feet per year. **e. Historical Use:** The water rights have historically been used to irrigate portions of land generally situated in Sections 3 and 4, Township 1 South, Range 70 West of the 6th P.M. and Sections 27, 28, 33 and 34, Township 1 North, Range 70 West of the 6th P.M. in Boulder County. The land historically irrigated under the Howard Ditch is shown on map labeled Exhibit B. **4. Proposed Change:** The applicant requests a change in the point of diversion, type of use and a change in place of use for the change water rights as follows: **a.** The type of use for the water rights will be changed from irrigation to irrigation, recreation, and fish and wildlife purposes. Additionally, the water will be directly used, stored and subsequently used, and used for substitution and exchange, for replacement of depletions, and for augmentation purposes, including the right to fully consume the water diverted under the water rights. **b.** The location of use of the water will be changed for the types of use described above on the following described lands and will be diverted by pumps which withdraw water from South Boulder Creek or the Hunter/Hine Ditch all of which are located on the following described land owned by members of the Gapter Riparian Rights Homeowners Association, Inc.: Land

located in Section 34, Township 1 North, Range 70 West of the 6th P.M., more particularly described as Tract 636H, Tract 636HI, and Lots 12, 13, 15, 16, 17, 18 and 19 of Gapter Subdivision, Boulder County, Colorado, and lots 37, 38, 39, 40, 41, 42, 43, and 44 of Gapter Subdivision First Addition, Boulder County, Colorado. The properties are more particularly described on the map attached as Exhibit C. **c.** The point of diversion of the water rights will also be changed to the pumps owned by the Gapter Riparian Rights Homeowners Association, Inc. or the Hunter/Hine Ditch, which were described in the Findings of Fact, Conclusions and Decree of the Water Court entered in Case No. 92CW076 on August 23, 1994. The Hunter/Hine Ditch has a point of diversion located in the Northwest (NW 1/4) of the Southeast Quarter (SE 1/4) of Section 34, Township 1 North, Range 70 West of the 6th P.M., approximately 1,471 feet from the South Section line and approximately 2,630 feet from the East Section line, in Boulder County, Colorado, within Lot 18, Gapter Subdivision. Water diverted into the Hunter/Hine Ditch is delivered to the Hunter/Hine Pond which was also described in the Findings of Fact, Conclusions of Law and Decree of the Water Court entered in Case No. 92CW076 on August 23, 1994, and is located in the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of Section 34, Township 1 North, Range 70 West of the 6th P.M., approximately 1,476 feet from the South Section line and approximately 2,610 feet from the East Section line, in Boulder County, Colorado, on portions of Lots 17 and 18, Gapter Subdivision. Attached as Exhibit D is a map depicting the location of the point of diversion. Water in the Hunter/Hine Pond is used for recreation and fish and wildlife purposes in the Hunter/Hine Pond and water is diverted from the Hunter/Hine pond by pumping the water from the Hunter/Hine Pond and delivering the water for irrigation of 1.25 acres of lawns and gardens on Lots 17 and 18 of the Gapter Subdivision, Boulder County, Colorado, located in Section 34, Township 1 North, range 70 West, 6th P.M. **5.** The Howard Ditch water rights have been the subject of multiple change of use applications. Attached as Exhibit E is a list of transfers and changes to the Howard Ditch water right. Applicant is seeking terms and conditions similar to the terms and conditions specified in Case No. 87CW017. Pursuant to the terms and conditions of that decree, the amount of water historically consumed by one half (½) share of stock in the Howard Ditch Company is 9.365 acre-feet. Historical ditch losses will be left in the Howard Ditch and the historical consumptive use will be left in the stream and diverted at the locations described above. **APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION 6.** The historical consumptive use will be diverted from the South Boulder Creek by the pumps herein described and the Hunter/Hine Ditch and used for irrigation purposes on the land described herein located in Section 34, Township 1 North, Range 70 West, 6th P.M and identified in Exhibit D. **7.** The water originally will be diverted at the Howard Ditch and redelivered to South Boulder Creek through a return flow structure. The diversions will be limited to June 1 through September 1 of each year. **8.** Prior to commencing irrigation operations each year, the Applicants will coordinate with the Division Engineer or his designated agent for the operation of this plan. **9.** Replacement water for the evaporative losses associated with the Hunter/Hine Pone and water for the irrigation of the land described above in Paragraph 4 have also been applied for in Case No. 96CW127. The water from both decrees will be used in priority according to the operation outlined in Paragraph 6 of this decree and the decree issued in Case No. 96CW127. **10.** All water used pursuant to this plan for augmentation will be accounted for pursuant to the provisions of the Findings of Fact, Conclusions of Law and Decree of the Water Court entered in Case No. 92CW076 on August 23, 1994. **11. Name and Address of Owner(s) of Land on Which Structures are to Be Located:** Alexander M. Hunter, 931 Gapter Rd., Boulder, CO 80303; Guilia M. Hine, 961 Gapter Rd., Boulder, CO 80303; Jay R. & Alyssa A. Beyer, 993 Gapter Rd., Boulder CO 80303; Jay R. & Alyssa A. Beyer, 1021 Gapter Rd., Boulder, CO 80303; Silvano & Elvira G. Deluca, 1085 Gapter Rd., Boulder, CO 80303; Mary Bogetveit, 1183 Gapter Rd., Boulder, CO 80303; Jennifer Mckeown, Alice R. Defler, 1125 Gapter Rd., Boulder, CO 80303; Albert M. & Marth I. Lindrose, 1225 Gapter Rd., Boulder, CO 80303; Gary M. & Sonia J. Geis, 723 Gapter Rd.. Boulder, CO 80303; Linda Ellis, 751 Gapter Rd., Boulder, CO 80303; Joe H. & Alice A. Doyle, 777 Gapter Rd., Boulder, CO 80303; Bobby A. & Nancy L. Bellitt, 819 Gapter Rd., Boulder, CO 80303; Clay N Jr. & Doris A. Berg, 841 Gapter Rd., Boulder, CO 80303; Robert E & Janet F. Johnson, Trustees, 859 Gapter Rd., Boulder, CO 80303; Joel Morgenstern, 881 Gapter Rd., Boulder, CO 80303; Marcia L. Forman, 897 Gapter Rd., Boulder, CO 80303; Jon and Susan Lounsbury, 5290 Pennsylvania Ave., Boulder, CO 80303; Patricia Nistico & Jose Serrano, 5905 Baseline Rd., Boulder, CO 80303. WHEREFORE, applicants request the Court enter a decree approving and adjudicating the plan for augmentation proposed herein, including the application for change of water rights. (15 Pages, including Exhibits).

2002CW345 Fort Morgan Reservoir and Irrigation Company 218 East Kiowa, Suite A, Fort Morgan, Colorado 80701, **and Kennedy, et al. Investments, LLC** c/o Gale Kennedy, 21949 WCR 3, Berthoud, Colorado 80513. (Timothy R. Buchanan, **Timothy R. Buchanan, P.C.**, 7703 Ralston Road, Arvada, Colorado 80002, Telephone: (303)431-9141). Application for Approval for Plan for Augmentation, Including Application for Conditional Surface Water Rights and Appropriative Rights of Substitution and Exchange, **IN WELD AND MORGAN COUNTIES.** 2. Fort Morgan Reservoir and Irrigation Company (AFort Morgan Company≅) is a Colorado mutual ditch company that distributes water to its shareholders and to individuals and entities contracting with the Fort Morgan Company. The Fort Morgan Company owns the Fort Morgan Canal, the new conditional surface water rights determined pursuant to this application, and a portion of the water rights to be used for augmentation as set forth herein. Kennedy, et al. Investments, LLC (AKennedy Investments≅) is the owner of the new conditional underground water rights and structures to be augmented as described herein. Kennedy Investments is also the owner of the land where new augmentation facilities will be constructed. **APPLICATION FOR CONDITIONAL SURFACE WATER RIGHT 3. Fort Morgan Company / Kennedy Augmentation Water Right a. Name of Structure**: Fort Morgan Canal, **b. Legal Description of Each Point of Diversion:** The Fort Morgan Canal headgate is located on the South Bank of the South Platte River at a point 23 chains north and 5 chains west of the Southeast Corner of Section 31, Township 5 North, Range 59 West of the 6th P.M., Morgan County, Colorado, **c. Source:** South Platte River, **d. Date of initiation of appropriation:** November 1, 2002, **e. How appropriation was initiated:** By agreement signed with the Board of Directors regarding determination of water right, **f. Date water applied to beneficial use:** Not applicable, **g. Amount claimed:** 50 c.f.s., Conditional, **h. Use or Proposed Use:** The water claimed herein will be used for domestic, industrial, commercial, irrigation, stockwatering, recreation, fish and wildlife purposes and fire protection and all other beneficial uses. The water will be used for immediate application to beneficial use, for storage and subsequent application to beneficial use, for substitution and exchange, for replacement of depletions, for recharge of the aquifer, and for augmentation purposes. The water will be fully consumed during the first use of the water, or recaptured and reused until the water is fully consumed. The water will be used to augment the depletions to the South Platte River from the pumping of the Kennedy Wells described herein. Pursuant to a Decree entered by the Water Court in and for Water Division No. 1 in Case No. W-2692 on April 22, 1985, a plan for augmentation was approved (hereinafter referred to as "the Case No. W-2692 Decree"). The water will be used to augment the wells described on Exhibit A to the Case No. W-2692 Decree. Additional structures to be augmented with the water are described (1) in the Findings of Fact, Conclusions of Law, Judgment and Decree entered in Case No. 91CW035 on August 25, 1993, (2) in the Findings of Fact, Conclusions of Law, Judgment and Decree in Case No. W-9383-78 on August 25, 1993, (3) in the Findings of Fact, Conclusions of Law, Judgment and Decree in Case No. 94CW186 on July 29, 1996, (4) Findings of Fact, Conclusions of Law, Ruling of the Referee and Decree of the Court in Case No. 96CW017 on November 9, 1999, (5) the application pending in Case No. 01CW102, and (6) the application pending in Case No.00CW261. To the extent the water is not required for augmentation of the structures described above, the water will be sold or leased to other parties, **i. Name and**

Address of Owner of Land on Which Point of Diversion is Located: The headgate of the Fort Morgan Canal is located on land owned by the Fort Morgan Company, **APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION**, **4. Description of Plan for Augmentation:** Withdrawal of water from the Kennedy Wells, described herein, will deplete the alluvium of the South Platte River and, from time to time, the depletions may be out-of-priority. The Fort Morgan Company and Kennedy Investments have entered into an agreement to develop groundwater recharge facilities which will be filled with water diverted pursuant to the Fort Morgan Company Augmentation Water Right described above and the Jackson Lake Reservoir water described below. The water delivered to the groundwater recharge facilities will percolate into the alluvium of the South Platte River and replace the depletions caused by the Kennedy Wells and the other structures described in this application. **5. Structures to be Augmented:** The structure to be augmented include the following underground water rights, all of which are owned by Kennedy Investments: **a. Name of Structure:** Well No. 12942-F, **Previous Decree:** Pursuant to Findings and Ruling of the Referee and Decree of the Water Court in Case No. W-3599 on December 9, 1975, the Water Court confirmed a water right associated with Well No. 12942-F, **Legal description of well:** 1308 feet from North section line and 858 feet from West section line in Section 27, Township 3 North, Range 57 West of the 6th P.M, **Source:** Groundwater tributary to the South Platte River, **Date of appropriation:** April 18, 1969, **Amount:** 0.24 cfs (110 g.p.m.), absolute, **Use:** Industrial, commercial, and stock-watering, **Stream Depletion Factor:** 3157, **b. Name of Structure:** Well No. 12943-F, **Previous Decree:** Pursuant to Findings and Ruling of the Referee and Decree of the Water Court in Case No. W-3599 on December 9, 1975, the Water Court in confirmed a water right associated with Well No. 12943-F, **Legal Description of Well:** 6 feet from South section line and 58 feet from West section line in section 22, Township 3 North, Range 57 West of the 6th P.M.,**Source:** Groundwater tributary to the South Platte River, **Date of appropriation:** June 15, 1955, **Amount:** 0.289 cfs (130 g.p.m.), absolute, **Use:** Industrial, commercial and stock-watering, **Stream Depletion Factor:** 2598, **c. Name of Structure:** Well No. 12944-F, **Previous Decree:** Pursuant to Findings and Ruling of the Referee and Decree of the Water Court in Case No. W-3599 on December 9, 1975, the Water Court confirmed a water right associated with Well No. 12944-F, **Legal Description of Well:** 2375 feet from North section line and 360 feet from West section line in Section 27, Township 3 North, Range 57 West of the 6th P.M., **Source:** Groundwater tributary to the South Platte River, **Date of Appropriation:** June 15, 1955, **Amount:** 0.266 cfs (120 g.p.m.), absolute, **Use:** Industrial, commercial and stock-watering, **Stream Depletion Factor:** 3315, **d. Name of Structure:** Well No. 12945-F, **Previous Decree:** Pursuant to Findings and Ruling of the Referee and Decree of the Water Court in Case No. W-3599 on December 9, 1975, the Water Court confirmed a water right associated with Well No. 12945-F, **Legal Description of Well:** 2330 feet from North section line and 185 feet from West section line in Section 27, Township 3 North, Range 57 West of the 6th P.M., **Source:** Groundwater tributary to the South Platte River, **Date of Appropriation:** June 15, 1955, **Amount:** 0.266 cfs (120 g.p.m.), absolute, **Use:** Industrial, commercial, and stock-watering, **Stream Depletion Factor:** 3315, **e. Name of Structure:** Well No. 12946-F**, Previous Decree:** Pursuant to Findings and Ruling of the Referee and Decree of the Water Court in Case No. W-

3599 on December 9, 1975, the Water Court confirmed a water right associated with Well No. 12946-F, **Legal Description of Well:** 549 feet from North section line and 976 feet from West section line in Section 27, Township 3 North, Range 57 West of the 6th P.M., **Source:** Groundwater tributary to the South Platte River, **Date of appropriation:** June 15, 1955, **Amount:** 0.0555 cfs (25 g.p.m.), absolute, **Use:** Industrial, commercial and stock-watering, **Stream Depletion Factor:** 2765, Pursuant to the Decree in Case No. W-3599 the total amount of water that may be diverted from Well Nos. 8708, and 12942-F, 12943-F, 12944-F, 12945-F and 12946-F shall not exceed 500 g.p.m. Well No. 12942-F, Well No. 12943-F, Well No. 12944-F, Well No. 12945-F, and Well No. 12946-F are collectively referred to in this application as the AKennedy Wells.≅ **6. Name and Address of Owners of Land on which Kennedy Wells are Located:** Kennedy, et al. Investments, LLC, c/o Gale Kennedy, 21949 WCR, Berthoud, Colorado 80513, **7. Water Rights to be Used for Augmentation:** The water rights to be used for augmentation are the following: **a.** The Fort Morgan Company / Kennedy Augmentation Water Right described above, **b.** Pursuant to the W-2692 Decree, the following water rights were changed for use for augmentation purposes: **(1) Decreed name of structure:** Jackson Lake Reservoir, **(2) Previous Decrees:** Decree entered in Case No. 2142 by the Weld County District Court on January 15, 1914, Decree entered in Case No. 2142 by the Weld County District Court on May 11, 1915, Decree entered in Civil Action No. 16704 by the Weld County District Court on June 8, 1965, Decree entered in Case No. W-2692 by the Water Court on April 22, 1985. The Case No. W-2692 Decree and the change of the water right for augmentation purposes and other purposes was also the subject of Findings of Fact, Conclusions of Law, Judgment and Decree entered by the Water Court in Case No. 92CW089 on August 25, 1993, **(3) Decreed point of diversion:** The headgate of the Jackson Lake Inlet Canal is located at a point on the north bank of the South Platte River 900 feet south and 200 feet west of the center of the Southeast Quarter (SE1/4) of Section 18, Township 4 North, Range 61 West of the 6th P.M., Jackson Lake Reservoir is located in Sections 10, 13, 14, 15, 16, 21, 22, 23, 24, 26 and 27, Township 5 North, Range 60 West of the 6th P.M., Morgan County, Colorado, **(4) Source of water:** South Platte River, **(5) Date of appropriation and amount:**

Reservoir Priority No.	Amount (acre-feet)	Date of Appropriation	Date of Adjudication
20	30,992.00	05/18/1901	01/15/1914
20	4,637.00	05/18/1901	05/11/1915
20R	8,269.92	12/31/1929	06/08/1965

The Fort Morgan Company owns 1,054 shares of the 1,550 outstanding shares of Jackson Lake Reservoir and Irrigation Company. The Fort Morgan Company requests the right to utilize any after acquired or leased shares of Jackson Lake Reservoir and Irrigation Company on the same terms and conditions requested in this case, pursuant to subsequent change of water right applications filed with the Water Court. Pursuant to the Case No. W-2692 Decree, in order to

prevent material injury to other vested water rights, if water is stored in Jackson Lake Reservoir pursuant to the water rights designated as Priority No. 20, and is delivered to the South Platte River and not diverted at the headgate of the Fort Morgan Canal, the Fort Morgan Company shall be entitled to fully consume forty-two percent (42%) of the amount of water so released and measured at the outlet of Jackson Lake Reservoir. If the water is stored in Jackson Lake Reservoir pursuant to the water rights designated as Priority No. 20 and is diverted at the headgate of the Fort Morgan Canal for recharge, augmentation, municipal, industrial or other non-irrigation purposes, the Fort Morgan Company shall be entitled to fully consume sixty-five percent (65%) of the amount of such water which is delivered to the recharge sites or sixty-five percent (65%) of the amount of such water which is diverted at the headgate of the Fort Morgan Canal if the water is not used for recharge purposes. If the water was stored in Jackson Lake Reservoir between May 1 and October 15 of any year under any priority and if the calling water right on the South Platte River was not senior to a water right with an appropriation date of May 19, 1972, and with an application filing date during the year 1972, the Fort Morgan Company shall be entitled to fully consume the amount of Jackson Lake Reservoir water released out of Jackson Lake Reservoir, less reasonable carriage losses as may be imposed by the Division of Water Resources. **c.** Pursuant to the Case No. W-2692 Decree, water is delivered to the South Platte River to replace depletions caused by pumping of wells withdrawing water tributary to the South Platte River. In the event that there is replacement water available from the operation of the Case No. W-2692 Decree, the water may be delivered to the South Platte River to replace the depletions associated with the operation of the Kennedy Wells. The Case No. W-2692 Decree provided that to the extent any of the recharge water was used at the same structure, exchange plan or temporary plan for augmentation for five (5) separate years, the user of the recharge is required to file an application in Water Court to approve the use of recharge for such purposes. The application filed in this case seeks to fulfill the requirement of the Case No. W-2692 Decree to file an application in Water Court to approve the use of recharge credits for such purposes, **d.** Pursuant to the application pending in Case No. 00CW261, Fort Morgan Company claims the right to divert water from the South Platte River and divert the water to the Fort Morgan Canal for groundwater recharge and to the Bath Recharge Sites described in the application. Fort Morgan Company owns a portion of the water delivered pursuant to the application pending in Case No. 00CW261 and the water may be used for replacement of depletions. **8. <u>Statement of Plan for Augmentation</u>: a.** This application seeks to deliver water diverted pursuant to the Fort Morgan Company/Kennedy Augmentation Water Right and water delivered from Jackson Lake Reservoir to the alluvium of the South Platte River by (1) percolation of water out of the Fort Morgan Canal, and (2) percolation of water out of ditches carrying water from the Fort Morgan Canal to recharge sites to be constructed on the land described in Exhibit A attached hereto, which recharge sites are collectively referred to as AKennedy Recharge Sites.≅ The Fort Morgan Canal has a point of diversion on the South Bank of the South Platte River at a point 23 chains north and 5 chains west of the Southeast Corner of Section 31, Township 5 North, Range 59 West of the 6th P.M., Morgan County, Colorado, traverses a portion of the Southeast Quarter (SE1/4) of Section 31 and the Southwest Quarter (SW1/4) of Section 32, Township 5 North, Range 59 West of the 6th P.M., and a portion of Sections 4, 5, 9, 10, 11, 12, 13 and 14 of

Township 4 North, Range 59 West of the 6th P.M., and a portion of Sections 18, 19, 20, 28, 29, 32, 33, 34, 35 and 36, Township 4 North, Range 58 West of the 6th P.M. Neither the Fort Morgan Canal nor the Kennedy Recharge Sites shall be lined and both facilities shall allow for water to percolate out of the bottom and sides of said recharge facilities. The stream depletion factor from the Kennedy Recharge Sites is approximately 3157 days. The Fort Morgan Company and Kennedy Investments have entered into an agreement for the use of the property described on Exhibit A for development of the Kennedy Recharge Sites, **b.** The water delivered to the Kennedy Recharge Sites will be accounted for on the same terms and conditions as specified in the Case No. W-2692 Decree. However, the Fort Morgan Company reserves the right to propose alternative methodologies in this proceeding. Kennedy Investments shall install a flowmeter on each of the Kennedy wells or at a location where the total combined flows from the Kennedy wells can be measured. Kennedy Investments is required to maintain, repair and replace the flowmeters to ensure accurate maintenance, pursuant to the Agreement between Fort Morgan and Kennedy Investments. Additionally, Kennedy Investments shall report the volume of diversions monthly to Fort Morgan. Thereafter, Fort Morgan shall calculate the depletions to the South Platte River to determine the amount of recharge and report this data to the Division Engineer. Evaporation losses from the recharge facility will be calculated on the basis of the average water surface area for each month, the length of the time of such evaporation, and evaporation data obtained from the Akron Weather Station or from any other station approved by the Division Engineer. The average water surface area will be calculated in a manner acceptable to the Division Engineer, **c.** On or before May 1 of each year, a computer analysis will be made to project the net effect on the South Platte River in the upcoming year resulting from the prior and projected pumping and from prior recharge operations. This analysis will contain projections for the upcoming months based upon crop reports submitted by the Kennedy Wells and the calculations described above. Each month the analysis and projection will be updated and reported to the Division Engineer using the actual consumptive use and recharge data. The effects on the South Platte River resulting from the consumptive use of water caused by pumping from wells or from recharge, pursuant to this plan, will be calculated by means of the Stream Depletion Factor (SDF) concept developed by the U. S. Geological Survey (Jenkins) and by means of a digital computer program based upon the SDF method, In the event that the projected or actual depletions to the South Platte River associated with the withdrawal of water from the Kennedy Wells exceed the projected or actual replacement water available from the deliveries of water to the Kennedy Recharge Sites, the owner of the Kennedy Wells shall provide additional replacement water, which may include, but not be limited to, recharge water associated with the Case No. W-2692 Decree, as amended by the Decree entered in Case No. 94CW185 described above, and direct releases to the South Platte River of Jackson Lake Reservoir water owned by or attributable to Kennedy Investments and the recharge water attributed to the applications pending in Case No.=s 00CW261 and 01CW02. At no time shall the out-of-priority depletions to the South Platte River exceed the amount of replacement water provided to the South Platte River pursuant to this plan for augmentation. The portion of the replacement water owned by and attributable to the Fort Morgan Company pursuant to this plan for augmentation will be used for the purposes described with respect to the Fort Morgan Company / Kennedy Augmentation

Water Right, and may also be traded to or sold to the owner of the Kennedy Wells. The replacement water attributable to the Fort Morgan Company will be used pursuant to the Case No. W-2692 Decree, any subsequent amendments of the plan for augmentation, or additions to the plan for augmentation, the parties described in Case No.=s 00CW261 and 01CW02 or new plans for augmentation, and all replacement water not otherwise used will be exchanged to the headgate of the Fort Morgan Canal, **9. Names and addresses of owners of land on which structures are located:** Fort Morgan Reservoir and Irrigation Company, 218 East Kiowa, Suite A, Fort Morgan, Colorado 80701, Kennedy, et al. Investments, LLC, c/o Gale Kennedy, 21949 WCR, Berthoud, Colorado 80513,**APPLICATION FOR APPROVAL OF APPROPRIATIVE RIGHTS OF SUBSTITUTION AND EXCHANGE, 10. Fort Morgan Company Substitution and Exchange:** The Fort Morgan Company claims the following rights of substitution and exchange pursuant to Sections 37-80-120, 37-82-106, 37-83-104, and 37-92-101, *et seq.*, C.R.S.: **a. Operation of the Substitution and Exchange:** At such times when water is delivered to the South Platte River (1) in excess of the replacement requirements pursuant to the plan for augmentation requested in this case, or (2) in excess of the replacement requirements pursuant to the plans for augmentation decreed in Case No. W-2692 on April 22, 1985; Case No. 91CW035 on August 25, 1993; Case No. W-9383-78 on August 25, 1993; Case No. 94CW186 on July 29, 1996; Case No. 96CW017 on November 9, 1999; Case No. 92CW81 on July 2, 2001, and the applications pending in Case 00CW261 and 01CW02, the water will be substituted and exchanged for water diverted at the headgate of the Fort Morgan Canal. The water diverted at the headgate of the Fort Morgan Canal will be (1) directly delivered to water users under the Fort Morgan Canal for irrigation, commercial, municipal and other beneficial uses, and (2) delivered to the groundwater recharge sites described in this application, the decree entered in Case No. W-2692 on April 22, 1985, the decree entered in Case No. 94CW185 on March 7, 2000, and the application pending in Case No. 92CW081 and accounted for pursuant to the terms of the respective decrees. The water diverted at the headgate of the Fort Morgan Canal pursuant to the substitution and exchange is fully consumable and the Fort Morgan Company claims the right to use, reuse or successively use the water to extinction. The substitution and exchange will only operate at such times when no water rights located between the point of delivery to the South Platte River and the point of diversion will be materially injured by the substitution and exchange, **b. Legal Description of Each Point of Diversion:** The Fort Morgan Canal headgate described above, **c. Legal Description of the Reach of the South Platte River Within the Substitution and Exchange:** The water delivered to the South Platte River will be delivered within a reach of the South Platte River, consisting of an upstream point of the Fort Morgan Canal headgate and downstream point of the confluence of the South Platte River and Beaver Creek in Section 4, Township 4 North, Range 55 West of the 6th P.M., **d. Date of initiation of appropriation:** October 2, 2001, **e. How appropriation was initiated:** Meeting of the Board of Directors, **f. Date water applied to beneficial use:** Not Applicable, **g. Amount claimed: 50 c.f.s., Conditional. H. Use or Proposed Use: The water will be diverted pursuant to the substitution and exchange will be used for the same uses as are specified for the Fort Morgan Company/Kennedy Augmentation Water Right. I. Name and**

Address of Owner of Land on Which Point of Diversion is Located: The headgate of the Fort Morgan Canal is located on land owned by the Fort Morgan Company.

2002CW346 CITY OF BRUSH, P.O. Box 363, Brush, CO 80723 (Veronica A. Sperling, Moses, Wittemyer, Harrison and Woodruff, P.C., P.O. Box 1440, Boulder, CO 80306-1440, 303-443-8782). **APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION, IN MORGAN AND WELD COUNTIES.** 2. Names of structures to be augmented: The following wells owned by applicant, all of which divert groundwater tributary to the South Platte River, and replacement, supplemental and alternate point of diversion wells therefor: A. City of Brush Wastewater Treatment Plant Farm Well, Permit No. RF-35: The decreed location for this well is in the SW1/4 NE1/4 of Section 22, Township 4 North, Range 56 West of the 6th P.M., Morgan County, Colorado, being 2218 feet West of the East section line and 2475 feet South of the North section line. B. City of Brush Wastewater Treatment Plant Well, Permit No. 48830: The decreed location for this well is in the SE1/4 NE1/4 of Section 22, Township 4 North, Range 56 West of the 6th P.M., Morgan County, Colorado, at a point 2400 feet South and 175 feet West of the northeast corner of said Section 22. C. City of Brush VFW Park Well, Permit No. 48831: The decreed location for this well is in the SE1/4 SE1/4 of Section 3, Township 3 North, Range 56 West of the 6th P.M., Morgan County, Colorado, being 490 feet North of the South section line and 535 feet West of the East section line. D. City of Brush Prairie Trails Park Well, Permit No. 4507F-R: The decreed location for this well is in the SW1/4 SW1/4 of Section 2, Township 3 North, Range 56 West of the 6th P.M., Morgan County, Colorado, at a point 60 feet South and 40 feet East of the northwest corner of the SW1/4 of the SW1/4 of said Section 2. E. City of Brush BCP (North) Well, Permit No. 8379: The decreed location for this well is in the SW1/4 NW1/4 of Section 11, Township 3 North, Range 56 West of the 6th P.M., Morgan County, Colorado, at a point 20 feet North and 60 feet East of the southwest corner of the NW1/4 of said Section 11. F. City of Brush BCP (South) Well, Permit No. 8380: The decreed location for this well is in the SE1/4 SW1/4 of Section 11, Township 3 North, Range 56 West of the 6th P.M., Morgan County, Colorado, at a point 10 feet North and 2040 feet East of the southwest corner of said Section 11. G. City of Brush Well No. 6544F, Permit No. 6544F (Brening Well): The decreed location for this well is in the SW1/4 NE1/4 of Section 10, Township 3 North, Range 56 West of the 6th P.M., Morgan County, Colorado, at a point 2510 feet South and 1970 feet West of the northeast corner of said Section 10. H. City of Brush Watrous Park Well, Permit No. 47131-F: The permitted location for this well is in the NE1/4 NW1/4 of Section 4, Township 3 North, Range 56 West of the 6th P.M., Morgan County, Colorado, at a point 725 feet South of the North section line and 1350 feet East of the West section line of said Section 4. I. City of Brush Well No. 10361, Permit No. 10361 (Uhlenhopp Well): The decreed location for this well is in the NW1/4 NE1/4 of Section 15, Township 3 North, Range 56 West of the 6th P.M., Morgan County, Colorado, at a point 100 feet North and 140 feet East of the NW1/4 of the NE1/4 of said Section 15. J. City of Brush Well No. 10594, Permit No. 10594 (Hinds Well): The decreed location for this well is in the SW1/4 SW1/4 of Section 11, Township 3 North, Range 56 West of the 6th P.M., Morgan County, Colorado, at a point 9 feet North and 145 feet East of the southwest corner of said Section 11. Are there other water rights diverted from these structures? Yes. The wells described in paragraphs 2.A. and 2.B. divert water pursuant to water rights decreed to them in Case No. W-1471, District Court, Water Division No. 1, on December 8, 1976; the well described in paragraph 2.C. diverts water pursuant to water rights decreed to it in Case No. W-1472, District Court, Water Division No. 1, on December 13, 1976; the well described in paragraph 2.D. diverts water pursuant to water rights originally decreed to it in Case No. W-2968, District Court, Water Division No. 1, on September 22, 1978, and changed by decree in Case No. 86CW119, District Court, Water Division No. 1, dated December 30, 1988; the wells described in paragraphs 2.E., 2.F., 2.G., 2.I. and 2.J. divert water pursuant to water rights decreed to them in Case No. W-2968, District Court, Water Division No. 1, on September 22, 1978; the well described in paragraph 2.H. is the subject of a pending application in Case No. 97CW268, District Court, Water Division No. 1, in which applicant is requesting a change of water right from another well owned by applicant to the well described in paragraph 2.H. There are no other decreed water rights diverted from these structures. Detailed information concerning the use of the wells described in paragraphs 2.A. through 2.J. is contained in paragraph 5 of the application. A map showing the locations of the subject wells is attached to the application as Exhibit A. 3. Previous decrees for water rights to be used for augmentation: The water to be used for augmentation hereunder is water available to applicant pursuant to agreements, and any future amendments thereto, between applicant and Riverside Irrigation District and between applicant and Fort Morgan Reservoir and Irrigation Company. Those agreements and the water rights to be used for augmentation are described as follows: A. Riverside Irrigation District Recharge Plan. Pursuant to the terms of an agreement between applicant and Riverside Irrigation District dated October 12, 1992, applicant is entitled to the delivery of 413 acre-feet of water per year which accrues to the

South Platte River pursuant to the decree in Case No. 88CW221, District Court, Water Division No. 1, dated October 30, 1990. The decree in Case No. 88CW221 approves a recharge plan using the following water rights: (1) 5050 acre-feet per year with right to fill and refill, decreed to Vancil Reservoir in Case No. 86CW387, District Court, Water Division No. 1, on December 13, 1988, from the South Platte River and all tributaries intersecting the Riverside Canal, including precipitation, with an appropriation date of June 17, 1986. (2) 1950 acre-feet per year with right to fill and refill, decreed to Vancil Reservoir First Enlargement in Case No. 88CW221, District Court, Water Division No. 1, on October 30, 1990, from the South Platte River together with all tributaries thereof intersecting the Riverside Canal, as well as natural runoff between the headgate of the Riverside Canal and the outflow of Vancil Reservoir, with an appropriation date of June 17, 1986. (3) Vancil Reservoir is an off-channel reservoir located in portions of Sections 28, 29, 32 and 33, Township 5 North, Range 56 West of the 6th P.M., Morgan County, Colorado. The initial point of survey of the high water line of Vancil Reservoir is located on the left abutment of the dam at a point which bears approximately North 52E53' West 1200 feet from the southeast corner of Section 29, Township 5 North, Range 56 West of the 6th P.M., South 43E55' East 1020 feet; thence North 87E34' East 396 feet; thence South 35E35' East 1000 feet; thence North 60E00' East 2600 feet to the northeast end of the dam. The outlet is located 800 feet South of the North quarter corner of Section 33, Township 5 North, Range 56 West of the 6th P.M. Vancil Reservoir is filled through the Riverside Canal, which has a capacity of 1000 cfs and a point of diversion located on the north bank of the South Platte River near Kuner, Colorado, in the SW1/4 SW1/4, Section 20, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado. (4) Accretions to the South Platte River from the recharge plan approved in Case No. 88CW221 are decreed for use to replace depletions resulting from out-of-priority diversions from wells in Townships 3, 4 and 5 North, Range 55 through 56 West of the 6th P.M., Morgan and Weld Counties, Colorado. B. Fort Morgan Reservoir and Irrigation Company Plan for Augmentation, Including Recharge Program. Pursuant to an agreement between applicant and Fort Morgan Reservoir and Irrigation Company dated December 20, 2002, applicant is entitled to the use of certain water delivered to the South Platte River by Fort Morgan Reservoir and Irrigation Company pursuant to the decree in Case No. W-2692, District Court, Water Division No. 1, dated April 22, 1985 and the decree in Case No. 94CW185, District Court, Water Division No. 1, dated March 7, 2000. The water rights decreed for use in the plan for augmentation, including recharge program, approved in Case Nos. W-2692 and 94CW185 are described as follows: (1) 323 cfs decreed to the Fort Morgan Canal from the South Platte River in Case No. W-2692, with an appropriation date of May 19, 1972. 197.9 cfs of this amount is absolute and 125.1 cfs is conditional. (2) 1030 shares of the 1550 outstanding shares of Jackson Lake Reservoir and Irrigation Company. Jackson Lake Reservoir and Irrigation Company has decrees for Jackson Lake Reservoir from the South Platte River for 30,992 acre-feet entered in Case No. 2142, Weld County District Court, on January 15, 1914, with an appropriation date of May 18, 1901; for 4637 acre-feet entered in Case No. 2142, Weld County District Court, on May 11, 1915, with an appropriation date of May 18, 1901; and for 8269.92 acre-feet entered in Civil Action No. 16704, Weld County District Court, on June 8, 1965, with an appropriation date of December 31, 1929. The headgate of the Fort Morgan Canal is located on the south bank of the South Platte River at a point 23 chains North and 5 chains West of the southeast corner of Section 31, Township 5 North, Range 59 West of the 6th P.M., Morgan County, Colorado. (4) The headgate of the Jackson Lake Inlet Canal is located at a point on the north bank of the South Platte River 900 feet South and 200 feet West of the center of the SE1/4 of Section 18, Township 4 North, Range 61 West of the 6th P.M., Weld County, Colorado. Jackson Lake Reservoir is located in all or portions of Sections 10, 13, 14, 15, 16, 21, 22, 23, 24, 26 and 27, Township 5 North, Range 60 West of the 6th P.M., Morgan County, Colorado. (5) Accretions to the South Platte River under the plan for augmentation, including recharge program, approved in Case Nos. W-2692 and 94CW185 are decreed for use for recharge and augmentation purposes. Applicant also proposes to use for augmentation hereunder water available to applicant from any other source legally available for augmentation and which can be provided in the amount, at the time and at the location required for augmentation. Prior to use of any such water for augmentation hereunder, applicant shall provide written notification to State water administration officials of the source of water to be used and the method of delivery of such water. 4. Historic use (include a description of all water rights to be used for augmentation, 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): Water to be delivered pursuant to the agreements and decrees described in paragraph 3 has historically been used for the decreed purposes, including augmentation and replacement of

depletions resulting from diversions from wells. The approximate locations of the structures described in paragraph 3 are shown on the map attached to the application as Exhibit B. 5. Statement of plan for augmentation, covering all applicable matters under C.R.S. 37-92-103(9), 302(1)(2) and 305(8). Give full details of plan, including a description of all water rights to be established or changed by the plan: A. Applicant uses or proposes to use groundwater withdrawn through the wells described in paragraph 2 for irrigation of parks, school grounds and agricultural lands, and for various other uses as described in more detail below. By this application, applicant seeks approval of a plan for augmentation to provide for replacement of out-of-priority depletions to the South Platte River from the use of such wells, to the extent necessary to prevent injury to other water rights. Replacement water will be provided from the sources described in paragraph 3. The amount, timing and location of replacement water available to applicant pursuant to its agreement with Riverside Irrigation District (described in paragraph 3.A.) will be determined in accordance with the terms of that agreement and the terms of the decree in Case No. 88CW221. The amount, timing and location of replacement water available to applicant pursuant to its agreement with Fort Morgan Reservoir and Irrigation Company (described in paragraph 3.B.) will be determined in accordance with the terms of that agreement and the terms of the decrees in Case Nos. W-2692 and 94CW185. B. The well described in paragraph 2.A. is included in the augmentation plan decreed to the Lower Platte and Beaver Canal Company in Case No. W-2969, District Court, Water Division No. 1, dated October 11, 1985. The wells described in paragraphs 2.D. through 2.G., 2.I. and 2.J. are included in the plan for augmentation decreed to the Upper Platte and Beaver Canal Company in Case No. W-2968, District Court, Water Division No. 1, dated September 22, 1978. With respect to the wells described in paragraph 2.A., paragraphs 2.D. through 2.G., 2.I. and 2.J., this plan for augmentation is intended to replace only those out-of-priority depletions not replaced under the terms of those existing decrees. C. Applicant's uses or proposed uses of the groundwater withdrawn through the wells described in paragraph 2, and applicant's proposed method for determining the amount, timing and location of out-of-priority depletions from the use of such wells, are as follows: (1) City of Brush Wastewater Treatment Plant Farm Well, Permit No. RF-35: A water right for this well was decreed in Case No. W-1471, District Court, Water Division No. 1, on December 8, 1976, with an appropriation date of December 31, 1935, for 3.11 cfs, for irrigation of 80 acres of land located in the SW1/4 NE1/4 of Section 22, Township 4 North, Range 56 West of the 6th P.M., Morgan County, Colorado. As noted above, this well is included in the plan for augmentation decreed in Case No. W-2969, District Court, Water Division No. 1. Applicant uses groundwater withdrawn through this well, together with surface water available to it as the owner of Lower Platte and Beaver Canal Company shares, for agricultural irrigation of the historically irrigated land, in connection with operation of its municipal wastewater treatment facility. The stream depletion factor ("SDF") decreed for this well in Case No. W-2969 is 15 days. Applicant proposes that the amount, timing and location of the out-of-priority depletions associated with its use of this well be determined in accordance with the terms of the decree in Case No. W-2969. (2) City of Brush Wastewater Treatment Plant Well, Permit No. 48830: A water right for this well was decreed in Case No. W-1471, District Court, Water Division No. 1, on December 8, 1976, with an appropriation date of March 31, 1966, for 0.11 cfs, for use to provide potable water for applicant's wastewater treatment plant. Groundwater withdrawn through this well is used by applicant to provide water for use at its wastewater treatment plant located in the NE1/4 of Section 22, Township 4 North, Range 56 West of the 6th P.M., Morgan County, Colorado, including a small amount of landscape irrigation. Applicant proposes to determine the timing of depletions from the use of this well using the stream depletion factor ("SDF") methodology as developed by Glover (1977) and Jenkins (1968) and using stream depletion factors developed by the U.S. Geological Survey (Hurr, *et al.*, 1972), and proposes a SDF of 45 days for this well. Wastewater resulting from the use of groundwater withdrawn from this well for purposes other than landscape irrigation is treated in applicant's wastewater treatment plant. Approximately 95% of such groundwater returns to the South Platte River as return flow. Applicant proposes to receive credit for such return flow against out-of-priority depletions associated with the use of this well and to use the SDF methodology described above for determining the timing of such return flow to the South Platte River. (3) City of Brush VFW Park Well, Permit No. 48831: A water right for this well was decreed in Case No. W-1472, District Court, Water Division No. 1, on December 13, 1976, with an appropriation date of June 11, 1964, for 0.278 cfs, for use for municipal park irrigation. Groundwater withdrawn through this well is used by applicant for irrigation of approximately three acres of turf grass and landscaping at VFW Park, located in the SE1/4 SE1/4 of Section 3, Township 3 North, Range 56 West of the 6th P.M., Morgan County, Colorado. Applicant proposes to determine the timing of depletions from the use of this well using the

stream depletion factor ("SDF") methodology as developed by Glover (1977) and Jenkins (1968) and using stream depletion factors developed by the U.S. Geological Survey (Hurr, *et al.*, 1972), and proposes a SDF for this well of 1,190 days. Approximately 15% of the groundwater applied for turf grass and landscape irrigation at VFW Park returns to the South Platte River as return flow. Applicant proposes to receive credit for such return flow against out-of-priority depletions associated with the use of this well and to use the SDF methodology described above for determining the timing of such return flow to the South Platte River. (4) City of Brush Prairie Trails Park Well, Permit No. 4507F-R: A water right for this well was originally decreed in Case No. W-2968, District Court, Water Division No. 1, on September 22, 1978, with an appropriation date of July 31, 1963, for 3.54 cfs, for irrigation of 80 acres located in the N1/2 SW1/4 of Section 2, Township 3 North, Range 56 West of the 6th P.M., Morgan County, Colorado. A decree approving a change of the place of use of the water right for this well to 40 acres located in the S1/2 SW1/4 of Section 2, Township 3 North, Range 56 West of the 6th P.M., Morgan County, Colorado, was entered in Case No. 86CW119, District Court, Water Division No. 1, on December 30, 1988. As noted above, this well is included in the plan for augmentation decreed in Case No. W-2968, District Court, Water Division No. 1. Groundwater withdrawn through this well, together with surface water available to applicant as the owner of Upper Platte and Beaver Canal Company shares, is used by applicant for agricultural irrigation of a portion of the historically irrigated land which is part of applicant's Prairie Trails Park located in the S1/2 SW1/4 of Section 2, Township 3 North, Range 56 West of the 6th P.M., Morgan County, Colorado. Applicant also proposes to use groundwater withdrawn through this well for turf grass and landscape irrigation at Prairie Trails Park and for filling Doty Pond, which is located in Prairie Trails Park. Doty Pond has a capacity of 25 acre-feet and a surface area of approximately 2.5 acres. Groundwater stored in Doty Pond will be used for recreational purposes, including fish and wildlife preservation and propagation, and for turf grass and landscape irrigation at Prairie Trails Park. Applicant proposes that the amount, timing and location of the out-of-priority depletions associated with the use of groundwater withdrawn through this well for agricultural irrigation purposes on the historically irrigated land be determined in accordance with the terms of the decree in Case No. W-2968. Applicant proposes that the timing of depletions from the use of this well for purposes other than agricultural irrigation on the historically irrigated lands be determined using the stream depletion factor ("SDF") methodology as developed by Glover (1977) and Jenkins (1968) and using stream depletion factors developed by the U.S. Geological Survey (Hurr, *et al.*, 1972), and proposes a SDF for this well for such purposes of 1,145 days. Approximately 15% of the groundwater applied for turf grass and landscape irrigation at Prairie Trails Park returns to the South Platte River as return flow. Applicant proposes to receive credit for such return flow against out-of-priority depletions associated with use of this well for turf grass and landscape irrigation at Prairie Trails Park and to use the SDF methodology described above for determining the timing of such return flow to the South Platte River. (5) City of Brush BCP (North) Well, Permit No. 8379: A water right for this well was decreed in Case No. W-2968, District Court, Water Division No. 1, on September 22, 1978, with an appropriation date of July 4, 1954, for 2.22 cfs, for irrigation of 89 acres located in the S1/2 NW1/4 and the N1/2 NW1/4 of Section 11, Township 3 North, Range 56 West of the 6th P.M., Morgan County, Colorado. As noted above, this well is included in the plan for augmentation decreed in Case No. W-2968, District Court, Water Division No. 1. Groundwater withdrawn through this well, together with surface water available to applicant as the owner of Upper Platte and Beaver Canal Company shares, is used by applicant for agricultural irrigation on the historically irrigated land. Applicant proposes a SDF for this well of 1,845 days. Applicant proposes that the amount, timing and location of out-of-priority depletions associated with its use of this well be determined in accordance with the terms of the decree in Case No. W-2968. (6) City of Brush BCP (South) Well, Permit No. 8380: A water right for this well was decreed in Case No. W-2968, District Court, Water Division No. 1, on September 22, 1978, with an appropriation date of March 31, 1956, for 2.41 cfs, for irrigation of 80 acres located in the E1/2 SW1/4 and 8 acres located in the S1/2 S1/2 NW1/4, all Section 11, Township 3 North, Range 56 West of the 6th P.M., Morgan County, Colorado. As noted above, this well is included in the plan for augmentation decreed in Case No. W-2968. Groundwater withdrawn through this well, together with surface water available to applicant as the owner of Upper Platte and Beaver Canal Company shares, is used by applicant for agricultural irrigation of the historically irrigated land. Applicant proposes a SDF for this well of 2,600 days. Applicant proposes that the amount, timing and location of out-of-priority depletions associated with its use of this well be determined in accordance with the terms of the decree in Case No. W-2968. (7) City of Brush Well No. 6544F, Permit No. 6544F (Brening Well): A water right for this well was decreed in Case No. W-2968, District Court,

Water Division No. 1, on September 22, 1978, with an appropriation date of June 30, 1954, for 2.67 cfs, for irrigation of approximately 110 acres in the NE1/4 of Section 10, Township 3 North, Range 56 West of the 6th P.M., Morgan County, Colorado. As noted above, this well is included in the plan for augmentation decreed in Case No. W-2968. Groundwater withdrawn through this well, together with surface water available to applicant as the owner of Upper Platte and Beaver Canal Company shares, is used by applicant for agricultural irrigation of the historically irrigated land. Applicant proposes a SDF for this well of 1,725 days. Applicant proposes that the amount, timing and location of out-of-priority depletions associated with its use of this well be determined in accordance with the terms of the decree in Case No. W-2968. (8) City of Brush Watrous Park Well, Permit No. 47131-F: Applicant proposes to use groundwater withdrawn through this well for turf grass and landscape irrigation on approximately 8.5 acres at Watrous Park located in the N1/2 NW1/4 of Section 4, Township 3 North, Range 56 West of the 6th P.M., Morgan County, Colorado, and for turf grass and landscape irrigation on approximately 16.5 acres at Beaver Valley Elementary School, located in the N1/2 NW1/4 of Section 4, Township 3 North, Range 56 West of the 6th P.M., Morgan County, Colorado. The permitted flow rate for this well is 1.23 cfs. Applicant proposes to determine the timing of depletions from the use of this well using the stream depletion factor ("SDF") methodology as developed by Glover (1977) and Jenkins (1968) and using stream depletion factors developed by the U.S. Geological Survey (Hurr, *et al.*, 1972), and proposes a SDF for this well of 435 days. Approximately 15% of the groundwater applied for turf grass and landscape irrigation at Watrous Park and at Beaver Valley Elementary School returns to the South Platte River as return flow. Applicant proposes to receive credit for such return flow against out-of-priority depletions associated with the use of this well and to use the SDF methodology described above for determining the timing of such return flow to the South Platte River. An application is currently pending in Case No. 97CW268, District Court, Water Division No. 1, for a change of water right to this well from applicant's Well No. 10705-F decreed in Case No. W-1472, District Court, Water Division No. 1, on December 13, 1976, with an appropriation date of January 28, 1907. (9) City of Brush Well No. 10361, Permit No. 10361 (Uhlenhopp Well): A water right for this well was decreed in Case No. W-2968, District Court, Water Division No. 1, on September 22, 1978, with an appropriation date of May 30, 1953, for 2.66 cfs, for irrigation of approximately 74 acres in the N1/2 NE1/4 of Section 15, Township 3 North, Range 56 West of the 6th P.M., Morgan County, Colorado. As noted above, this well is included in the plan for augmentation decreed in Case No. W-2968. Groundwater withdrawn through this well, together with surface water available to applicant as the owner of Upper Platte and Beaver Canal Company shares, is used by applicant for agricultural irrigation of the historically irrigated land. Applicant proposes a SDF for this well of 2,675 days. Applicant proposes that the amount, timing and location of out-of-priority depletions associated with its use of this well be determined in accordance with the terms of the decree in Case No. W-2968. (10) City of Brush Well No. 10594, Permit No. 10594 (Hinds Well): A water right for this well was decreed in Case No. W-2968, District Court, Water Division No. 1, on September 22, 1978, with an appropriation date of June 25, 1954, for 3.15 cfs, for irrigation of approximately 80 acres in the W1/2 SW1/4 of Section 11, Township 3 North, Range 56 West of the 6th P.M., Morgan County, Colorado. As noted above, this well is included in the plan for augmentation decreed in Case No. W-2968. Groundwater withdrawn through this well, together with surface water available to applicant as the owner of Upper Platte and Beaver Canal Company shares, is used by applicant for agricultural irrigation of the historically irrigated land. Applicant proposes a SDF for this well of 2,430 days. Applicant proposes that the amount, timing and location of out-of-priority depletions associated with its use of this well be determined in accordance with the terms of the decree in Case No. W-2968. D. Each of the wells will be equipped with a flow meter and the flow meter will be read by applicant at least monthly. A map showing the locations of applicant's uses or proposed uses of groundwater withdrawn through the wells described above is attached to the application as Exhibit A. 6. Names and addresses of owners of land on which structures are or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: The structures to be augmented are all located on property owned or under contract to purchase by applicant and, with the exception of the well described in paragraph 2.H., groundwater withdrawn through such structures is used on land owned or under contract to purchase by applicant. Groundwater withdrawn through the well described in paragraph 2.H. is used on land owned by applicant and is also used on land within applicant's municipal boundaries owned by School District RE-2(J) of Morgan and Washington Counties. Vancil Reservoir and the Riverside Canal are owned by Riverside Irrigation District and/or Riverside Reservoir and Land Company, 215 East Kiowa Street, P.O. Box 455, Fort Morgan, Colorado 80701. The Fort Morgan Canal is owned by Fort Morgan Reservoir and

Irrigation Company, 410 East Railroad, P.O. Box 38, Fort Morgan, Colorado 80701. Jackson Lake Reservoir and Jackson Lake Inlet Canal are owned by Jackson Lake Reservoir and Irrigation Company, 410 East Railroad, P. O. Box 38, Fort Morgan, Colorado 80701. (14 pages)

2002CW347 PINEWOOD SPRINGS WATER DISTRICT, 183 Cree Court, Lyons, CO 80540-8118 (Veronica A. Sperling, Moses, Wittemyer, Harrison and Woodruff, P.C., P.O. Box 1440, Boulder, CO 80306-1440, 303-443-8782). **APPLICATION FOR WATER STORAGE RIGHTS, IN LARIMER COUNTY.** 2. Names of reservoirs: Maure Hollow Reservoir, Crescent Lake/Powelson Reservoir, Crow Lane Reservoir No. 1, Crow Lane Reservoir No. 2, Pinewood Springs Reservoir. 3. Legal descriptions: A. Legal descriptions of locations of dams: (1) Maure Hollow Reservoir: Maure Hollow Reservoir will be located on Maure Hollow, a tributary of the Little Thompson River, in the NW1/4 of the NW1/4 of Section 28, Township 4 North, Range 71 West of the 6th P.M., Larimer County, Colorado. The center of the dam will be located approximately 1200 feet East of the West line and 1100 feet South of the North line of said Section 28. (2) Crescent Lake/Powelson Reservoir: Crescent Lake/Powelson Reservoir will be located on an unnamed tributary of the Little Thompson River, in the SW1/4 of the NE1/4 of Section 28, Township 4 North, Range 71 West of the 6th P.M., Larimer County, Colorado. The center of the dam will be located approximately 350 feet East of the West line of the SW1/4 of the NE1/4 and 450 feet South of the North line of the SW1/4 of the NE1/4 of said Section 28. (3) Crow Lane Reservoir No. 1: Crow Lane Reservoir No. 1 will be located on an unnamed tributary of the Little Thompson River, in the SE1/4 of the SE1/4 of Section 29, Township 4 North, Range 71 West of the 6th P.M., Larimer County, Colorado. The center of the dam will be located approximately 250 feet West of the East line and 50 feet North of the South line of said Section 29. (4) Crow Lane Reservoir No. 2: Crow Lane Reservoir No. 2 will be located on an unnamed tributary of the Little Thompson River, in the NE1/4 of the NE1/4 of Section 32, Township 4 North, Range 71 West of the 6th P.M., Larimer County, Colorado. The center of the dam will be located approximately 250 feet West of the East line and 750 feet South of the North line of said Section 32. (5) Pinewood Springs Reservoir: Pinewood Springs Reservoir will be located on an unnamed tributary of the Little Thompson River, in the NW1/4 of the SW1/4 of Section 28, Township 4 North, Range 76 West of the 6th P.M., Larimer County, Colorado. The northwest abutment of the dam will be located at or near a point which bears North 33E40' East a distance of 575 feet from the southwest corner of the N1/2 of the SW1/4 of said Section 28. B. Names and capacities of ditch or ditches used to fill reservoirs and legal description of each point of diversion: (1) Maure Hollow Reservoir, Crow Lane Reservoir No. 1, Crow Lane Reservoir No. 2, and Pinewood Springs Reservoir: Maure Hollow Reservoir, Crow Lane Reservoir No. 1, Crow Lane Reservoir No. 2 and Pinewood Springs Reservoir will be on-channel reservoirs and will store water from their respective drainage basins. In addition, water will be diverted from the Little Thompson River at a point located in the SE1/4 of the NW1/4 of Section 28, Township 4 North, Range 71 West, 6th P.M., Larimer County, whence the north quarter corner, Section 28 bears North 42E46'43" East, 1,943.68 feet, and will be conveyed through pipelines to the reservoirs. The maximum rate of diversion to storage from the Little Thompson River will be 1 cfs for each reservoir. This point of diversion is the same as the point of diversion for the Pinewood Springs Collection Gallery, decreed in Case No. 88CW236, District Court, Water Division No. 1, on February 23, 1990. (2) Crescent Lake/Powelson Reservoir: Crescent Lake/Powelson Reservoir will be an on-channel reservoir and will store water from its drainage basin. In addition, water will be diverted from the Little Thompson River at a point located in the NW1/4 of the NE1/4 of Section 28, Township 4 North, Range 71 West, 6th P.M., Larimer County, approximately 700 feet East of the West line of the NW1/4 of the NE1/4 and 200 feet North of the South line of the NW1/4 of the NE1/4 of said Section 28, and will be conveyed through a pipeline to the reservoir. The maximum rate of diversion to storage will be 1 cfs. A map showing the approximate locations of the above-described structures is attached to the application as Exhibit 1. 4. Source: A. Maure Hollow Reservoir: Little Thompson River and Maure Hollow, a tributary to the Little Thompson River. B. Crescent Lake/Powelson Reservoir: Little Thompson River and an unnamed tributary to the Little Thompson River. C. Crow Lane Reservoir No. 1: Little Thompson River and an unnamed tributary to the Little Thompson River. D. Crow Lane Reservoir No. 2: Little Thompson River and an unnamed tributary to the Little Thompson River. E. Pinewood Springs Reservoir: Little Thompson River and an unnamed tributary of the Little Thompson River. 5. Appropriation and application to beneficial use: A. Dates of appropriation: September 27, 2000 for Crescent Lake/Powelson Reservoir; July 30, 2002 for Maure Hollow Reservoir, Crow Lane Reservoir No. 1, Crow Lane Reservoir No. 2 and Pinewood Springs Reservoir. B. How appropriations were initiated: By action of applicant's Board of Directors followed by actions to further and give notice of the appropriations including, but not limited to, public notice of the appropriations and engineering investigations and analysis of reservoir sites and diversion facilities. C. Date water applied to beneficial use: Not applicable. 6. Amounts claimed: A. In acre-feet: (1) Maure Hollow Reservoir: 45 acre-feet, CONDITIONAL,

with the right to fill and refill continuously. (2) Crescent Lake/Powelson Reservoir: 18 acre-feet, CONDITIONAL, with the right to fill and refill continuously. (3) Crow Lane Reservoir No. 1: 51 acre-feet, CONDITIONAL, with the right to fill and refill continuously. (4) Crow Lane Reservoir No. 2: 39 acre-feet, CONDITIONAL, with the right to fill and refill continuously. (5) Pinewood Springs Reservoir: 20 acre-feet, CONDITIONAL, with the right to fill and refill continuously. B. Rates of diversion in cfs for filling the reservoirs from the Little Thompson River points of diversion: (1) Maure Hollow Reservoir: 1 cfs for diversion to storage from the Little Thompson River. (2) Crescent Lake/Powelson Reservoir: 1 cfs for diversion to storage from the Little Thompson River. (3) Crow Lane Reservoir No. 1: 1 cfs for diversion to storage from the Little Thompson River. (4) Crow Lane Reservoir No. 2: 1 cfs for diversion to storage from the Little Thompson River. (5) Pinewood Springs Reservoir: 1 cfs for diversion to storage from the Little Thompson River. 7. Use: A. If irrigation, complete the following: (1) Number of acres historically irrigated: Not applicable. (2) Number of acres proposed to be irrigated: Not applicable. Legal description of acreage irrigated or to be irrigated: Not applicable. B. If non-irrigation, describe purpose fully: Municipal use within the Pinewood Springs Subdivision including, but not limited to, domestic, recreational, fish and wildlife preservation and propagation, augmentation, replacement and exchange, with the right to use and reuse to extinction for the uses described herein. 8. Surface area of high water line: Maure Hollow Reservoir, 1.5 acres; Crescent Lake/Powelson Reservoir, 2 acres; Crow Lane Reservoir No. 1, 3.3 acres; Crow Lane Reservoir No. 2, 2.7 acres; Pinewood Springs Reservoir, 3.2 acres. A. Maximum height of dam in feet: Maure Hollow Reservoir, 47 feet; Crescent Lake/Powelson Reservoir, 13 feet; Crow Lane Reservoir No. 1, 35 feet; Crow Lane Reservoir No. 2, 35 feet; Pinewood Springs Reservoir, 31 feet. B. Length of dam in feet: Maure Hollow Reservoir, 400 feet; Crescent Lake/Powelson Reservoir, 900 feet; Crow Lane Reservoir No. 1, 400 feet; Crow Lane Reservoir No. 2, 350 feet; Pinewood Springs Reservoir, 370 feet. 9. Total capacity of each reservoir in acre-feet: A. Maure Hollow Reservoir: Active capacity 45 acre-feet; dead storage 0 acre-feet. B. Crescent Lake/Powelson Reservoir: Active capacity 18 acre-feet; dead storage 0 acre-feet. C. Crow Lane Reservoir No. 1: Active capacity 51 acre-feet; dead storage 0 acre-feet. D. Crow Lane Reservoir No. 2: Active capacity 39 acre-feet; dead storage 0 acre-feet. E. Pinewood Springs Reservoir: Active capacity 20 acre-feet; dead storage 0 acre-feet. 10. Names and addresses of owners of land upon which any structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use: A. Water will be placed to beneficial use within applicant's service area. It is not practical to identify the names and addresses of the owners of all property within such service area. B. To the best of applicant's knowledge and information, the names and addresses of the owners of the land on which the structures will be located are as follows: (1) Maure Hollow Reservoir: U.S. Forest Service, c/o Ellen Hodges, District Ranger, Canyon Lakes Ranger District, 1311 S. College Avenue, Fort Collins, CO 80524. (2) Crescent Lake/Powelson Reservoir: Pinewood Springs Property Owners Association, 61A Kiowa, Lyons, CO 80540; Verlene Thorp, 1038 Kiowa, Lyons, CO 80540; John and Alice Powelson, 4875 Sioux Drive #001, Boulder, CO 80303. (3) Crow Lane Reservoir No. 1: Ronald and Margaret Rotan, 78 Nes Perces Court, Lyons, CO 80540; Randy Caner, 12307 U.S. Highway 36, Lyons, CO 80540; Mark Myers, P. O. Box 270211, Louisville, CO 80027. (4) Crow Lane Reservoir No. 2: Mark Myers, P. O. Box 270211, Louisville, CO 80027; Daniel Grotke, 115 Crow Lane, Lyons, CO 80540; Heinz Fricker, 64240 E. Santa Catalina Court, Tucson, AZ 85734; Vince Williams, 12311 N. St. Vrain Drive, Lyons, CO 80540. (5) Pinewood Springs Reservoir: Jon and Sharon Jacksi, 532 Kiowa Road, Lyons, CO 80540; Horst and Angelika Duchow, 21 Ottawa Court, Lyons, CO 80540; Thomas and Anna Cameron, 83 Ottawa Court, Lyons, CO 80540. 11. Remarks or any other pertinent information: None. (7 pages)

2002CW348, CONCERNING THE APPICATION OF **CHARLES C. MCKAY AND CHURCH RANCH LAND COMPANY**, APPLICATION FOR CHANGE OF WATER RIGHTS, **IN JEFFERSON COUNTY**. 1. Name and telephone number of Applicants: Charles C. McKay and Church Ranch Land Company, 10050 Wadsworth Blvd.,Westminster, Colorado 80021 (303) 469-2534. (Carmen S. Hall, Esq., Petrock & Fendel, P.C., 700 17th Street, #1800, Denver, Colorado 80202(303) 534-0702). 2. Decreed name of structure for which change is sought: Home Place Spring No. 15. 3. From previous decrees: A. Name of Structure: Home Place Spring No. 15, as decreed on January 30, 1990, in Case No. 86CW373, in District Court, Water Division 1. B. Legal Description: Located in the SE1/4NE1/4 of Section 14, T2S, R69W of the 6th P.M., at or near a point 30 feet North and 1400 feet East of the center of Section 14 (about 60 feet South of the channel of Big Dry Creek), as shown on Attachment A hereto. C. Appropriation date: December 24, 1986 Amount: 0.033 cfs (15gpm) conditional D. Use: Stockwatering

and irrigation of approximately 1.5 acres located in the SE1/4NE1/4 of Section 14, T2S, R69W, 6th P.M., to the North and West of Big Dry Creek and of approximately 8.5 acres located in the SW1/4SE1/4 and NE1/4 of Section 14, T2S, R69W, 6th P.M., to the North of the channel of Big Dry Creek, and right to refill the ponds which are near Big Dry Creek and will seep and spill into Big Dry Creek. E. Source: Groundwater tributary to Big Dry Creek. 4. Proposed change: Applicants are not requesting to enlarge, expand or increase the decreed quantity of water which may be applied to beneficial use, nor are they attempting to change the character, purpose or place or use of the subject water right. By this application, Applicants request that the water associated with Home Place Spring No. 15 be changed to allow storage in Church Pond No. 4 and alternate points of storage as decreed in Case No. 99CW14, District Court, Water Division 1, in addition to its originally decreed uses. The Church Pond No. 4 and its decreed alternate points of storage are generally located in the NE1/4 of Section 14, T2S, R69W, as shown on Attachment A hereto. The point of diversion for Pond No. 4 is located on the north bank of Big Dry Creek at a point approximately 2400 feet from the north and 800 feet from the east section lines of said Section 14, which is located approximately 400 feet downstream of the Home Place Spring No. 15. The water decreed to the spring will flow down Big Dry Creek to the point of diversion for Church Pond No. 4 and diverted at that point, when in priority. Because of this short distance, no conditional or decreed water rights will be injured by granting of this application. 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.

2002CW349 PIONEER WATER AND IRRIGATION, INC. Michael D. Shimmin, Lisa C. Ledet , Vranesh & Raisch, LLP, P.O. Box 871, Boulder, CO 80302. Telephone: (303) 443-6151. Fax: (303) 443-9586 Email: mds@vrlaw.com; lcl@vrlaw.com. CORRECTED APPLICATION TO AMEND EXISTING AUGMENTATION PLAN, **IN MORGAN COUNTY.**

1. **Name, Mailing Address, Telephone Number of Applicant:**

Pioneer Water and Irrigation, Inc.
P. O. Box 1218
Fort Morgan, CO 80701
Telephone: (970) 867-3054

2. **Name of Structures:**

Well Permit No. 05888-R, located in the NW ¼ SE ¼ of Section 31, T5N, R55W, 6th P.M., Morgan County, Colorado

Well Permit No. 01153-R located in the SW ¼ SW ¼ of Section 32, T5N, R55W, 6th P.M., Morgan County, Colorado

Well Permit No. 041657-F located in the NE ¼ SW ¼ of Section 32, T5N, R55W, 6th P.M., Morgan County, Colorado

Well Permit No. 13889-R located in the SW ¼ NE ¼ of Section 32, T5N, R55W, 6th P.M., Morgan County, Colorado

Well Permit No. 6290-F, which was never drilled and is abandoned.

3. **Existing Augmentation Plan and Description of Amendment**

Pioneer seeks to amend the list of wells augmented by its existing augmentation plan, which was decreed in Case No. 81CW407, Water Court for Water Division 1, and is attached as Exhibit A. That decree provides for the augmentation of out of priority depletions for wells in the Pioneer service area through recharge to the aquifer at various sites. In addition, Pioneer has a pending water court application in Case No. 01CW283 that will provide additional sources of augmentation credits to replace out of priority depletions. Pioneer seeks to amend the list of wells covered by its existing augmentation plan by adding the four wells described in Paragraph 2 above, and by removing one well.

All of the additional wells are located within the decreed service area described in Paragraph 8 of the decree in Case No. 81CW407. Two of the wells to be added were mistakenly left out of the prior decree. The remaining two wells are now eligible for inclusion because the owner of the wells has purchased shares of Pioneer stock and the wells are within the decreed service area.

One well originally listed in Exhibit A of the decree, Well Permit No. 6290-F, should be removed from the plan because it has been "abandoned," pursuant to the decree in Case No. W-2035, Water Court for Water Division 1. Two permit numbers were issued to the same well, and Well Permit No. 6290-F was not actually drilled. The correct Well Permit No. is 4140-F, and it is listed in Exhibit A to the existing decree.

4. **Data for Additional Wells**

Pioneer requests that the additional wells be included using the following data for administration:

Well Permit No.	Location	SDF (Days)	Acres Irrigated
05888-R	NW SE 31-05-55	270	120
01153-R	SW SW 32-05-55	52	110
041657-F	NE SW 32-05-55	35	300
13889-R	SW NE 32-05-55	37	

5. **No Other Changes in Existing Augmentation Plan**

No other changes in the augmentation plan are requested, and all of the terms and conditions in the existing augmentation plan (Case No. 81CW407) will remain the same, as supplemented by the additional water rights and augmentation credits to be decreed in Case No. 01CW283.

6. **Name and Address of Owners**

a. Well Permit No. 05888-R is owned by:

Nadine Elson

32975 County Rd. X.5

Hillrose, CO 80733

b. Well Permit No. 01153-R, 041657-F, and 13889-R are owned by:

G. Allyn and Lenore B. Wind Trust, and

Bradley D. and Michelle M. Wind

c/o Allyn Wind

17200 Beaver Creek Drive

Brush, CO 80723

c. Well Permit No. 6290-F was never drilled and has been decreed abandoned.

2002CW350(95CW065) THE RIVERSIDE IRRIGATION DISTRICT. Mark J. Wagner, Hill & Robbins, P.C., 1441 18th Street, Suite 100, Denver, CO 80202. Phone: 303-296-8100 Fax: 303-296-2388. E-mail: markwagner@hillandrobbins.com. **APPLICATION FOR FINDING REASONABLE DILIGENCE, IN WELD AND MORGAN COUNTIES**.

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

Riverside Irrigation District
215 East Kiowa Street
Fort Morgan, Colorado 80701
Telephone: (970) 867-6586

2. Name of Structure: Wildcat Reservoir

3. Describe conditional water right giving the following from the Referee's Ruling and Judgment and Decree:

a. Date of Original Decree: June 17, 1978; Case No. W-8098-75; Court: District Court, Water Division No. 1.

b. Location: (1) Wildcat Reservoir is proposed to be located as follows: Beginning at a point from whence the NE Corner of Section 31, T5N, R57W, 6th P.M. bears north 17°00' east 1350 feet; thence along the axis of the proposed dam

north 65°30' east approximately 5700 feet (bearings assume that the east line of said Section 31 bears north 0°00' east.

(2) Point of diversion to storage: The ditch to be used to fill the reservoir is the Riverside Canal, having a capacity of 1000 cfs at the point of diversion located on the north bank of the South Platte River near Kuner, Colorado, in the SW/4 SW/4, Section 20, T5N, R 63W, 6th P.M., Weld County Colorado.

c. Source: Wildcat Creek drainage and the South Platte River.

d. Appropriation Date: April 11, 1908; Amount: 60,500 acre-feet, conditional, to be diverted through the Riverside Canal at a maximum rate of 1000 cfs.

e. Use: Irrigation, municipal, and industrial.

4. **Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures:** During the diligence period, Applicant has and improved portions of the Riverside Canal and the Riverside system which lie above the proposed location for Wildcat Reservoir, and has improved the diversion structure for the Riverside Canal. One of the purposes of such work was to enhance the capability of the Riverside Canal and related structures to accommodate diversions to storage in Wildcat Reservoir. In addition, Applicant has maintained the land on which Wildcat Reservoir has been constructed. Expenses incurred by Applicant and the Riverside Reservoir and Land Company during this diligence period related to the above-described work amount to approximately $2,156,600.00. Accordingly, Applicant requests that the Court enter a decree finding that the Applicant has exercised reasonable diligence in the development of the conditional water right.

2002CW352, CONCERNING THE APPLICATION OF **CHARLES C. MCKAY AND CHURCH RANCH LAND COMPANY**, APPLICATION FOR FILING OF REASONABLE DILIGENCE, **IN JEFFERSON COUNTY**. 1. Name, address, and telephone number of Applicants: Charles C. McKay and Church Ranch Land Company, 10050 Wadsworth Blvd., Westminster, Colorado 80021 (303) 469-1873 (Carmen S. Hall, Esq., Petrock & Fendel, PC, 700 Seventeenth Street, Suite 1800, Denver, CO 80202 (303) 534-0702). 2. Decree Information: Decreed on January 30, 1990, in Case No. 86CW373, in District Court, Water Division 1. 3. Name and location of structure: Home Place Spring No. 15 located in the SE1/4NE1/4 of Section 14, T2S, R69W of the 6th P.M., at or near a point 30 feet North and 1400 feet East of the center of Section 14 (about 60 feet South of the channel of Big Dry Creek). 4. Source of water: Groundwater tributary to Big Dry Creek. 5. Date of appropriation: December 24, 1986. 6. Amount: 0.033 cfs (15 gpm) (Conditional). 7. Uses: Stockwatering and irrigation of approximately 1.5 acres located in the SE1/4NE1/4 of Section 14, T2S, R69W, 6th P.M., to the North and West of Big Dry Creek and of approximately 8.5 acres located in the SW1/4SE1/4 and NE1/4 of Section 14, T2S, R69W, 6th P.M., to the North of the channel of Big Dry Creek. APPLICATION FOR FINDING OF REASONABLE DILIGENCE 8. This Application for Finding of Reasonable Diligence is filed pursuant to the Water Right Determination and Administration Act of 1969, §37-92-302, C.R.S. During this diligence period, in continuing the development of the conditional water rights, Applicants have been engaged in the legal defense and protection of said water rights and

have been diligent in the continued use and development of the water rights involved. Those activities include but are not limited to the following: A. The area to be irrigated by the water right is located on the north side of Big Dry Creek, whereas the spring is located on the south side of Big Dry Creek. To more efficiently use the water from the spring, Applicant filed an application requesting a change of water right so that water from the spring can be stored in the Church Pond No. 4 or its decreed alternate storage points as located on the north side of Big Dry Creek, prior to irrigation use. The alternate points of storage were recently decreed in Case No. 99CW44. B. Applicants have installed, operated, and maintain a pumping system to fill ponds on the north side of Big Dry Creek, for irrigation use. As well, Applicants have continued to be diligent in adding new areas of irrigation, including the areas where the conditional right would be used. C. Each month during the diligence period, Petrock & Fendel, P.C., and formerly Holly I. Holder, P.C., has reviewed the resume of applications as published by the Water Clerk for Water Division 1 and advised Applicants whether Statements of Opposition need to be filed to protect Applicant's water rights. WHEREFORE, Applicants pray that this Court enter a decree finding that Applicants have exercised reasonable diligence in the development of the conditional water right described herein, and for such other and further relief as this Court deems just and proper in the premises.

2002CW353, CONCERNING THE APPLICATION FOR WATER RIGHTS OF **ROGER D. READ REVOCABLE TRUST, LINDA R. READ REVOCABLE TRUST, AND DIXIE AND BERT VAN DE FLIER**, APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NOT NONTRIBUTARY SOURCES AND APPROVAL OF AUGMENTATION PLAN, IN THE NOT NONTRIBUTARY UPPER DAWSON AQUIFER, **IN DOUGLAS COUNTY**. 1. Names and addresses of Applicants: Roger D Read Revocable Trust and Linda R. Read Revocable Trust (Reads), 7211 N. Alpine Drive,Parker, CO 80134, and Dixie and Bert Van De Flier, 6886 Village Road, Parker, CO 80134. (Carmen S. Hall, Esq., Petrock & Fendel, P.C., 700 17th Street, #1800, Denver, Colorado 80202 (303) 534-0702). 2. Well Permits: Well permits will be applied for prior to construction of the wells. 3. Legal Description of Wells and Subject Property: The wells which will withdraw groundwater from the not nontributary Upper Dawson aquifer will be located at any location on approximately 3.8 acres being Lot 100, Hidden Village Filing 4 as owned by Reads, which is generally located in part of the E1/2SE1/4 of Section 6, T7S, R65W, and approximately 6.7 acres being Lot 81, Hidden Village Filing 2 as owned by Van De Flier's, being generally located in part of the E1/2NW1/4 of Section 7, T7S, R65W, both of the 6th P.M., as shown on Attachment A hereto ("Subject Property"). 4. Source of Water Rights: The source of the groundwater to be withdrawn from the Upper Dawson aquifer is not nontributary as described in 37-90-103(10.7) and 37-90-137(9)(c), C.R.S. 5. Estimated Amounts and Rates of Withdrawal: Applicants will withdraw the subject groundwater through wells to be located at any location on the Subject Property, including existing wells completed into the Upper Dawson aquifer as permitted in Well Permit No. 161740 and 167885 which will be repermitted to operate pursuant to the augmentation plan requested below. Applicants waive any 600 foot spacing rule as described in Section 37-90-137(2), C.R.S. for wells located on the Subject Property. The estimated average annual amounts of withdrawal available from the subject aquifer is based on the Denver Basin Rules, 2 C.C.R. 402-6. Applicants estimate that based on an average saturated thickness of 130 feet, there is approximately 2.6 acre-feet per year of Upper Dawson aquifer groundwater available underlying the Subject Property. The average annual amounts available for withdrawal from the subject aquifer will depend on the hydrogeology and the legal entitlement of the Applicants and represents a claim to all Upper Dawson aquifer groundwater underlying the Subject Property. 6. Proposed Use: Applicants will use all water withdrawn from the subject aquifer for domestic and augmentation purposes in the augmentation plan requested below. 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. Description of plan for augmentation: A. Groundwater to be augmented: Approximately 1.5 acre-feet per year of the Upper Dawson aquifer groundwater requested herein as described in paragraph 5 above. B. Water rights to be used for augmentation: Return flows from the use of not nontributary Upper Dawson aquifer groundwater and nontributary Laramie-Fox Hills aquifer groundwater and direct discharge of that groundwater underlying the Subject Property. The adjudication of the Laramie-Fox Hills aquifer groundwater is the subject of pending Case No. 01CW231 in this court. C. Statement of plan for augmentation: Applicants will use the Upper Dawson water through the existing wells for inhouse, irrigation, and stockwatering use on the Subject Property at rates of flow of 15 gpm. Each well will require approximately 0.75 acre-foot per year for inhouse use (0.3 acre-feet), irrigation/limited to 7000 square-feet of lawn, garden, and trees (0.4 acre-feet), and stockwatering of

4 large domestic animals (0.05 acre-feet). Sewage treatment for inhouse use is provided by a non-evaporative septic system. Consumptive use associated with in-house use will be approximately 10% of water used and it is estimated that approximately 10% of water used for irrigation will be returned to the stream system. Stockwatering uses will be considered to be 100% consumptively used. Before any other type of sewage treatment is proposed in the future, including incorporation of the lots into a central sewage collection and treatment system, Applicants, or successors and assigns, will amend this decree prior to such change and thereby provide notice of the proposed change to other water users by publication procedures required by then existing law. During pumping Applicants will replace actual depletions to the affected stream system pursuant to 37-90-137(9)(c), C.R.S. Applicants estimate that depletions may occur to the Cherry Creek stream system. Return flows from use of the subject water rights via that stream system will accrue to the South Platte River system, and those return flows are sufficient to replace actual depletions while the subject groundwater is being pumped. After the entire amount decreed herein has been withdrawn or after pumping ceases, Applicants will demonstrate that any depletions which may occur to the stream systems are non-injurious and need not be replaced. However, if the Court finds that such depletions need to be replaced, Applicants will reserve an adequate amount of Laramie-Fox Hills aquifer groundwater underlying the Subject Property to meet augmentation requirements.10. Remarks: A. Applicants claim the right to withdraw more than the average annual amounts estimated in paragraph 5B 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 aquifer based on estimates of relative values for specific yield and saturated thickness, Applicants request the right to revise the estimates upward or downward, based on better or revised data, without the necessity of amending this application or republishing the same. C. Applicants will withdraw part of the not nontributary Upper Dawson aquifer groundwater requested herein under the plan of augmentation requested herein pursuant to 37-90-137(9)(c), C.R.S. WHEREFORE, Applicants pray that this Court enter a Decree: 11. 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; 12. 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 Applicants' property, pursuant to 37-92-305(11), C.R.S. and Denver Basin Rule 9.A.; B. The groundwater in the Upper Dawson aquifer is not nontributary groundwater; C. Vested or conditionally decreed water rights of others will not be materially injured by the withdrawals of groundwater and the plan for augmentation proposed herein; FURTHER, Applicants pray that this Court grant such other relief as seems proper in the premises.

2002CW354, CONCERNING THE APPLICATION FOR WATER RIGHTS OF **Travois Lot Owners, being Gabriel and Donna Genitempo, David and Lora Jackson, Robert and Leslee Jacobs, William and Deanna Leech, and Alvin and Joyce Stein,** Applicants, APPLICATION FOR UNDERGROUND WATER RIGHTS AND UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY SOURCES, IN THE NONTRIBUTARY ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS, **IN DOUGLAS COUNTY**. 1. Names and Address of Applicants: Travois Lot Owners, et al., c/o 71 Algonquian St., Aurora, Colorado 80018 (303) 364-2905. The names and legal descriptions of the Applicants described in the caption are described on Attachment A hereto. (Carmen S. Hall, Esq., Petrock & Fendel, P.C., 700 Seventeenth Street, Suite 1800, Denver, Colorado 80202 (303) 534-0702). 2. Well Permits: Well permits will be applied for prior to construction of the wells, which are the subject of this application. 3. Legal Description of Wells and Subject Property: The property which is the subject of this application are individual residential lots located in the Travois Subdivision, comprised of approximately 24.4 acres, which is located in the E1/2 of Section 2, T6S, R66W of the 6th P.M. (Subject Property). The acreage and legal description of each of the lots are more particularly described on Attachment A hereto, and the location of the lots within the subdivision are shown on Attachment B hereto. Applicants will own a pro-rata interest in the total amount of groundwater requested herein underlying their respective lots. The wells which will withdraw the subject groundwater will be located at any location on the Subject Property. 4. Source of Water Rights: The source of the groundwater to be withdrawn from the Arapahoe and Laramie-Fox Hills aquifers underlying the Subject Property is nontributary groundwater as described in §37-90-103(10.5), C.R.S. 5. Underground water rights pursuant to Section 37-92-602(4), C.R.S.: There are existing wells located on the lots which are located in the Lower Dawson aquifer

which were previously permitted for exempt uses pursuant to Section 37-92-602, C.R.S. Applicants will adjudicate these wells pursuant to Section 37-92-604(4), C.R.S. The appropriation date for each well will be the date the permit was issued and the rate of flow for each well will not exceed 15 gpm for domestic uses. 6. 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. Applicants estimate that the following annual amounts are representative of the aquifers underlying the Subject Property. Parts of this water may be reserved underlying certain lots for use through exempt wells, if necessary:

Aquifer	Saturated Thickness	Annual Amount
Arapahoe	305 feet	12.6 acre-feet
Laramie-Fox Hills	230 feet	8.4 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. 7. Well Fields: Applicants request that this Court determine that Applicants have the right to withdraw all of the legally available groundwater lying below their respective lands, through wells or any additional wells which may be completed in the future, as Applicants' well fields, subject to Rule 11.B of the Statewide Nontributary Ground Water Rules (2 CCR 402-7). 8. Proposed Use: The water will be used, reused, successively used, and after use leased, sold, or otherwise disposed of for the following beneficial purposes: municipal, domestic, industrial, commercial, irrigation, livestock watering, fire protection, and augmentation purposes. 9. 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. 10. Remarks: A. Applicants claim the right to withdraw more than the average annual amounts estimated in paragraph 6 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. B. 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: 11. 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; 12. 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 pursuant to §37-92-305(11), C.R.S. and Denver Basin Rule 9.A.; and B. Vested or conditionally decreed water rights of others will not be materially injured by the withdrawals of groundwater proposed herein. FURTHER, Applicants pray that this Court grant such other relief as it deems proper in the premises.

2002CW355, CONCERNING THE APPLICATION FOR WATER RIGHTS OF **ROBERT STUEHRK AND DAWN JENSEN**, APPLICATION FOR UNDERGROUND WATER RIGHTS AND UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY SOURCES, IN THE NONTRIBUTARY ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS, **IN DOUGLAS COUNTY**. 1. Names and Address of Applicants: Robert Stuehrk and Dawn Jensen, 125001 Pine Cone Road, Parker, CO 80138. (Carmen S. Hall, Esq., Petrock & Fendel, P.C., 700 Seventeenth Street, Suite 1800, Denver, Colorado 80202 (303) 534-0702). 2. Well Permits: Well permits will be applied for prior to construction of the wells, which are the subject of this application. 3. Legal Description of Wells and Subject Property: The property which is the subject of this application is Lot 15 and 16, Block 8, Ponderosa Hills Subdivision Filing 2, comprised of approximately 5.7 acres, which generally located in the NE1/4SE1/4 of Section 12, T6S, R66W of the 6th P.M., as shown on Attachment A hereto (Subject Property). The wells which will withdraw the subject groundwater will be located at any location on the Subject Property. 4. Source of Water Rights: The source of the groundwater to be withdrawn from the Arapahoe and Laramie-Fox Hills aquifers underlying the Subject Property is nontributary groundwater as described in §37-90-103(10.5), C.R.S. 5. Underground water rights pursuant to Section 37-92-602(4), C.R.S.: There is an existing well as permitted in Well Permit No. 14929 which is constructed in the Lower Dawson aquifer which was previously permitted for domestic use pursuant to Section 37-92-602, C.R.S. Applicants request adjudication of this well pursuant to Section 37-92-604(4), C.R.S. The appropriation date is the date the permit was issued and the rate of flow is 15 gpm for domestic use. 6. 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. Applicants estimate that the following annual amounts are representative of the aquifers underlying the Subject Property:

Aquifer	Saturated Thickness	Annual Amount
Arapahoe	267 feet	2.6 acre-feet
Laramie-Fox Hills	218 feet	1.9 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. 7. 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 wells or any additional wells which may be completed in the future, as Applicants' well fields. 8. Proposed Use: The water will be used, reused, successively used, and after use leased, sold, or otherwise disposed of for the following beneficial purposes: municipal, domestic, industrial, commercial, irrigation, livestock watering, fire protection, and augmentation purposes. 9. 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. 10. Remarks: A. Applicants claim the right to withdraw more than the average annual amounts estimated in paragraph 6 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. B. 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: 11. 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;
12. 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 pursuant to §37-92-305(11), C.R.S. and Denver Basin Rule 9.A.; and B. Vested or conditionally decreed water rights of others will not be materially injured by the withdrawals of groundwater proposed herein. FURTHER, Applicants pray that this Court grant such other relief as it deems proper in the premises.

2002CW356, CONCERNING THE APPLICATION FOR WATER RIGHTS OF **JULIE M. WALKER**, APPLICATION FOR UNDERGROUND WATER RIGHTS AND UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY SOURCES, IN THE NONTRIBUTARY DENVER, ARAPAHOE, AND LARAMIE-FOX HILLS AQUIFERS, **IN DOUGLAS COUNTY**. 1. Names and Address of Applicant: Julie M. Walker, 12710 N. Roundup Road, Parker, CO 80138. (Carmen S. Hall, Esq., Petrock & Fendel, P.C., 700 Seventeenth Street, Suite 1800, Denver, Colorado 80202 (303) 534-3636). 2. Well Permits: Well permits will be applied for prior to construction of the wells, which are the subject of this application. 3. Legal Description of Wells and Subject Property: The property which is the subject of this application is Lot 115, Ponderosa East Subdivision Filing 2, comprised of approximately 12.6 acres, which generally located in the SE1/4 of Section 9, T6S, R65W of the 6th P.M., as shown on Attachment A hereto (Subject Property). The wells which will withdraw the subject groundwater will be located at any location on the Subject Property. 4. Source of Water Rights: The source of the groundwater to be withdrawn from the Denver, Arapahoe and Laramie-Fox Hills aquifers underlying the Subject Property is nontributary groundwater as described in §37-90-103(10.5), C.R.S. 5. Underground water rights pursuant to Section 37-92-602(4), C.R.S.: There is an existing well as permitted in Well Permit No. 90984 which is constructed in the Upper or Lower Dawson aquifer which was previously permitted for domestic use pursuant to Section 37-92-602, C.R.S. Applicant requests adjudication of this well pursuant to Section 37-92-604(4), C.R.S. The appropriation date is the date the permit was issued and the rate of flow is 15 gpm for domestic use. 6. 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. Applicant estimates that the following annual amounts are representative of the aquifers underlying the Subject Property:

Aquifer	Saturated Thickness	Annual Amount
Denver	314 feet	6.7 acre-feet
Arapahoe	257 feet	5.5 acre-feet
Laramie-Fox Hills	227 feet	4.3 acre-feet

The average annual amounts available for withdrawal from the subject aquifers will depend on the hydrogeology and the legal entitlement of the Applicant and represents a claim to all nontributary groundwater underlying the Subject Property. 7. Well Fields: Applicant requests that this Court determine that Applicant has the right to withdraw all of the legally available groundwater lying below the Subject Property, through wells or any additional wells which may be completed in the future, as Applicant's well fields. 8. Proposed Use: The water will be used, reused, successively used, and after use leased, sold, or otherwise disposed of for the following beneficial purposes: municipal, domestic, industrial, commercial, irrigation, livestock watering, fire protection, and augmentation purposes. 9. 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. 10. Remarks: A. Applicant claims the right to withdraw more than the average annual amounts estimated in paragraph 6 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. B. Applicant requests 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, Applicant prays that this Court enter a Decree: 11. 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; 12. Specifically determining that: A. Applicant has 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 pursuant to §37-92-305(11), C.R.S. and Denver Basin Rule 9.A.; and B. Vested or conditionally decreed water rights of others will not be materially injured by the withdrawals of groundwater proposed herein. FURTHER, Applicant prays that this Court grant such other relief as it deems proper in the premises.

2002CW357, CONCERNING THE APPLICATION FOR WATER RIGHTS OF **MICHAEL AND GENNELLE PETSCH,** APPLICATION FOR UNDERGROUND WATER RIGHTS AND UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY SOURCES, IN THE NONTRIBUTARY ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS, **IN DOUGLAS COUNTY.** 1. Names and Address of Applicans: Michael and Genelle Petsch, 9041 W. Wagon Wheel Way, Parker, CO 80138. (Carmen S. Hall, Esq., Petrock & Fendel, P.C., 700 Seventeenth Street, Suite 1800, Denver, Colorado 80202 (303) 534-3636). 2. Well Permits: Well permits will be applied for prior to construction of the wells, which are the subject of this application. 3. Legal Description of Wells and Subject Property: The property which is the subject of this application is Lot 106, Livengood Hills Subdivision Filing 4, comprised of approximately 1.6 acres, which generally located in the NW1/4NW1/4 of Section 6, T6S, R65W of the 6th P.M., as shown on Attachment A hereto (Subject Property). The wells which will withdraw the subject groundwater will be located at any location on the Subject Property. 4. Source of Water Rights: The source of the groundwater to be withdrawn from the Arapahoe and Laramie-Fox Hills aquifers underlying the Subject Property is nontributary groundwater as described in §37-90-103(10.5), C.R.S. 5. Underground water rights pursuant to Section 37-92-602(4), C.R.S.: There is an existing well as permitted in Well Permit No. 43350-A which is constructed in the Lower Dawson or Denver aquifers which was previously permitted for domestic use pursuant to Section 37-92-602, C.R.S. Applicants request adjudication of this well pursuant to Section 37-92-604(4), C.R.S. The appropriation date is the date the permit was issued and the rate of flow is 15 gpm for domestic use. 6. 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. Applicants estimate that the following annual amounts are representative of the aquifers underlying the Subject Property:

Aquifer	Saturated Thickness	Annual Amount
Arapahoe	308 feet	0.84 acre-feet
Laramie-Fox Hills	224 feet	0.54 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. 7. 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 wells or any additional wells which may be completed in the future, as Applicants' well fields. 8. Proposed Use: The water will be used, reused, successively used, and after use leased, sold, or otherwise disposed of for the following beneficial purposes: municipal, domestic, industrial, commercial, irrigation, livestock watering, fire protection, and augmentation

purposes. 9. 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. 10. Remarks: A. Applicants claim the right to withdraw more than the average annual amounts estimated in paragraph 6 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. B. 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: 11. 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; 12. 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 pursuant to §37-92-305(11), C.R.S. and Denver Basin Rule 9.A.; and B. Vested or conditionally decreed water rights of others will not be materially injured by the withdrawals of groundwater proposed herein. FURTHER, Applicants pray that this Court grant such other relief as it deems proper in the premises.

2002CW358 Silver Heights Water and Sanitation District,1027 Harvey Street, Castle Rock, CO 80104,(303) 688 - 5588 (Lee H. Johnson, Carlson, Hammond & Paddock, L.L.C., 1700 Lincoln Street, Suite 3900, Denver, CO, 80203, (303) 861-9000). Application for Approval of A Plan for Augmentation, **IN DOUGLAS COUNTY.** Names of Structures to be Augmented: By this application, Silver Heights seeks judicial approval of a plan for augmentation to allow groundwater withdrawals from certain existing and/or future not-nontributary wells located within the Denver, Dawson and Lower Dawson aquifers underlying the District boundaries. The existing and proposed wells to be augmented are as follows: A. Silver Heights Well No. 8891 - F (Existing Well). Location: In the NE3, NE3 of Section 27, Township 7 South, Range 67 West of the 6th P.M. at a point 800 feet from the north section line and 100 feet from the east section line. Depth: 800 feet, Rate: 150 g.p.m. B. Silver Heights LDA - 1 (Proposed Well B Lower Dawson Aquifer). Location: In the NE3, NE3 of Section 27, Township 7 South, Range 67 West of the 6th P.M. at a point 650 feet from the north section line and 100 feet from the east section line. Depth: 620 feet, Rate: 300 g.p.m. C. Silver Heights LDA - 3 (Proposed Well B Lower Dawson Aquifer). Location: In the NE3, NE3 of Section 27, Township 7 South, Range 67 West of the 6th P.M. at a point 850 feet from the north section line and 800 feet from the east section line. Depth: 620 feet, Rate: 300 g.p.m. D. Silver Heights DN-1 (Proposed Well B Denver Aquifer). Location: In the NE3, NE3 of Section 27, Township 7 South, Range 67 West of the 6th P.M. at a point 650 feet from the north section line and 50 feet from the east section line. Depth: 1280 feet, Rate: 300 g.p.m. E. Silver Heights DN-3 (Proposed Well B Denver Aquifer). Location: In the NE3, NE3 of Section 27, Township 7 South, Range 67 West of the 6th P.M. at a point 900 feet from the north section line and 750 feet from the east section line. Depth: 1280 feet, Rate: 300 g.p.m. F. Case No. 88CW258 adjudicated Denver and Lower Dawson groundwater underlying the District boundaries. Pursuant to that decree, Silver Heights may obtain additional wells located within the District boundaries to withdraw the adjudicated ground water. This Plan for Augmentation intends to augment any such future wells constructed in these aquifers consistent with the terms of any decree entered herein and the adjudication of said ground water in Case No. 88CW258. Previous Decrees for Water Rights to be Used for Augmentation: Silver Heights intends to use fully-consumable water derived from certain nontributary wells located within the District boundaries for augmentation purposes under the proposed Plan for Augmentation. Relevant information concerning the nontributary

groundwater, and the wells utilized to pump the same, is as follows: A. Case No. W-8457-76. In Case No. W-8457-76, Silver Heights obtained a decree adjudicating nontributary groundwater from the Arapahoe aquifer. Relevant information concerning the adjudication is as follows: Date Entered: December 31, 1978, Case Nos:Consolidated Case Nos. W-5990 and W-8457-76; 82CW322 (finding of diligence); 86CW249 (application of C.R.S. ə 37-92-305(11) making diligence requirement unnecessary) Court: District Court, Water Division No. 1, Type of Water Right: Nontributary Groundwater, Existing Well Locations: (i) Well No. 17752-F: Located in the NE3, NE3 of Section 27, Township 7 South, Range 67 West of the 6 P.M., at a point 750 feet from the north section line and 100 feet from the east section line. (ii). Additional Well No. 051294-F: Located in the NE3, NE3 of Section 27, Township 7 South, Range 67 West of the 6 P.M., at a point 800 feet from the north section line and 400 feet from the east section line. Source: Arapahoe Aquifer. Amount: 249 acre feet annual withdrawal, Approp.: N/A, Decreed Use: Domestic, municipal, fire protection, and irrigation. B. Case No. 88CW258(A). In Case No. 88CW258(A), Silver Heights obtained a decree adjudicating nontributary groundwater from the Laramie-Fox Hills Aquifer formation within the District boundaries. Relevant information concerning the adjudication is as follows: Date Entered: October 4, 1994, Court: District Court, Water Division No. 1, Type of Water Right: Nontributary Groundwater, Proposed Well Locations: (i) Silver Heights LFH-1: Located in the NE3, NE3 of Section 27, Township 7 South, Range 67 West of the 6 P.M., at a point 700 feet from the north section line and 100 feet from the east section line. (ii) Silver Heights LFH-3: Located in the NE3, NE3 of Section 27, Township 7 South, Range 67 West of the 6 P.M., at a point 900 feet from the north section line and 850 feet from the east section line. Source: Laramie-Fox Hills Aquifer. Amount: 124.4 acre feet annual withdrawal. Approp.: N/A, Decreed Use: All beneficial purposes, including: municipal, domestic, industrial, commercial, irrigation, stock water, fire protection, recreation, fish and wildlife purposes, storage, exchange and augmentation, immediately or for storage and subsequent application. Historic Use of Augmentation Source: N/A. Statement of Plan for Augmentation: Well No. 8891-F is drilled and in existence within the District. This particular well has not been the subject of a valid decree, but does hold a valid well permit. Prior well permits for this well have treated the ground water withdrawn from the well as nontributary. Based on a newly issued permit, however, the State Engineer has determined that the water withdrawn by the well is Anot-nontributary.≅ As a result, the District files this plan for augmentation to comply with the terms of the newly issued permit. In the future and in accordance with the decree issued in Case No. 88CW258, the District may withdraw not nontributary water from wells in the Lower Dawson aquifer and wells in the Denver aquifer, which have not yet been drilled. C.R.S. ə 37-90-137(9)(c) requires the judicial approval of a plan for augmentation prior to the withdrawal of water from these sources. For Well LD-1, and LD-3, each of which withdraw water from the Lower Dawson aquifer, the plan must provide for the replacement of the actual stream depletions to the extent necessary to prevent any injury to other water users. For the District=s wells that withdraw water from the Denver aquifer, including wells 8891-F, DN-1, and DN-3, all of which are or will be located more than 1 mile from any natural stream including its alluvium, the plan must provide for the replacement of 4% of the total annual withdrawal, by replacing the water into the affected stream system. The plan

for augmentation will establish a method of accounting by which the Applicant will utilize withdrawals of fully-consumable nontributary groundwater, either directly, or as return flows generated by the same, as a source of augmentation water. Return flows from irrigation use will be claimed for replacement of depletions during pumping and those irrigation return flows will be sufficient to replace actual depletions for withdrawal of Lower Dawson aquifer water and an amount equal to 4% of the annual amount withdrawn for withdrawal of the Denver aquifer water while the subject ground water is being pumped. The District asserts that post-pumping depletions which may occur to the stream system, if any, are non-injurious and need not be replaced. If the Court finds that such depletions need to be replaced, however, the District will reserve an adequate amount of nontributary groundwater for use in the augmentation plan, or provide an alternative source of fully consumable water for payment of post pumping depletions. The District will deliver any augmentation water to a point in the affected stream system above the withdrawal point for any injured senior appropriators. The District will install and maintain a meter upon its wells and shall provide monthly accounting and reporting of well pumping, monthly consumptive use, resulting stream depletions, and augmentation replacement. Name and Address of Owner: The Silver Heights Water and Sanitation District does not own all of the land upon which the water is or will be beneficially used. Pursuant to C.R.S. ə 37-90-137(8) and as decreed in Case No. 88CW258, the District obtained the implied consent to appropriate the water underlying the land of private owners located within the then-existing boundaries of the District. A map of the current general boundaries of the District is attached as Exhibit A.

2002CW359 BOULDER COUNTY, c/o Benjamin H. Pearlman, P.O. Box 471, Boulder, CO 80302. Please send copies of all filings to William A. Paddock, Esq., Carlson, Hammond & Paddock, L.L.C., 1700 Lincoln St., Suite 3900, Denver, CO 80203-4539, (303) 861-9000. Application for Conditional Surface Water Right and Appropriative Right of Exchange **IN BOULDER COUNTY**. Application for Conditional Surface Water Right: Name of the Structures: Walden-Sawhill North Ditch, Walden-Sawhill South Ditch, and Green Ditch; Legal Description of Each Point of Diversion: Walden-Sawhill North Ditch: Point of diversion located on the Boulder Creek at a point in the NW¼ NE¼ of Sec. 23, T1N, R70W, 586 feet from the N Section Line and 2,496 feet from the E Section Line; Walden-Sawhill South Ditch: Point of diversion located on the Boulder Creek at a point in the NE¼ NW¼ of Sec. 23, T1N, R70W, 1,092 feet from the N Section Line and 2,242 feet from the E Section Line; Green Ditch Diversion: Point of diversion located on the Boulder Creek at a point in the SW¼ NW¼ of Sec. 23, T1N, R70W, 2,636 feet from the N Section Line and 726 feet from the W Section Line; Source: Boulder Creek; Date of Appropriation: November 6, 2002; Appropriation was initiated by posting sign at the above points of diversion giving notice of intent to appropriate, and other acts in furtherance of the appropriation; Date Water Applied to Beneficial Use: N/A; Amount Claimed: 8 c.f.s., conditional, to be diverted at one or more of the three points of diversion described above; Uses: Wildlife habitat, piscatorial, and recreational. The water rights will be used to fill and maintain freshening flow into all of or parts of the Walden Ponds and the Sawhill Ponds located in all or some portions of the NW¼ SE¼, the NW¼ SW¼, NE¼ SE¼ NW¼ of Sec. 23, the W½ NW¼ of Sec. 24, the S½ SW¼ of Section 13, the S½ SE¼ of Sec. 14, T1N,

R70W of the 6th P.M. Application for Appropriative Right of Exchange: Name of Structures to be Used in Exchange: Boulder Creek Feeder Canal, Walden-Sawhill North Ditch, Walden-Sawhill South Ditch, and Green Ditch; Source: Substitute supply to be used in exchange will be units in the Colorado Big Thompson Project owned or controlled by Boulder County, or any other lawfully available source of substitute supply that can be delivered to Boulder Creek through the Boulder Creek Feeder Canal; Date of Appropriation: November 6, 2002; Appropriation was initiated by posting signs at the proposed points of exchange giving notice of intent to appropriate, and other acts in furtherance of the appropriation; Date Water Applied to Beneficial Use: N/A; Amount Claimed: 8 c.f.s.; Uses: Wildlife habitat, piscatorial, and recreational. The water rights will be used to fill and maintain freshening flow into all of or parts of the Walden Ponds and the Sawhill Ponds described above; Description of Exchange: The substitute supply will be delivered to Boulder Creek through the Boulder Creek Feeder Canal. An equivalent amount of water will be diverted from Boulder Creek upstream at either or any combination of the Walden-Sawhill North Ditch, the Walden-Sawhill South Ditch, and the Green Ditch headgate; Exchange Reaches: Downstream Terminus of Exchange: Boulder Creek Feeder Canal located on the Boulder Creek at a point in the NW¼ SW¼ of Sec. 13, T1N, R70W, 2,566 feet from the S Section Line and 175 feet from the W Section Line; Upstream Terminus of Exchange: At either or any combination of the Walden-Sawhill North Ditch, Walden-Sawhill South Ditch, or the Green Ditch as described above; The Applicant is the owner of the Walden Ponds Habitat Area where some or all of the water will be used. The Colorado Division of Wildlife is the owner of the Sawhill Ponds Area. The Green Ditch Company is the owner of the Green Ditch. The Applicant has received permission from the Colorado Division of Wildlife and has requested permission from the Green Ditch Company to include these points of diversion in this application. (5 pages)

2002CW360 DENVER BOTANIC GARDENS, INC., A NON-PROFIT CORPORATION OF THE STATE OF COLORADO. Attorney: Jack Ross, Joanne Herlihy, DUFFORD & BROWN, P.C., 1700 Broadway, Suite 1700, Denver, CO 80290-1701. (303) 861-8013. jross@duffordbrown.com APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION, **IN JEFFERSON COUNTY**

1. Name, address, telephone number of the Applicant: Denver Botanic Gardens, Inc., 909 York Street, Denver, Colorado 80206; (720) 865-3562.

Please forward all correspondence or pleadings regarding this matter to attorneys for Applicant: Jack F. Ross, Esq., Joanne Herlihy, Esq., Dufford & Brown, P.C., 1700 Broadway, Suite 1700, Denver, CO 80290-1701, (303) 861-8013.

2. Name of Structure to be Augmented: the Green Irrigation Well as decreed in Case No. W-9169-77, Water Division No. 1, State of Colorado, which is located approximately 1900 feet South and 28 feet West of the NE Corner, Section 10, Township 6 South, Range 69 West of the 6th P.M. in Jefferson County. It was decreed for the irrigation of approximately 110 acres in parts of the SE/4 of Section 3, NE/4 of Section 10 in the W/2NW/4 of Section 11, Township 6 South, Range 69 West of the 6th P.M. in Jefferson County, Colorado. There are no other water rights decreed to this structure. This Application seeks approval of a

plan for augmentation for the irrigation of 10 acres of land shown on the attached Exhibit A. Previous decrees for water rights to be used for augmentation:

3.1.1 Nevada Ditch. Applicant owns 0.209% of the water rights decreed to the Nevada Ditch, the currently decreed point of diversion for which is at the Chatfield Reservoir outlet manifold, the center line of which intersects the center line of the dam at a point whence the NW corner of Section 1, Township 6 South, Range 69 West of the 6th P.M., Jefferson County bears North 491 West a distance of 4,070 feet. The water rights to which the Applicant=s 0.209% interest attach are described as follows:

Water Right Name	Priority No.	Amount	Appropriation Date	Adjudication Date	Use
Nevada Ditch	4	28.0	8/30/1861	12/10/1883	Irrigation
Nevada Ditch	19	34.3	12/30/1865	12/10/1883	Irrigation

A summary of historic diversion records for those water rights is attached as Exhibit B. Applicant=s interest in the historic consumptive use resulting from the exercise of those water rights represents 7.9 acre feet per year.

3.1.2 The Last Chance Ditch. Applicant owns 0.502% of the water rights decreed to the Last Chance Ditch, the currently decreed point of diversion for which is at the Chatfield Reservoir outlet manifold, the center line of which intersects the center line of the dam at a point whence the NW corner of Section 1, Township 6 South, Range 69 West of the 6th P.M., Jefferson County bears North 491 West a distance of 4,070 feet. The water rights to which the Applicant=s 0.502% interest attach are described as follows:

Water Right Name	Priority No.	Amount	Appropriation Date	Adjudication Date	Use
Platte Cañon	14	8.5	12/30/1863	12/10/1883	Irrigation
Nevada Ditch	19	1.0	12/30/1865	12/10/1883	Irrigation
Last Chance	39	32.00	3/31/1868	12/10/1883	Irrigation

A summary of historic diversion records for those water rights is attached as Exhibit C. Applicant=s interest in the historic consumptive use

resulting from the exercise of those water rights represents 7.7 acre feet per year.3.1.3 Fairview Ditch. Applicant owns 1.96 cfs of the water right decreed to the Fairview Ditch out of Deer Creek, together with 20 acre feet of fully consumable water as defined in the decree issued in Case No. 84CW058, Water Division No. 1, State of Colorado. The Fairview Ditch headgate is located 7 rods west of the east line of the southeast quarter of the southwest quarter of Section 4, Township 6 South, Range 69 West of the 6th P.M. The water right to which the Applicant=s 1.96 cfs interest attaches is described as follows:

Water Right Name	Priority No.	Amount	Appropriation Date	Adjudication Date	Use
Fairview Ditch	50	14	4/30/1871	12/10/1883	Irrigation & Domestic

A summary of historic diversion records for that water right is attached as Exhibit D.

3.1.4 Fairview Reservoir. Applicant owns the right to use 10 acre feet of fully consumable water storable in the exercise of the water right decreed to the Fairview Reservoir in Section 10, Township 6 South, Range 69 West of the 6th P.M.

The water right decreed to that facility is described as follows:

Water Right Name	Amount	Appropriation Date	Adjudication Date	Use
Fairview Reservoir	160	4/30/1871	12/10/1883	Storage of Water & Irrigation

A summary of historic storage records for that water right is attached as Exhibit E.

3.1.5 Castle Rock Return Flows. Fully consumable return flows which may be made available in Plum Creek from the prior use of non-tributary water controlled by the City of Castle Rock. Statement of Plan for Augmentation: Applicant proposes to augment its use of water pumped through the Green Irrigation Well for irrigation of the ten acre tract shown on Exhibit A by causing its portions of ownership in the water rights decreed to the Nevada, Last Chance and Fairview Ditches as well as its interest in the Fairview Reservoir water to be released to the South Platte River and taking credit for the historic

depletions resulting from the historic use of those rights to offset the depletions to that system resulting from its irrigation uses of the Green Irrigation Well water on that ten acre tract. In addition, to the extent that Applicant is able to provide replacement water to the Plum Creek/South Platte River system by use of fully consumable non-tributary from the Castle Rock system, it intends to use such water to take credit to offset otherwise out-of-priority depletions to that system which may result from its use of irrigation water pumped through the Green Irrigation Well for the irrigation of the ten acre tract described on Exhibit A.

1. The names and addresses of the owners of the land and easements:

5.1 On which the Green Irrigation Well, the headgates of the Nevada and Last Chance Ditches are located and the area to be irrigated from it: United States Department of Defense, through its United States Army Corps of Engineers, Omaha District, 215 N. 17th Street, Omaha, Nebraska 68102-4978.

5.2 On which the headgate of the Fairview ditch is located: Jefferson County, Colorado, c/o Open Space Department, 700 Jefferson County Parkway, Golden, Colorado 80401

5.3 For the Fairview Reservoir No. 1: Centennial Water and Sanitation District, 62 Plaza Drive, Highlands Ranch, Colorado 80129

2002CW361 DON M. KEHN, 5028 Lynnwood Ct. , Loveland, CO 80537. Application for Water Rights (Surface**), IN LARIMER COUNTY**. Springs, Drains, and Seep forming Mallard Creek located in the SW1/4N1/2, S14, T6N, R68W, 6th P.M., 300' from N and 200'W S11. Source: Mallard Creek is a tributary to the Cache La Poudre River. Appropriation: 1/3/1992. Amount claimed: 0.023 CFS Use: Drinking water for livestock. If non-irrigation, described purpose fully. Drinking water for livestock, primarily cattle. 70 head, consuming 40 gal. each per day. (3 pages-attachement 1 – 1 page)

2002CW362 RUTHANN ELLIS, 2210 Miller St. , Lakewood, CO 80215. Application for Water Rights (Surface), **IN PARK COUNTY**. Ellis Ditch is located in the NW1/4SE1/4, S12, T6S, R75W, 6th P.M., Source: Duck Creek tributary to the North Fork of the South Platte River. Appropriation: 6/1/1947. Amount claimed: 0.25 cfs Use: To fill pond 0.15 AF for fire protection. (3 pages)

2002 CW 363 THE HARMONY DITCH COMPANY, IN MORGAN AND LOGAN COUNTIES (c/o TIMOTHY R. BUCHANAN, P.C., 7703 Ralston Road Arvada, Colorado 80002 Telephone: (303) 431-9141) APPLICATION FOR APPROVAL OF PLAN OF AUGMENTATION, INCLUDING APPROPRIATION OF SURFACE WATER RIGHTS, CHANGE OF WATER RIGHTS, AND APPROPRIATION OF RIGHTS OF SUBSTITUTION AND EXCHANGE **IN MORGAN AND LOGAN COUNTIES.**: **1.** Name, Address and Telephone Number of Applicant: The Harmony Ditch Company, 44500 County Road 64.5, Crook, Colorado 80726, Tele: 970-886-2112. The Harmony Ditch Company is a Colorado mutual ditch company. The Harmony Ditch Company owns the Harmony Ditch, also known as the Harmony No. 1 Ditch, which is described in this application. **APPLICATION FOR CONDITIONAL SURFACE WATER RIGHT 2.** Name of Water Right: Harmony Augmentation Water Right **3. Name of Structure**: Harmony Ditch **4. Legal Description of Each Point of Diversion:** The headgate of the Harmony Ditch is located in the Southwest corner of the Southwest 1/4 of Section 19, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado. **5. Source:** South Platte River **6.**

Date of initiation of appropriation: March 28, 2002. **7. How appropriation was initiated:** By determination of shareholders to proceed with this application**. 8. Date water applied to beneficial use:** Not applicable. **9. Amount claimed:** 504 c.f.s., Conditional. **10. Use or Proposed Use:** The water claimed herein will be used for domestic, industrial, commercial, irrigation, stockwatering, recreation, fish and wildlife purposes and fire protection and all other beneficial uses. The water will be used for immediate application to beneficial use, for storage and subsequent application to beneficial use, for substitution and exchange, for replacement of depletions, for recharge of the aquifer, and for augmentation purposes. The water will be fully consumed during the first use of the water, or recaptured and reused until the water is fully consumed. If the water is used for irrigation, the water will be used for irrigation of land that may be served by the Harmony Ditch. **11. Name and Address of Owner of Land on Which Point of Diversion is Located**: The headgate of the Harmony Ditch is owned by the Harmony Ditch Company. **APPLICATION FOR CHANGE OF WATER RIGHTS. 12. General Description of Change of Water Rights.** The following shareholders of The Harmony Ditch Company own the following acre rights in Prewitt Reservoir.

Owner	**Number of Acre Rights**
Jeanette Acovio	10.0
Crook Farms, LLC (Per Sten Johnson)	137.6
Hazel Gall Estate	162.0
Gander, Inc.	38.0
Horner & Monheiser	213.7
Robert Hughes	345.7
Harold Kautz	220.8
Josephine Monheiser	845.2
Robert Monheiser	162.3
E. Suzanne Mowery	402.6
Jerry Rauth & Janice Clem	197.9
Bradley Ring	85.6
Ronald Ring	8.7
Jim Roberts	58.3
Sparks 20 Bar Ranch - Atkinson Estate	88.0
Wickman Farms Inc.	96.0

The ownership of Acre Rights in Prewitt Reservoir entitles the owners to delivery of water from Prewitt Reservoir. The foregoing owners of the Prewitt Reservoir water seek to change the use of the water to be delivered to the owners**. 13. Decreed name of structure for which change is sought:** Prewitt Reservoir**. 14. Previous Decrees:** The Prewitt Reservoir water rights were decreed for diversion of water out of the South Platte River pursuant to the following decrees:

APPROPRIATION DATE	**ADJUDICATION DATE**	**CASE NO.**	**AMOUNT (AF)**

May 25, 1910	January 15, 1914	Weld County District Court, Case No. 2142	32,300
December 31, 1929	October 18, 1965	Weld County District Court, Case No. 16704	34,960

15. Decreed point of diversion: Headgate located on the east bank of the South Platte River in the SW1/4 of Section 24, Township 5 North, Range 55 West of the 6th P.M., Morgan County, Colorado. 1**6. Source of water:** South Platte River. **17. Historical use:** The water associated with Prewitt Reservoir is allocated to the owners of the Prewitt Reservoir water rights. The Prewitt Shareholders have historically used their aliquot share of the Prewitt Reservoir water rights for irrigation or leased the water to other water users. **18. Proposed change:** The Prewitt Shareholders request a change of their proportionate share of the Prewitt Reservoir water rights for use in the plan for augmentation described in this application and for domestic, industrial, commercial, irrigation, stockwatering, recreation, fish and wildlife purposes, and fire protection and all other beneficial uses. The water will be used for immediate application to beneficial use, for storage and subsequent application to beneficial use, for substitution and exchange, for replacement of depletions, for recharge of the aquifer, and for augmentation purposes. The water will be fully consumed during the first use of the water, recaptured and reused, substituted and exchanged for other water until the water is fully consumed. The water from Prewitt Reservoir will be released from Prewitt Reservoir and (1) diverted at the headgate of the Harmony Ditch for irrigation purposes, (2) diverted at the headgate of the Harmony Ditch and delivered to recharge facilities, and (3) delivered to the South Platte River to replace depletions associated with out-of-priority diversions. To the extent the water is released from Prewitt Reservoir and diverted at the headgate of the Harmony Ditch and delivered to recharge facilities, the Prewitt Shareholders claim that sixty-five percent (65%) of the water delivered to the recharge facilities is fully consumable and will be credited as a replacement to the alluvial aquifer. To the extent the water is released from Prewitt Reservoir and delivered to the South Platte River to replace depletions, the Prewitt Shareholders claim that fifty-percent (50%) of the water delivered to the South Platte River is fully consumable and will be credited as a replacement to the South Platte River. **APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION, INCLUDING RIGHTS OF SUBSTITUTION AND EXCHANGE. 19. Statement of Plan for Augmentation:** The plan for augmentation contemplates replacement of depletions associated with operation of the wells described in this application, and such additional wells as may be constructed in the future on the terms and conditions described in this application and a decree entered by the Court. Water will be diverted under the Harmony Augmentation Water Right and used for (1) direct delivery for irrigation and other beneficial uses, or (2) carried in or delivered to recharge facilities described in this application. Water may also be released from Prewitt Reservoir and (1) delivered for direct irrigation, or (2) delivered for other beneficial uses, not including irrigation, or (3) carried in or diverted into recharge facilities described in this decree, or (4) delivered to the South Platte River for replacement of depletions. In addition, some of the shareholders of The Harmony Ditch Company also own land within the North Sterling Irrigation District. Pursuant to an agreement between the shareholder and the North Sterling Irrigation District, the shareholder may use fully consumable water delivered to the South Platte River by the North Sterling Irrigation District under the terms of the application pending in Case No. 96CW1034 in the District Court in and for Water Division No. 1. The water delivered to the shareholder by the North Sterling Irrigation District may be (1) used for replacement of depletions associated with the shareholder wells, or (2) diverted at the headgate of the Harmony Ditch and delivered to the groundwater recharge facilities described below. **20. Description of Structures to be Augmented:** NAME: Larry and E. Suzanne Mowery ADDRESS: 30611 County Road 89, Crook, Colorado 80726 WELL PERMIT NO.: 24901-F DECREE NO.: W-2247 and W-7777-74 DECREE DATE: April 24, 1973 with respect to Case No. W-2247 and September 28, 1979, with respect to Case No. W-7777-74 STRUCTURE NAME: Well No. 8 STRUCTURE LEGAL DESCRIPTION: Located in the SW1/4 of the SE1/4 of Section 34, Township 11 North, Range 48 West of the 6th P.M., Logan County, Colorado IRRIGATED LAND DESCRIPTION: 120 acres consisting of part of the SE1/4 of Section 34, Township 11 North, Range 48 West of the 6th P.M., Logan County, Colorado CFS: 2.666 APPROPRIATION DATE: September 20, 1906 STREAM DEPLETION FACTOR: 80 NAME: Larry and E. Suzanne Mowery ADDRESS: 30611 County Road 89, Crook, Colorado 80726 WELL PERMIT NO.: 7773-RF DECREE NO.: W-2247 and W-7777-74 DECREE DATE: April 24, 1973 with respect to Case No. W-2247 and September 28, 1979 with respect to Case No. W-7777-74 STRUCTURE NAME: Well No. 1 - 7773-F STRUCTURE LEGAL DESCRIPTION: Located in the NW1/4 of the NE1/4 of

Section 3, Township 10 North, Range 48 West of the 6th P.M., Logan County, Colorado IRRIGATED LAND DESCRIPTION: 100 acres consisting of part of the NE1/4 of Section 3, Township 10 North, Range 48 West of the 6th P.M., and part of the Southeast 1/4 of Section 34, Township 11 North, Range 48 West of the 6th P.M., Logan County, Colorado CFS: 2.222 APPROPRIATION DATE: September 10, 1911 STREAM DEPLETION FACTOR: 35 NAME: Larry and E. Suzanne Mowery ADDRESS: 30611 County Road 89, Crook, Colorado 80726 WELL PERMIT NO.: 5602-F DECREE NO.: W-2247 and W-7777-74 DECREE DATE: April 24, 1973 with respect to Case No. W-2247 and September 28, 1979, with respect to Case No. W-7777-74 STRUCTURE NAME: Well No. 3 - 5602-F STRUCTURE LEGAL DESCRIPTION: Located in the Northwest 1/4 of the Northeast 1/4 of Section 4, Township 10 North, Range 48 West of the 6th P.M., Logan County, Colorado IRRIGATED LAND DESCRIPTION: 120 acres consisting of part of the Northeast 1/4 of Section 4, Township 10 North, Range 48 West of the 6th P.M., Logan County, Colorado CFS: 2.666 APPROPRIATION DATE: May 8, 1964 STREAM DEPLETION FACTOR: 180 NAME: Larry and Suzanne Mowery ADDRESS: 30611 County Road 89 Crook, Colorado 80726 WELL PERMIT NO.: 8699R DECREE NO.: W-2247 DECREE DATE: April 24, 1973 STRUCTURE NAME: Well No. 2-8699 STRUCTURE LEGAL DESCRIPTION: Located in the Southwest 1/4 of the Northwest Quarter of Section 4, Township 10 North, Range 48 West of the 6th P.M., Logan County, Colorado IRRIGATED LAND DESCRIPTION: Irrigation (of 52 acres per Permit) in the Northwest 1/4 of Section 4, Township 10 North, Range 48 West of the 6th P.M., Logan County, Colorado CFS: 2.266 APPROPRIATION DATE: May 7, 1947 STREAM DEPLETION FACTOR: 230 NAME: E. Suzanne Mowery ADDRESS: 30611 County Road 89 Crook, Colorado 80726 WELL PERMIT NO.: 6622 F DECREE NO.: W-1115 DECREE DATE: December 10, 1971 STRUCTURE NAME: Well No. 6622-F STRUCTURE LEGAL DESCRIPTION: The well is located at a point whence the Northeast Corner of Section 18, Township 10 North, Range 49 West of the 6th PM bears North 25 degrees 30 minutes East 1800 Feet IRRIGATED LAND DESCRIPTION: Irrigation of 466 acres located in the Southwest 1/4 of the Northwest 1/4 and part of the Northwest 1/4 of the Southwest Quarter North of Harmony #1 Ditch in Section 17, Township 10 North, Range 49 West of the 6th P.M., and the East ½ of Section 18 lying North of Harmony #1 Ditch in Section 18, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado. CFS: 4.45 APPROPRIATION DATE: January 1965 STREAM DEPLETION FACTOR: 270 NAME: E. Suzanne Mowery ADDRESS: 30611 County Road 89 Crook, Colorado 80726 WELL PERMIT NO.: 9100-FR DECREE NO.: W-4286 DECREE DATE: October 6, 1975 STRUCTURE NAME: Huss Well No. 1-9100-F STRUCTURE LEGAL DESCRIPTION: Located in the Northeast 1/4 of the Northwest 1/4 of Section 7, Township 10 North, Range 48 West of the 6th P.M., Logan County, Colorado, at a point 2046 feet North and 39.5 feet East of the Southwest Corner of the Southeast 1/4 of the Northwest 1/4 of Section 7. IRRIGATED LAND DESCRIPTION: Irrigation of 110 acres in a part of the West ½ of the Southwest 1/4 of Section 5, East ½ of the Southeast 1/4 and the Southwest 1/4 of the Southeast 1/4 of Section 6, and the Northeast 1/4 of the Northwest 1/4 of Section 7, all in Township 10 North, Range 48 West of the 6th P.M., Logan County, Colorado. CFS: 3.1 APPROPRIATION DATE: April 23, 1965 STREAM DEPLETION FACTOR: 95 NAME: E. Suzanne Mowery ADDRESS: 30611 County Road 89 Crook, Colorado 80726 WELL PERMIT NO.: 10434-R DECREE NO.: W-4286 DECREE DATE: September 11, 1975 STRUCTURE NAME: Huss Well No. 2-10434 STRUCTURE LEGAL DESCRIPTION: Located in the Southeast 1/4 of the Northwest 1/4 of Section 7, Township 10 North, Range 48 West of the 6th P.M., Logan County, Colorado, at a point 1293.6 feet North and 34 feet East of the Southwest Corner of said Southeast 1/4 of the Northwest 1/4 of the Southwest Corner of said Southeast 1/4 of the Northwest 1/4 of Section 7. IRRIGATED LAND DESCRIPTION: Irrigation of 140 acres in part of the East ½ of the Northwest 1/4, the West ½ of the Northeast 1/4 and the Northeast 1/4 of the Northeast 1/4 of Section 7, and the Southeast 1/4 of the Southeast 1/4 of Section 6, all in Township 10 North, Range 48 West of the 6th P.M., Logan County, Colorado. CFS: 2.65 APPROPRIATION DATE: April 10, 1946 STREAM DEPLETION FACTOR: 23 NAME: E. Suzanne Mowery ADDRESS: 30611 County Road 89 Crook, Colorado 80726 WELL PERMIT NO.: 1193-R DECREE NO.: W-1115 DECREE DATE: December 10, 1971 STRUCTURE NAME: Well No. 1193 STRUCTURE LEGAL DESCRIPTION: The well is located at a point whence the Northeast Corner of Section 18, Township 10 North, Range 49 West of the 6th P.M., bears North 74 Degrees East 700 Feet IRRIGATED LAND DESCRIPTION: Northwest 1/4 of the Northwest 1/4 of Section 18, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado CFS: 4.45 APPROPRIATION DATE: May 1933 STREAM DEPLETION

FACTOR: 360 NAME: E. Suzanne Mowery ADDRESS: 30611 County Road 89 Crook, Colorado 80726 WELL PERMIT NO.: 10435-R DECREE NO.: W-4286 DECREE DATE: September 11, 1975 STRUCTURE NAME: Huss Well No. 3-10435 STRUCTURE LEGAL DESCRIPTION: Located in the Southeast 1/4 of the Northeast 1/4 of Section 7, Township 10 North, Range 48 West of the 6th P.M., Logan County, Colorado at a point 60 feet North and 2660 feet East of the Southwest Corner of the Southeast 1/4 of the Northwest 1/4 of said Section 7. IRRIGATED LAND DESCRIPTION: Irrigation of 90 acres in part of the East ½ of the Northeast 1/4 of Section 7 and part of the West ½ of the Northwest 1/4 of Section 8, all in Township 10 North, Range 48 West of the 6th P.M., Logan County, Colorado. CFS: 2.25 APPROPRIATION DATE: August 17, 1956 STREAM DEPLETION FACTOR: 4 NAME: Hazel Gall ADDRESS: 302 E. Strohm Street, Haxtun, Colorado 80731 WELL PERMIT NO.: 13572R DECREE NO.: W-647 DECREE DATE: January 31, 1972 STRUCTURE NAME: Gall Well No. 1 STRUCTURE LEGAL DESCRIPTION: The Southwest 1/4 of the Southwest 1/4 of Section 12, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado, 777 feet North and 20 feet East of the Southwest Corner of said Section 12. IRRIGATED LAND DESCRIPTION: Irrigation of Southwest 1/4 of Section 12, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado CFS: 2.670 APPROPRIATION DATE: August 17, 1954 STREAM DEPLETION FACTOR: 75 NAME: Duane O. Kuskie ADDRESS: P.O. Box 207, Crook, Colorado 80726 WELL PERMIT NO.: 26530F DECREE NO.: W-8495-77 DECREE DATE: March 20, 1980 STRUCTURE NAME: Lauer W 1-AD-7232(26530) STRUCTURE LEGAL DESCRIPTION: Located in the Northwest 1/4 of the Northwest 1/4 of Section 27, Township 11 North, Range 48 West of the 6th P.M., Logan County, Colorado, at a point 67 feet South and 500 feet East of the Northwest Corner of said Section 27 IRRIGATED LAND DESCRIPTION: Irrigation of 300 acres of land in the North ½ of Section 27, Township 11 North, Range 48 West of the 6th P.M. Logan County, Colorado; the same being lands lying under the line of The Harmony Ditch Company which have historically been irrigated by said Ditch CFS: 3.0 APPROPRIATION DATE: April 28, 1895 SDF: 750 NAME: Walter R. McKinstry, Jr. ADDRESS: P.O. Box 115, Julesburg, Colorado 80737 WELL PERMIT NO.: 2695F DECREE NO.: W-2395 DECREE DATE: October 20, 1975 STRUCTURE NAME: McKinstry Well No. 1-2695-F STRUCTURE LEGAL DESCRIPTION: Located in the Southwest 1/4 of the Northwest 1/4 of Section 28, Township 11 North, Range 48 West of the 6th P.M., Logan County, Colorado IRRIGATED LAND DESCRIPTION: Irrigation of 240 acres located in the North ½ of Section 28, Township 11 North, Range 48 West of the 6th P.M., Logan County, Colorado CFS: 2.66 APPROPRIATION DATE: August 15, 1960 SDF: 1020 NAME: Walter R. McKinstry, Jr. ADDRESS: P.O. Box 115, Julesburg, Colorado 80737 WELL PERMIT NO.: 3200F DECREE NO.: W-2395 DECREE DATE: October 20, 1975 STRUCTURE NAME: McKinstry Well No. 2-03200-F STRUCTURE LEGAL DESCRIPTION: Located in the Southwest 1/4 of the Northwest 1/4 of Section 28, Township 11 North, Range 48 West of the 6th P.M., Logan County, Colorado IRRIGATED LAND DESCRIPTION: Irrigation of 240 acres located in the North ½ of Section 28, Township 11 North, Range 48 West of the 6th P.M., Logan County, Colorado CFS: 2.66 APPROPRIATION DATE: 1000 NAME: Wickman Farms c/o Harry Wickman ADDRESS: 38340 County Road 60.5, Crook, Colorado 80726 WELL PERMIT NO.: 8518 DECREE NO.: W-3836 DECREE DATE: January 3, 1974 STRUCTURE NAME: Wickman Well 8518 STRUCTURE LEGAL DESCRIPTION: Located in the Northeast 1/4 of the Southeast 1/4 of Section 8, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado IRRIGATED LAND DESCRIPTION: Irrigation of the East ½ of the Southeast 1/4 and the Southeast 1/4 of the Northeast 1/4 of Section 8, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado CFS: 2.36 APPROPRIATION DATE: June 1, 1957 SDF: 270 NAME: Bradley Ring ADDRESS: 16255 Del Ray Court, Brighton, Colorado 80603 WELL PERMIT NO.: 11125R DECREE NO.: W-1377 DECREE DATE: October 27, 1972 STRUCTURE NAME: Well No. 1-11125 STRUCTURE LEGAL DESCRIPTION: Located in the Southwest Corner of Section 2, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado IRRIGATED LAND DESCRIPTION: Irrigation on the Northwest 1/4 of the Southwest 1/4 of Section 2, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado CFS: 2.44 APPROPRIATION DATE: July 31, 1936 SDF: 570 NAME: Jerry Rauth Janice Clem ADDRESS: 40679 Highway 138, Crook, Colorado 80726 WELL PERMIT NO.: 20060R DECREE NO.: W-3728 DECREE DATE: March 20, 1974 STRUCTURE NAME: Rauth Well No. 2 STRUCTURE LEGAL DESCRIPTION: Located in the Northwest 1/4 of the Northeast 1/4 of Section 11, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado

IRRIGATED LAND DESCRIPTION: 75 acres in the Northeast 1/4 of Section 14, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado CFS: 3.33 APPROPRIATION DATE: August 31, 1954 SDF: 225 NAME: Jerry Rauth Janice Clem ADDRESS: 40679 Highway 138, Crook, Colorado 80726 WELL PERMIT NO.: 8973F DECREE NO.: W-3728 DECREE DATE: March 20, 1974 STRUCTURE NAME: Well No. 1-8973-F STRUCTURE LEGAL DESCRIPTION: Located in the Northwest 1/4 of the Northwest 1/4 of Section 14, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado IRRIGATED LAND DESCRIPTION: 100 acres in the Northwest 1/4 of Section 14, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado CFS: 3.33 APPROPRIATION DATE: July 31, 1958 SDF: 75 NAME: Robert H. Hughes ADDRESS: 415 Oakland Street, Aurora, Colorado 80010 WELL PERMIT NO.: 12257F (RF-456) DECREE NO.: W-4095 DECREE DATE: April 2, 1974 STRUCTURE NAME: Well No. 1-RF-456 STRUCTURE LEGAL DESCRIPTION: Located in the Northeast 1/4 of Section 15, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado IRRIGATED LAND DESCRIPTION: 91 acres located in the Northeast 1/4 of Section 15, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado CFS: 2.77 APPROPRIATION DATE: December 31, 1953 SDF: 70 NAME: Robert H. Hughes ADDRESS: 415 Oakland Street, Aurora, Colorado 80010 WELL PERMIT NO.: 10176 DECREE NO.: W-4324 DECREE DATE: November 17, 1975 STRUCTURE NAME: Wellensiek Well 1-10176 STRUCTURE LEGAL DESCRIPTION: Southwest 1/4 of the Southeast 1/4 of Section 3, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado IRRIGATED LAND DESCRIPTION: Southeast 1/4 of Section 3, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado CFS: 2.23 APPROPRIATION DATE: June 30,1935 SDF: 550 NAME: Robert H. Hughes ADDRESS: 415 Oakland Street, Aurora, Colorado 80010 WELL PERMIT NO.: 10177 DECREE NO.: W-4324 DECREE DATE: November 17, 1975 STRUCTURE NAME: Wellensiek Well 2-10177 STRUCTURE LEGAL DESCRIPTION: Northwest 1/4 of the Southeast 1/4 of Section 3, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado IRRIGATED LAND DESCRIPTION: Southeast 1/4 of Section 3, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado CFS: 2.67 APPROPRIATION DATE: June 30, 1955 SDF: 520 NAME: Joseph M. Grant Trust ADDRESS: c/o Marjorie McDonnell, 1116 S. Everett Street, Lakewood, Colorado 80232 WELL PERMIT NO.: 15519F DECREE NO.: W-738 DECREE DATE: November 17, 1976 STRUCTURE NAME: Grant Well No. 5-15519-F STRUCTURE LEGAL DESCRIPTION: Located in the Southwest corner of Section 3, Township 10 North, Range 48 West of the 6th P.M., Logan County, Colorado IRRIGATED LAND DESCRIPTION: Irrigation of approximately 856 acres in Sections 3,4,5,8 and 9, Township 10 North, Range 48 West of the 6th P.M., Logan County, Colorado CFS: 3.0 APPROPRIATION DATE: April 8, 1971 STREAM DEPLETION FACTOR: 65 NAME: Joseph M. Grant Trust ADDRESS: c/o Marjorie McDonnell, 1116 S. Everett Street, Lakewood, Colorado 80232 WELL PERMIT NO.: 5556F DECREE NO.: W-738 DECREE DATE: November 17, 1976 STRUCTURE NAME: Grant Well No. 3-5556-F STRUCTURE LEGAL DESCRIPTION: Located in the Southwest corner of Section 4, Township 10 North, Range 48 West of the 6th P.M., Logan County, Colorado IRRIGATED LAND DESCRIPTION: Irrigation of approximately 856 acres in Sections 3,4,5,8 and 9, Township 10 North, Range 48 West of the 6th P.M., Logan County, Colorado CFS: 4.05 APPROPRIATION DATE: May 31, 1956 STREAM DEPLETION FACTOR: 75 NAME: Joseph M. Grant Trust ADDRESS: c/o Marjorie McDonnell, 1116 S. Everett Street, Lakewood, Colorado 80232 WELL PERMIT NO.: 3669F DECREE NO.: W-738 DECREE DATE: November 17, 1976 STRUCTURE NAME: Grant Well No. 4-3669-F STRUCTURE LEGAL DESCRIPTION: Located in the Southeast corner of Section 4, Township 10 North, Range 48 West of the 6th P.M., Logan County, Colorado IRRIGATED LAND DESCRIPTION: Irrigation of approximately 856 acres in Sections 3,4,5,8 and 9, Township 10 North, Range 48 West of the 6th P.M., Logan County, Colorado CFS: 3.34 APPROPRIATION DATE: July 13, 1962 STREAM DEPLETION FACTOR: 75 NAME: Joseph M. Grant Trust ADDRESS: c/o Marjorie McDonnell, 1116 S. Everett Street, Lakewood, Colorado 80232 WELL PERMIT NO.: 16119F DECREE NO.: W-738 DECREE DATE: November 17, 1976 STRUCTURE NAME: Grant Well No. 11-016119-F STRUCTURE LEGAL DESCRIPTION: Located in the Northwest 1/4 of the Southwest 1/4 of Section 4, Township 10 North, Range 48 West of the 6th P.M., Logan County, Colorado IRRIGATED LAND DESCRIPTION: Irrigation of approximately 856 acres in Sections 3,4,5,8 and 9, Township 10 North, Range 48 West of the 6th P.M., Logan County, Colorado CFS: 2.67 APPROPRIATION DATE: May 1, 1972 STREAM DEPLETION FACTOR:

125 NAME: Joseph M. Grant Trust ADDRESS: c/o Marjorie McDonnell, 1116 S. Everett Street, Lakewood, Colorado 80232 WELL PERMIT NO.: 28615F DECREE NO.: 85CW159 (W-8704-77, 84CW117 and W-738) DECREE DATE: November 4, 1988 STRUCTURE NAME: Grant Well No. 12 STRUCTURE LEGAL DESCRIPTION: Located in the Southeast 1/4 of the Northwest 1/4 of Section 4, Township 10 North, Range 48 West of the 6th P.M., Logan County, Colorado IRRIGATED LAND DESCRIPTION: Irrigation of approximately 60 acres located in the Southeast 1/4 of the Northwest 1/4 and the West ½ of the Southwest 1/4 of the Northeast 1/4 of Section 4, Township 10 North, Range 48 West of the 6th P.M., Logan County, Colorado CFS: 1.83 APPROPRIATION DATE: November 12, 1976 STREAM DEPLETION FACTOR: 130 NAME: Joseph M. Grant Trust ADDRESS: c/o Marjorie McDonnell,1116 S. Everett Street, Lakewood, Colorado 80232 WELL PERMIT NO.: 8721R DECREE NO.: W-738 DECREE DATE: November 4, 1988 STRUCTURE NAME: Grant Well No. 1-8721-R STRUCTURE LEGAL DESCRIPTION: Located in the Northwest corner of Section 8, Township 10 North, Range 48 West of the 6th P.M., Logan County, Colorado IRRIGATED LAND DESCRIPTION: Irrigation of approximately 856 acres located in Sections 3, 4,5,8 and 9, Township 10 North, Range 48 West of the 6th P.M., Logan County, Colorado CFS: 6.31 APPROPRIATION DATE: June 30, 1935 STREAM DEPLETION FACTOR: 40 NAME: Joseph M. Grant Trust ADDRESS: c/o Marjorie McDonnell,1116 S. Everett Street, Lakewood, Colorado 80232 WELL PERMIT NO.: 8722R DECREE NO.: W-738 DECREE DATE: November 4, 1988 STRUCTURE NAME: Grant Well No. 2-8722 STRUCTURE LEGAL DESCRIPTION: Located in the Northeast corner of Section 8, Township 10 North, Range 48 West of the 6th P.M., Logan County, Colorado IRRIGATED LAND DESCRIPTION: Irrigation of approximately 856 acres located in Sections 3, 4,5,8 and 9, Township 10 North, Range 48 West of the 6th P.M., Logan County, Colorado CFS: 3.02 APPROPRIATION DATE: April 25, 1956 STREAM DEPLETION FACTOR: 30 NAME: Sparks 20 Bar Ranch ADDRESS: Fleming, Colorado 80728 WELL PERMIT NO.: 18901F (3834FR, RF-347) DECREE NO.: W-1546 DECREE DATE: March 20, 1973 STRUCTURE NAME: Sparks Well No. 2-3834 STRUCTURE LEGAL DESCRIPTION: Located in the Southwest 1/4 of the Northeast 1/4 of Section 5, Township 10 North, Range 48 West of the 6th P.M., Logan County, Colorado IRRIGATED LAND DESCRIPTION: Irrigation of 206 acres in the West ½ of the Southwest 1/4, the Northeast 1/4 of the Southwest 1/4, the North ½ of the Southeast 1/4, and part of the South ½ of the Northeast 1/4 of Section 5, Township 10 North, Range 48 West of the 6th P.M., Logan County, Colorado. CFS: 3.63 APPROPRIATION DATE: January 6, 1962 SDF: 170 NAME: Sparks 20 Bar Ranch ADDRESS: Fleming, Colorado 80728 WELL PERMIT NO.: 6679R DECREE NO.: W-1546 DECREE DATE: March 20, 1973 STRUCTURE NAME: Sparks Well No. 1-6679 STRUCTURE LEGAL DESCRIPTION: Located in the Southwest 1/4 of the Southwest 1/4 of Section 5, Township 10 North, Range 48 West of the 6th P.M., Logan County, Colorado IRRIGATED LAND DESCRIPTION: Irrigation of 206 acres in the West ½ of the Southwest 1/4, the Northeast 1/4 of the Southwest 1/4, the North ½ of the Southeast 1/4, and part of the South ½ of the Northeast 1/4 of Section 5, Township 10 North, Range 48 West of the 6th P.M., Logan County, Colorado. CFS: 4.54 APPROPRIATION DATE: December 31, 1952 SDF: 75 NAME: Harold Kautz ADDRESS: 18031 Willow Drive, Sterling, Colorado 80651 RECORDING DATE: March 20, 2001 WELL PERMIT NO.: 2671FR DECREE NO.: W-5230 DECREE DATE: September 2, 1975 STRUCTURE NAME: Camp Well No. 1-2671-F STRUCTURE LEGAL DESCRIPTION: Located in the Northwest 1/4 of the Northwest 1/4 of Section 16, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado IRRIGATED LAND DESCRIPTION: Irrigation of 137 acres in the North1/2 of Section 16, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado CFS: 2.67 APPROPRIATION DATE: August 2, 1960 SDF: 70 NAME: Harold Kautz ADDRESS: 18031 Willow Drive Sterling, Colorado 80651 WELL PERMIT NO.: 15512R DECREE NO.: W-5230 DECREE DATE: September 2, 1975 STRUCTURE NAME: Camp Well No. 3-15512 STRUCTURE LEGAL DESCRIPTION: Located in the Northeast 1/4 of the Northeast 1/4 of Section 17, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado IRRIGATED LAND DESCRIPTION: Irrigation of 66 acres in the East ½ of the Northeast 1/4 of Section 17, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado CFS: 2.22 APPROPRIATION DATE: April 19, 1960 SDF: 120 NAME: Josephine, John and Robert Monheiser ADDRESS: P.O. Box 51, Crook, Colorado 80276 WELL PERMIT NO.: RO1066 DECREE NO.: W-3277 DECREE DATE: February 13, 1974 STRUCTURE NAME: Monheiser Well 1-1066 (Monheiser Well 2-1065) STRUCTURE LEGAL DESCRIPTION: Located in the Northwest 1/4 of the Northwest

1/4 of Section 15, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado IRRIGATED LAND DESCRIPTION: Irrigation of 270 acres in the North1/2 of Section 15, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado CFS: 2.22 APPROPRIATION DATE: December 31, 1952 TRB SDF: 70 NAME: Josephine, John and Robert Monheiser ADDRESS: P.O. Box 51, Crook, Colorado 80276 WELL PERMIT NO.: 16063R (RF690) DECREE NO.: W-3277 DECREE DATE: February 13, 1974 STRUCTURE NAME: Monheiser Well 3-16063R STRUCTURE LEGAL DESCRIPTION: Located in the Southeast 1/4 of the Southeast 1/4 of Section 11, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado IRRIGATED LAND DESCRIPTION: Irrigation of 104 acres in the East ½ of the Southeast 1/4, and the Southeast Quarter of the Northeast 1/4 of Section 11, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado CFS: 3.16 APPROPRIATION DATE: December 31, 1935 TRB SDF: 150 NAME: Josephine, John and Robert Monheiser ADDRESS: P.O. Box 51, Crook, Colorado 80276 WELL PERMIT NO.: 10791R DECREE NO.: W-3277 DECREE DATE: February 13, 1974 STRUCTURE NAME: Monheiser Well 4-10791 STRUCTURE LEGAL DESCRIPTION: Located in the Southwest 1/4 of the Southeast 1/4 of Section 10, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado IRRIGATED LAND DESCRIPTION: Irrigation of land in the Southeast ½ of Section 10 and the Southeast ½ of Section 15, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado CFS: 3.33 APPROPRIATION DATE: December 31, 1932 STREAM DEPLETION FACTOR: 125 NAME: Josephine, John and Robert Monheiser ADDRESS: P.O. Box 51, Crook, Colorado 80276 WELL PERMIT NO.: 520RR DECREE NO.: W-3957 DECREE DATE: October 6, 1975 STRUCTURE NAME: Snyder Well No. 0520 STRUCTURE LEGAL DESCRIPTION: Located in the Northeast 1/4 of the Northeast 1/4 Section 16, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado IRRIGATED LAND DESCRIPTION: Agricultural irrigation of land in the Northeast 1/4 of Section 16; the South ½ of Section 10; and North ½ of Section 15, all in Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado. CFS: 1.3 APPROPRIATION DATE: June 20, 1935 STREAM DEPLETION FACTOR: 25 NAME: Josephine, John and Robert Monheiser ADDRESS: P.O. Box 51, Crook, Colorado 80276 WELL PERMIT NO.: 400R DECREE NO.: W-555 DECREE DATE: September 22, 1971 STRUCTURE NAME: Weigel Well 1-400 STRUCTURE LEGAL DESCRIPTION: Located in the Southwest 1/4 of the Southeast 1/4 of Section 10, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado IRRIGATED LAND DESCRIPTION: Irrigation on the Southwest 1/4 of the Southeast 1/4 of Section 10, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado CFS: 2.78 APPROPRIATION DATE: 1934 STREAM DEPLETION FACTOR: 110 NAME: Josephine, John and Robert Monheiser ADDRESS: P.O. Box 51, Crook, Colorado 80276 WELL PERMIT NO.: 2575F DECREE NO.: W798 DECREE DATE: October 18, 1971 STRUCTURE NAME: Kaiser Well 1-2575-F STRUCTURE LEGAL DESCRIPTION: Located in the Southeast 1/4 of the Northeast 1/4 of Section 12, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado IRRIGATED LAND DESCRIPTION: Irrigation of 110 acres located in the Southeast 1/4 of the Northeast 1/4 of Section 12, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado CFS: 3.3407 APPROPRIATION DATE: August 1, 1955 TRB SDF: 45 NAME: Josephine, John and Robert Monheiser ADDRESS: P.O. Box 51, Crook, Colorado 80276 WELL PERMIT NO.: 2576RF DECREE NO.: W798 DECREE DATE: October 18, 1971 STRUCTURE NAME: Kaiser Well 2-2576-F STRUCTURE LEGAL DESCRIPTION: Located in the Southwest 1/4 of the Northwest 1/4 of Section 12, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado IRRIGATED LAND DESCRIPTION: Irrigation of land located in the Northwest 1/4 of Section 12, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado CFS: 2.23 APPROPRIATION DATE: 1938 STREAM DEPLETION FACTOR: 125 NAME: Robert and Bethany Monheiser ADDRESS: 41815 County Road 58.5, Crook, Colorado 80726 WELL PERMIT NO.: 4540F DECREE NO.: W-538 DECREE DATE: September 10, 1971 STRUCTURE NAME: Well No. 1-4540F STRUCTURE LEGAL DESCRIPTION: Located 600 feet south and 1820 feet east of the Northwest 1/4 corner, Section 14, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado IRRIGATED LAND DESCRIPTION: Irrigation of North ½ of Section 14, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado CFS: 2.666 APPROPRIATION DATE: August 7, 1963 SDF: 70 NAME: Robert and Bethany Monheiser ADDRESS: 41815 County Road 58.8, Crook, Colorado 80726 WELL PERMIT NO.: 13968F (RF 710) DECREE NO.: W-538 DECREE DATE: September 10, 1971 STRUCTURE NAME: Well

No. 2-13968F STRUCTURE LEGAL DESCRIPTION: Located 2200 feet north and 2500 feet west of the Southeast 1/4 corner, Section 12, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado IRRIGATED LAND DESCRIPTION: Irrigation of 140 acres located on the Southeast 1/4 of Section 12 , Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado and Section 7, Township 10 North, Range 48 West of the 6th P.M., Logan County, Colorado CFS: 4.44 APPROPRIATION DATE: 1935 SDF: 80 NAME: Robert and Bethany Monheiser ADDRESS: 41815 County Road 58.5, Crook, Colorado 80726 WELL PERMIT NO.: 11126RF DECREE NO.: W-1172-73 DECREE DATE: September 21, 1976 STRUCTURE NAME: Smyth Well No. R11126 STRUCTURE LEGAL DESCRIPTION: Decree location is 2200 feet north and 2500 feet west of the Southeast 1/4 corner, Section 12, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado, and actual location is in the Northwest 1/4 of the Southeast 1/4 of Section 13, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. IRRIGATED LAND DESCRIPTION: Irrigation of the East ½ of Section 13, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado, South of the Harmony No. 2 Ditch containing approximately 200 acres CFS: 2.45 APPROPRIATION DATE: August 1, 1956 SDF: 460 NAME: Robert and Bethany Monheiser ADDRESS: 41815 County Road 58.5, Crook, Colorado 80726 WELL PERMIT NO.: 19808F DECREE NO.: W-7258-77 DECREE DATE: September 28, 1979 STRUCTURE NAME: Smyth Well No. 1-019898-F STRUCTURE LEGAL DESCRIPTION: Located in the Northeast 1/4 of the Southeast 1/4 of Section 13, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado, at a point approximately 2,000 feet north and approximately 1,400 feet West of the SE Corner of said Section 13 IRRIGATED LAND DESCRIPTION: Irrigation of 260 acres located in the East ½ of Section 13, Township 10 North, Range 50 West of the 6th P.M. and the North ½ and the North ½ of the South ½ of Section 18, Township 10 North, Range 49 West of the 6th P.M. in Logan County, Colorado CFS: 2.46 APPROPRIATION DATE: April 13, 1972 SDF: 460 NAME: John and Robert Monheiser and Jim Horner ADDRESS: 41815 County Road 58.5, Crook, Colorado 80726 WELL PERMIT NO.: 2215F DECREE NO.: W-2203 DECREE DATE: February 4, 1975 STRUCTURE NAME: Well No. 3-2215F STRUCTURE LEGAL DESCRIPTION: Located in the Southwest 1/4 of the Southeast 1/4 of Section 11, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado at a point 10 feet North and 2650 East of the Southwest Corner of said Section 11. IRRIGATED LAND DESCRIPTION: Irrigation of approximately 120 acres in the Southeast 1/4 and the Southwest 1/4 of Section 11, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado CFS: 3.33 APPROPRIATION DATE: May 1, 1935 SDF: 110 NAME: Jim Horner; John and Robert Monheiser ADDRESS: 41815 County Road 58.5, Crook, Colorado 80726 WELL PERMIT NO.: 2771F(RF562) DECREE NO.: W-2203 DECREE DATE: February 4, 1975 STRUCTURE NAME: Well No. 2-2271F, also known as Meyerholtz Well 2-2771F STRUCTURE LEGAL DESCRIPTION: Located in the Southwest 1/4 of the Southwest 1/4 of Section 11, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado, at a point 25 feet North and 300 feet East of the Southwest Corner of said Section 11 IRRIGATED LAND DESCRIPTION: Irrigation of approximately 160 acres including a small parcel north of the applicant's ditch in the Northwest 1/4 of the Northwest 1/4 of Section 14 and a part of the West ½ of the Southwest 1/4 of Section 11, all in Township 10 North, Range 49 West of CFS: 3.33 APPROPRIATION DATE: September 23, 1960 SDF: 100 NAME: Jim Horner; John and Robert Monheiser ADDRESS: 41815 County Road 58.5, Crook, Colorado 80726 WELL PERMIT NO.: 10423RR WELL PERMIT DATE: April 18, 1997 DECREE NO.: W-2203 DECREE DATE: February 4, 1975 STRUCTURE NAME: Well No. 1-10423-F STRUCTURE LEGAL DESCRIPTION: Located in the Northeast 1/4 of the Northwest 1/4 of Section 14, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado, at a point 200 feet South and 1340 feet East of the Northwest Corner of said Section 14 IRRIGATED LAND DESCRIPTION: Irrigation of approximately 80 acres including a small parcel north of the applicant's ditch in the Northeast 1/4 of the Northwest 1/4 of Section 14 and a part of the East ½ of the Southwest 1/4 of Section 11, all in Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado. CFS: 3.33 APPROPRIATION DATE: August 1, 1954 SDF: 85 NAME: Gander, Inc ADDRESS: P.O. Box 1431, Sterling, Colorado 80751 WELL PERMIT NO.: 7040R DECREE NO.: W-2660 DECREE DATE: July 19, 1978 STRUCTURE NAME: Well No. 1-7040 STRUCTURE LEGAL DESCRIPTION: Located 670 feet South and 1200 feet West of the Northeast Corner of Section 6, Township 10 North, Range 48 West of the 6th P.M., Logan County, Colorado IRRIGATED LAND DESCRIPTION: Irrigation of approximately 80 acres in the Northeast 1/4

of the Northeast 1/4 of Section 6 and the Northwest 1/4 of the Northwest 1/4 of Section 5, both in Township 10 North, Range 48 West of the 6th P.M., Logan County, Colorado CFS: 2.011 APPROPRIATION DATE: April 12, 1945 SDF: 300 NAME: Mark A. and Natalie G. Meier ADDRESS: 44500 Road 64.5, Crook, Colorado 80726-0393 WELL PERMIT NO.: 3089F DECREE NO.: W-3150 DECREE DATE: March 24, 1977 STRUCTURE NAME: Well No. 1-3089F STRUCTURE LEGAL DESCRIPTION: Located in the Northwest 1/4 of Southwest 1/4 of Section 28, Township 11 North, Range 48 West of the 6th P.M., Logan County, Colorado at a point 2648 feet South and 1220 feet East of the Northwest Corner of said Section 28 IRRIGATED LAND DESCRIPTION: Irrigation of 225 acres in the South ½ of Section 28, Township 11 North, Range 48 West of the 6th P.M., Logan County, Colorado CFS: 1.41 APPROPRIATION DATE: June 5. 1961 SDF: 1020 NAME: Dinsdale Brothers, Inc. c/o Six D Land Company ADDRESS: P.O. Box 1866, Sterling, Colorado 80751 WELL PERMIT NO.: 8229RR DECREE NO.: W-4149 DECREE DATE: April 11, 1974 STRUCTURE NAME: Well No. 1-8229 STRUCTURE LEGAL DESCRIPTION: Located in the Southeast 1/4 of the Southwest 1/4 of Section 35, Township 11 North, Range 48 West of the 6th P.M., Logan County, Colorado at a point 480 feet North and 2366 feet East of the SW Corner of said Section 35 IRRIGATED LAND DESCRIPTION: Irrigation of 380 acres of land located in the Southwest 1/4 and the East ½ of Section 35, Township 11 North, Range 48 West of the 6th P.M., Logan County, Colorado CFS: 4.22 APPROPRIATION DATE: November 18, 1957 SDF: 20 NAME: Town of Crook ADDRESS: Crook, Colorado 80726 WELL PERMIT NO.: 19524-F DECREE NO.: W-5051 DECREE DATE: December 30, 1974 STRUCTURE NAME: Town of Crook Well No. 1 STRUCTURE LEGAL DESCRIPTION: Located in the Northwest 1/4 of the Southwest 1/4 of Section 11, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado at a point 2400 feet North and 1020 feet East of the SW Corner of said Section 13 USE: Municipal CFS: 1.336 APPROPRIATION DATE: December 31, 1945 SDF: 200 NAME: Town of Crook ADDRESS: Crook, Colorado 80726 WELL PERMIT NO.: 27010-F DECREE NO.: 83CW159 DECREE DATE: February 1, 1984 STRUCTURE NAME: Town of Crook Alternate Point Well STRUCTURE LEGAL DESCRIPTION: Located in the Southwest 1/4 of the Southwest 1/4 of Section 23, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado at a point 700 feet North and 500 feet East of the SW Corner of said Section 13. USE: Municipal CFS: 1.336 APPROPRIATION DATE: December 31, 1945 SDF: 120 **21. Description of Groundwater Recharge Facilities:** The Harmony Ditch Company will use the following groundwater recharge facilities for recharge of the alluvial aquifer: a. Harmony Ditch Reach 1: 1. Location: From the headgate of the Harmony Ditch to a point along the Harmony Ditch located in the Northeast 1/4, Section 8, Township 10 North, Range 49 West of the 6th P.M. 2. SDF: 120 b. Harmony Ditch Reach 2: 1. Location: From the end of Reach 1 to a point along the Harmony ditch located in the Northeast 1/4, Section 29, Township 9 North, Range 48 West of the 6th P.M. 2. SDF: 1080 c. Mowery Ponds 1. Owner: Larry and E. Suzanne Mowery 2. Owner Address: 30611 County Road 89, Crook, Colorado 80726 3. Location: Structures to be located in the Sections 29, 32, 33 and 34, Township 11 North, Range 48 West of the 6th P.M., Logan County, Colorado 4. SDF: 500 d. Dunn Ranch, Inc. Ponds 1. Owner: G.B.Dunn c/o Agri Affiliates, Inc. 2. Owner Address: P.O. Box 1162, North Platte, Nebraska 69103-1166 3. Location: Recharge ponds located in all of Section 31, Township 11 North, Range 48 West of the 6th P.M., Logan County, Colorado, and the Northwest 1/4 and the East 1/2 of the Northeast 1/4 of Section 6, Township 10 North, Range 48 West of the 6th P.M., Logan County, Colorado. 4. SDF: Section 31: 480 Section 6: 270 e. Roberts Ponds 1. Owner: Jim Roberts and State Board of Land Commissioners 2. Owner Address: 30256 County Road 81, Crook, Colorado 80726 3. Location: Recharge ponds located in the Southeast Quarter of Section 36, Township 11 North, Range 49 West of the 6th P.M., Logan County, Colorado 4. SDF: 700 f. Rauth and Clem Ponds 1. Owner: Jerry Rauth and Janice Clem 2. Owner Address: 40679 Highway 138, Crook, Colorado 80726 3. Location: Recharge ponds located in the Northeast 1/4 of Section 14, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado 4. SDF: 45 g. Grant Ponds 1. Owner: Joseph M. Grant Trust 2. Owner Address: c/o Marjorie McDonnell, 1116 S. Everett Street, Lakewood, Colorado 80232 3. Location: Recharge ponds located in the Northeast Corner of the Southeast Quarter of the Southeast Quarter of Section 5, Township 10 North, Range 48 West of the 6th P.M., Logan County, Colorado. 4. SDF: 120 h. Monheiser Ponds 1. Owner: Josephine, John and Robert Monheiser 2. Owner Address: P.O. Box 51, Crook, Colorado 80276 3. Location: Recharge ponds located in the Northeast 1/4 of the Southeast Quarter of Section 11, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado, and in the West ½ of the

Northeast 1/4 of Section 12, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado 4. SDF: 120 i. Monheiser Ponds 2 1. Owner: Robert and Bethany Monheiser 2. Owner Address: 41815 County Road 58.5, Crook, Colorado 80726 3. Location: Recharge ponds located in the Northeast 1/4 of Section 14, Township 10 North, Range 49 West of the 6th P.M., and the Northeast 1/4 of Section 13, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado 4. SDF: 60 j. Horner Ponds 1. Owner: Jim Monheiser, John Monheiser, and Robert Horner 2. Owner Address: 41815 County Road 58.5, Crook, Colorado 80726 3. Location: Recharge ponds located in the Southwest 1/4 of the Southwest 1/4 of Section 11, Township 10 North, Range 49 West of the 6th P.M., and in the Northeast 1/4 of the Northwest 1/4 of Section 14 and a part of the East ½ of the Southwest 1/4 of , all in Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado. 4. SDF: 120 k. Amen Ponds 1. Owner: Leland Amen 2. Owner Address: 11555 County Road 10, Merino, Colorado 80741 3. Location: Recharge ponds located in the West ½ of Section 21, Township 11 North, Range 48 West of the 6th P.M., Logan County, Colorado 4. SDF: 480 l. Wickman Ponds 1. Owner: Wickman Farms, Inc. 2. Owner Address: 38340 County Road 60.5, Crook, Colorado 80726 3. Location: Recharge ponds located in the North ½ of Section 1, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado 4. SDF: 480 m. Meier Pond 1. Owner: Mark A. and Natalie G. Meier 2. Owner Address: 44500 Road 64.5, Crook, Colorado 80726-0393 3. Location: Recharge ponds located in the South ½ of Section 28, Township 11 North, Range 48 West of the 6th P.M., Logan County, Colorado 4. SDF: 750 n. McKinstry Pond 1. Owner: Walter R. McKinstry, Jr. 2. Owner Address: P.O. Box 115, Julesburg, Colorado 80737 3. Location: Recharge ponds located in the Southwest 1/4 of Section 28, Township 11 North, Range 48 West of the 6th P.M., Logan County, Colorado 4. SDF: 750 o. Hughes Ponds 1. Owner: Robert H. Hughes 2. Owner Address: 415 Oakland Street, Aurora, Colorado 80010 3. Location: Recharge ponds located in the Northeast 1/4 of Section 15, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado and the Southeast 1/4 of Section 3, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado 4. SDF: Section 15: 70 Section 3: 550 The Harmony Ditch Company either owns each of the recharge facilities or has or will have an agreement with the landowner to use the recharge facilities. Some of the agreements with landowners provide for the landowner receiving a portion of the water delivered to the recharge facility. The water delivered to the landowners may be used for the purposes authorized by the decree entered in this case. **22. Other Replacement Water.** The Harmony Ditch Company claims a proportionate share of the recharge water right diverted through the Harmony Ditch pursuant to the application filed by the Julesburg Irrigation District and pending as Case No. 96CW1033**. 23. Description of Plan for Augmentation:** The Harmony Ditch Company proposes the following operation of the plan for augmentation. The Harmony Ditch Company reserves the right to propose alternative methodologies in this proceeding based on information developed during this case. **a.** Each owner of irrigation wells will be required to report on or before May 1 of each year the type of crops and number of acres of each crop to be planted and the number of acres of each such crop to be irrigated by flood irrigation and by sprinklers in the upcoming irrigation season for lands to be irrigated by each well. **b.**The amount of water pumped from each well used for irrigation included in this application will be measured by use of a flowmeter. The net ground water consumption shall be calculated as sixty-five percent (65%) of the measured ground water pumping for flood irrigation and shall be calculated as eight-five (85%) of the measured ground water pumping for sprinkler irrigation. All such pumping measurements shall be recorded on at least a monthly basis. All meters shall be totalizing flow meters and shall be properly maintained so as to assure reasonable accuracy. **c.** To the extent the water from each well used for municipal supply purposes, the water withdrawn from the well shall also be measured by use of a flowmeter. The net ground water consumption during the months of December, January and February shall be equal to ten percent (10%) of the measured ground water pumping. The net ground water consumption during the months of March through November shall be determined by the following formula: Net monthly ground water consumption = [(measured ground water pumping during the month - average monthly ground water pumping during the previous December, January and February) X eight-five percent (85%)] + [(average monthly ground water pumping during the previous December, January and February) X ten percent (10%)]. **d**. On or before May 30 of each year, a computer analysis will be made to project the net effect on the South Platte River in the upcoming year resulting from the prior and projected pumping and from prior recharge operations under Harmony Ditch system. For purposes of projecting the pumping, the average of historical pumping from the date of this application shall be used to projecting pumping for the upcoming irrigation season. Each month the analysis and projection will

be updated and reported to the Division Engineer using the actual consumptive use and recharge data. **e.** The amount of water recharged to the alluvial aquifer at each of the recharge sites will be determined by measuring the amount of water released to each site or facility, subtracting the amount of water which flowed out of or was discharged from that site or facility, and subtracting the amount of water that was lost to evaporation from that site or facility. Recharge sites used in this plan shall have the necessary measuring devices to make such measurements on a daily basis. Records of such recharge supply to each site will be maintained on a monthly basis and reported to the Division Engineer. Evaporation losses from the recharge sites will be calculated on the basis of the average water surface area for each month, the length of time of such evaporation and evaporation data obtained from a weather station. **f.** The effects on the South Platte River resulting from the consumptive use of water caused by pumping from wells or from recharge pursuant to this plan, will be calculated by means of the stream depletion factor (SDF) concept developed by the U. S. Geological Survey (Jenkins) and by means of a digital computer program based upon the SDF method. The SDF values for each of the wells and recharge sites which are a part of this plan were determined from the U.S. Geological Survey Publication entitled "Hydrogeologic Characteristics of the Valley Fill Aquifer in the Julesburg Reach of the South Platte River Valley, Colorado" and are described above. **24.** Nothing in this application shall prevent owners of the subject wells from subsequently petitioning the Court to remove any well or wells from this plan for augmentation or to operate said wells in accordance with a different decree of the Court. **APPLICATION FOR APPROVAL OF APPROPRIATIVE RIGHTS OF SUBSTITUTION AND EXCHANGE. 25**. Harmony Ditch Substitution and Exchange: The Harmony Ditch Company claims the following rights of substitution and exchange pursuant to Sections 37-80-120, 37-82-106, 37-83-104, and 37-92-101, *et seq.*, C.R.S. **26. Operation of the Substitution and Exchange:** At such times when water is delivered to the South Platte River pursuant to the plan for augmentation requested in this case in excess of the replacement requirements, the water will be substituted and exchanged for water diverted at the headgate of the Harmony Ditch. The substitution and exchange will only operate at such times when no water rights located between the point of delivery to the South Platte River and the point of diversion will be materially injured by the substitution and exchange. **27. Legal Description of Point of Diversion:** The point of diversion is the headgate of the Harmony Ditch described above. **28. Legal Description of the Reach of the South Platte River Within the Substitution and Exchange:** The water delivered to the South Platte River will be delivered within a reach of the South Platte River, consisting of an upstream point of the Harmony Ditch headgate and downstream point of the confluence of the West of the 6th P.M. **29. Date of initiation of appropriation:** March 28, 2002. **30. How appropriation was initiated**: By determination of shareholders to file this application. **31. Date water applied to beneficial use:** Not applicable. **32. Amount claimed:** 225 c.f.s., Conditional. **33. Use or Proposed Use:** The water diverted pursuant to the substitution and exchange will be used for the same uses as are specified in for the Harmony Augmentation Water Right. **34. Name and Address of Owner of Land on Which Point of Diversion and Place is Located:** The headgate of the Harmony Ditch is owned by The Harmony Ditch Company. (34 pages)

2002CW364 **Fort Morgan Reservoir and Irrigation Company** 218 East Kiowa, Suite A, Fort Morgan, Colorado 80701, Telephone: (970) 867-7561 (Timothy R. Buchanan, **Timothy R. Buchanan, P.C.**, 7703 Ralston Road, Arvada, Colorado 80002, Telephone: (303) 431-9141). **APPLICATION FOR UNDERGROUND WATER RIGHTS AND APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION**, **IN WELD AND MORGAN COUNTIES.** 1. Name, address, telephone number of applicants: Fort Morgan Reservoir and Irrigation Company, 218 Kiowa, Suite A Post Office Box 38 Fort Morgan, Colorado 80701 Telephone: (970) 867-7561 2. Fort Morgan Reservoir and Irrigation Company ("Fort Morgan Company") is a Colorado mutual ditch company that distributes water to its shareholders and to individuals and entities contracting with the Fort Morgan Company. The Fort Morgan Company owns the water rights and structures described in this application. **APPLICATION FOR UNDERGROUND WATER RIGHTS** 3. The Fort Morgan Company proposes to construct the following structures for the purpose of establishing underground water rights: Name of proposed structure: **FM Augmentation Well No 1** Legal description: Well No. 1 is proposed to be located in the South ½, Section 11, Township 3 North, Range 56 West of the 6th P.M., in Morgan County, Colorado, approximately 1860 feet from the South section line and 2500 feet from the West section line. Source: Groundwater tributary to the South Platte River Basin. Depth: 100 feet Date of initiation of appropriation: December 1, 2002 How appropriation was initiated: Survey of well locations Date water applied to beneficial use: N/A Amount claimed: 2.5 cfs Name

of proposed structure: **FM Augmentation Well No 2** Legal description: Well No. 2 is proposed to be located in the South ½, Section 11, Township 3 North, Range 56 West of the 6th P.M., in Morgan County Colorado, approximately 2465 feet from the South section line and 2500 feet from the West section line. Source: Groundwater tributary to the South Platte River Basin. Depth: 100 feet Date of initiation of appropriation: December 1, 2002 How appropriation was initiated: Survey of well locations Date water applied to beneficial use: N/A Amount claimed: 2.5 cfs Name of proposed structure: **FM Augmentation Well No 3** Legal description: Well No. 3 is proposed to be located in the North ½, Section 11, Township 3 North, Range 56 West of the 6th P.M., in Morgan County Colorado, approximately 2210 feet from the North section line and 2500 feet from the West section line. Source: Groundwater tributary to the South Platte River Basin. Depth: 100 feet Date of initiation of appropriation: December 1, 2002 How appropriation was initiated: Survey of well locations Date water applied to beneficial use: N/A Amount claimed: 2.5 cfs Name of proposed structure: **FM Augmentation Well No 4** Legal description: Well No. 4 is proposed to be located in the North ½, Section 11, Township 3 North, Range 56 West of the 6th P.M., in Morgan County Colorado approximately 1605 feet from the North section line and 2500 feet from the West section line. Source: Groundwater tributary to the South Platte River Basin. Depth: 100 feet Date of initiation of appropriation: December 1, 2002 How appropriation was initiated: Survey of well locations Date water applied to beneficial use: N/A Amount claimed: 2.5 cfs Name of proposed structure: **FM Augmentation Well No 5** Legal description: Well No. 5 is proposed to be located in the North ½, Section 11, Township 3 North, Range 56 West of the 6th P.M., in Morgan County Colorado, approximately 1000 feet from the North section line and 2500 feet from the West section line. Source: Groundwater tributary to the South Platte River Basin. Depth: 100 feet Date of initiation of appropriation: December 1, 2002 How appropriation was initiated: Survey of well locations Date water applied to beneficial use: N/A Amount claimed: 2.5 cfs Proposed Use: Irrigation and recharge and augmentation under the plan for augmentation provided for in the Decree entered on April 22, 1985 in Case No. W-2692 by the Water Court in and for Water Division No. 1, and for use in the plan for augmentation described in this application and for domestic, industrial, commercial, irrigation, stockwatering, recreation, fish and wildlife purposes, and fire protection and all other beneficial uses. The water will be used for immediate application to beneficial use, for storage and subsequent application to beneficial use, for substitution and exchange, for replacement of depletions, for recharge of the aquifer, and for augmentation purposes. The water will be fully consumed during the first use of the water, recaptured and reused, substituted and exchanged for other water until the water is fully consumed. The water will also be used to augment the uses of water described (1) in the Findings of Fact, Conclusions of Law, Judgment and Decree entered by the Water Court in and for Water Division No. 1 in Case No. 91CW035 on August 25, 1993, (2) in the Findings of Fact, Conclusions of Law, Judgment and Decree entered by the Water Court in and for Water Division No. 1 in Case No. W-9383-78 on August 25, 1993, (3) in the Findings of Fact, Conclusions of Law, Judgment and Decree entered by the Water Court in and for Water Division No. 1 in Case No. 94CW186 on July 29, 1996, (4) Findings of Fact, Conclusions of Law, Ruling of the Referee and Decree of the Court entered by the Water Court in and for Water Division No. 1 in Case No. 96CW017 on November 9, 1999, (5) the application pending in Case No. 01CW102 wherein Mr. and Mrs. Robert Seiber and the Fort Morgan Reservoir and Irrigation Company are the applicants, (6) the application pending in Case No.00CW261, wherein Fort Morgan Reservoir and Irrigation Company, Keith Bath and Fort Morgan Irrigation Company are applicants, and (7) the application pending in Case No.02CW345, wherein Fort Morgan Reservoir and Irrigation Company and Kennedy, et. al. Investments, are applicants. To the extent the water is not required for augmentation of the structures described above, the water will be sold or leased to other parties. Name and Address of Owners of Land upon which Structures are Located: Name: Milton Uhlenhopp Address: Morgan County Rd R, Brush, CO 80723 APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION Names of Structures to be augmented: The structures to be augmented are FM Augmentation Well Nos. 1, 2, 3, 4, and 5. Previous decrees for water rights to be used for augmentation: Date Entered: April 22, 1985 Case No.: W-2692 Court: District Court, Water Division No. 1, State of Colorado.Water Rights Included: The decree entered in Case No. W-2692 specified two water rights to be used for augmentation purposes: ***Fort Morgan Canal Water Right*:** Name of Structure: Fort Morgan Canal Legal Description of Each Point of Diversion: The Fort Morgan Canal Headgate is located on the South Bank of the South Platte River at a point 23 chains North and 5 chains West of the Southeast corner of Section 31, Township 5 North, Range 59 West of the 6th P.M, in Morgan County, Colorado. The headgate of the Jackson Lake Reservoir and Irrigation Company is located at a point on the North Bank of the

South Platte River 900 feet South and 200 feet West of the center of the Southeast 1/4 of Section 18, Township 4 North, Range 61 West of the 6th P.M., in Morgan County, Colorado. Source: South Platte River Amount claimed: 323 c.f.s., of which 138 c.f.s. is Absolute pursuant to the decree issued in Case No. W-2692 and pursuant to the Findings of Fact, Conclusions of Law and Decree of the Court entered by the District Court, Water Division No. 1, State of Colorado in Case No. 89CW018 on May 15, 1990, and amended on December 3, 1990, and 185 c.f.s. is Conditional. **Jackson Lake Reservoir and Irrigation Company Water Rights:** Decreed name of structure: Jackson Lake Reservoir Previous Decrees: Decree entered in Case No. 2142 by the Weld County District Court on January 15, 1914. Decree entered in Case No. 2142 by the Weld County District Court on May 11, 1915. Decree entered in Civil Action No. 16704 by the Weld County District Court on June 8, 1965. Decree entered in Case No. W-2692 by the District Court, Water Division No. 1, State of Colorado on April 22, 1985. Decreed point of diversion: The headgate of the Jackson Lake Inlet Canal is located at a point on the north bank of the South Platte River 900 feet south and 200 feet west of the center of the Southeast Quarter of Section 18, Township 4 North, Range 61 West of the 6th P.M. The inlet extends thence easterly about 10 miles to the reservoir. Jackson Lake Reservoir is located in Sections 10, 13, 14, 15, 16, 21, 22, 23, 24, 26 and 27, all in Township 5 North, Range 60 West of the 6th P.M., Morgan County, Colorado. Source of water: South Platte River Date and Amount of Appropriation: Reservoir Priority Amount Date of Date of No. (acre-feet) Appropriation Adjudication 20 30,992.00 05/18/1901 01/15/1914 20 4,637.00 05/18/1901 05/11/1915 20R 8,269.92 12/31/1929 06/08/1965 Pursuant to the decree entered on April 22, 1985 in Case No. W-2692 by the Water Court in and for Water Division No. 1, water is delivered to the South Platte River to replace depletions pursuant to various decrees. In addition to Case No. W-2692, additional water supplies are used for augmentation as described (1) in the Findings of Fact, Conclusions of Law, Judgment and Decree entered by the Water Court in and for Water Division No. 1 in Case No. 91CW035 on August 25, 1993, (2) in the Findings of Fact, Conclusions of Law, Judgment and Decree entered by the Water Court in and for Water Division No. 1 in Case No. W-9383-78 on August 25, 1993, (3) in the Findings of Fact, Conclusions of Law, Judgment and Decree entered by the Water Court in and for Water Division No. 1 in Case No. 94CW186 on July 29, 1996, (4) Findings of Fact, Conclusions of Law, Ruling of the Referee and Decree of the Court entered by the Water Court in and for Water Division No. 1 in Case No. 96CW017 on November 9, 1999, (5) the application pending in Case No. 01CW102 wherein Mr. and Mrs. Robert Seiber and the Fort Morgan Reservoir and Irrigation Company are the applicants, (6) the application pending in Case No.00CW261, wherein Fort Morgan Reservoir and Irrigation Company, Keith Bath and Fort Morgan Irrigation Company are applicants, and (7) the application pending in Case No.02CW345, wherein Fort Morgan Reservoir and Irrigation Company and Kennedy, et. al. Investments, are applicants. Statement of Plan for Augmentation: Pursuant to Paragraph 30.B. of the decree entered in Case No. W-2692, additional alluvial wells and methods of augmentation may be added to the plan for augmentation approved in the decree entered in Case No. W-2692. The underground water rights requested in this application will cause depletions to the South Platte River and will be augmented by the foregoing water rights. Depletions caused by the pumping of the wells proposed in this application shall be replaced by the augmentation sources described above and in the decree entered in Case No. W-2692. The structures to be augmented described above will be augmented on the same terms and conditions as specified for other wells described in the decree entered in Case No. W-2692. However, the Fort Morgan Company reserves the right to propose alternative methodologies in this proceeding. The effects on the South Platte River resulting from well pumping, pursuant to this plan, will be calculated by means of the Stream Depletion Factor ("SDF") concept developed by the U.S. Geological Survey (Jenkins) and by means of a digital computer program based upon the SDF method. The SDF values for each of the wells which are a part of this plan were determined from the U.S. Geological Survey Publication entitled "Hydrogeologic Characteristics of the South Platte River Valley, Colorado." For purposes of the administration of the structures to be augmented pursuant to the decree issued in Case No. 2692, the proposed wells shall have the following Stream Depletion Factors. Well No. 1: 2460 days Well No. 2: 2280 days Well No. 3: 2100 days Well No. 4: 1910 days Well No. 5: 1730 days WHEREFORE, the Applicant requests that the Court grant this application and enter a decree in conformance therewith. (9 pages)

2002CW365 EDWARD B. BELDING AND VALERIE BELDING. James G. Felt, Bradford R. Benning, Felt, Monson & Culichia, LLC, 319 N. Weber St., Colorado Springs, CO 80903 Phone Number: (719) 471-1212 Fax Number: (719) 471-1234 E-

mail: jgf@fmcwater.com. **APPLICATION FOR UNDERGROUND WATER RIGHT, IN TELLER COUNTY.**

1. Name and Address of Applicants:
Edward B. Belding and Valerie W. Belding
497 Nichole Grove
Woodland Park, CO 80863
Phone: 719-381-4357

Attorneys for Applicants:
FELT, MONSON & CULICHIA, L.L.C.
James G. Felt
319 North Weber
Colorado Springs, CO 80903
719-471-1212

2. Application for Underground Water Rights:

A. Name of Well: Belding Well

B. Legal Description: In the SW 3 SW 3 Section 14, Township 12 South, Range 69 W, 6th P.M. on a tract of land 40.11 acres described as Lot 3 Majestic Park Subdivision, Teller County, Colorado. See map attached as Exhibit A.

C. Source: Groundwater tributary to Trout Creek, tributary to Horse Creek, tributary to the South Platte River. The depth of the well is 400 feet.

D. Appropriation:

(I) Date of Initiation of Appropriation: March 2, 2000

(ii) How Appropriation Was Initiated:. Appropriation was initiated by the issuance of an exempt domestic well permit no. 223904 by the Colorado Division of Water Resources on March 2, 2000 together with Applicants= intent to appropriate the water from the well and apply the water to beneficial use. See attached Exhibit B Well Permit No. 223904.

(iii) Date Water Applied to Beneficial Use: January 12, 2002

E. Amount Claimed: Up to 15 gpm absolute.

F. Use: Fire protection, ordinary household uses inside not more than 3 single family dwellings, the irrigation of not more than 1 acre of home gardens and lawns, and the watering of domestic animals.

G. Land Ownership. The land upon which the Belding Well is located is owned by the Applicants.

H. Remarks: The well which is the subject of this Application is an exempt well issued pursuant to C.R.S. ∋ 37-92-602(3)(b)(II)(A) for the uses authorized in C.R.S. ∋ 37-92-602(1)(b) and a decree for this exempt well is sought pursuant to C.R.S. ∋ 37-92-602(4).

2002CW366 MARIE AND RAY VANDERLEEST, 2785 Del Sol Way, Parker, CO 80138. James G. Felt, Bradford R. Benning, FELT, MONSON & CULICHIA, LLC, 319 N. Weber St., Colorado Springs, CO 80903. APPLICATION FOR UNDERGROUND WATER RIGHTS AND FOR ADJUDICATION OF DENVER BASIN GROUND WATER, IN ELBERT COUNTY.

1. Name and Address of Applicants:
Marie and Ray VanderLeest
2785 Del Sol Way
Parker, CO 80138
Phone: 303-646-1114

Attorneys for Applicants:
FELT, MONSON & CULICHIA, L.L.C.
James G. Felt
319 North Weber
Colorado Springs, CO 80903
719-471-1212

2. Application for Underground Water Rights:

A. Name of Well: VanderLeest Well

B. Legal Description: In the NE 3 NE 3, Section 1, Township 7 South, Range 65 West, 6th P.M. being on Lot 19 Vista Del Sol Subdivision and located 1,050 feet from the north section line and 750 feet from the east section line of said section 1.

C. C. Source: Groundwater tributary to the South Platte River and its tributaries.

D. Appropriation:

(I) Date of Initiation of Appropriation: July 16, 1991

(ii) How Appropriation Was Initiated:. Appropriation was initiated by the issuance by the Office of the State Engineer of an exempt domestic well permit no. 160623 on July 16, 1991 together with an intent to appropriate the water from the well and apply the water to beneficial use. The depth of the well is 421 feet. See attached Exhibit A well permit no. 160623.

(iii) Date Water Applied to Beneficial Use: May 5, 1994

E. Amount Claimed: Up to 15 gpm absolute.

F. Use: Ordinary household purposes inside one single family dwelling, the watering of domestic animals, and the irrigation of not more than 3,400 square feet of home, gardens and lawns.

G. Land Ownership. The land upon which the VanderLeest Well is located is owned by the Applicants.

H. Remarks: The well which is the subject of this Application is an exempt well issued pursuant to C.R.S. ∋ 37-92-602(3)(b)(I) and a decree for this exempt well is sought pursuant to C.R.S. ∋ 37-92-602(4).

3. Application for Adjudication of Denver Basin Ground Water:

A. Legal Description of Wells: Wells to be drilled into the Upper Dawson, Lower Dawson, Denver, Upper Arapahoe and Laramie-Fox Hills aquifers as necessary to withdraw the annual amounts of water to which the Applicants are legally entitled. Applicants waive the 600 foot spacing requirement for the wells to be constructed on this property. The wells may be located anywhere upon Applicants= 3.32 acre parcel of land the legal description of which is as follows:

A tract of land in the NE 3 NE 3, Section 1, Township 7 South, Range 65 West, 6th P.M. and known as Lot 19, Vista Del Sol Subdivision, Elbert County, Colorado.

B. Source, depth, amount and character of the aquifers to be adjudicated are as set forth in the following table:

Aquifer		Saturated Thickness (FT)	Depth to Base of Aquifer (FT)	Total Ground Water Available (AF)	Annual Ground Water Availability (AF/YR)	Claimed Pumping Rate (GPM)
Upper Dawson	NNT	133	435	35.6[1]	0.356	50
Lower Dawson	NNT	41	658	26.6	0.266	50
Denver	NT	304	1414	171.6	1.716	50
Upper Arapahoe	NT	308	2021	173.8	1.738	250

Laramie-Fox Hills	NT	181	2621	90.1	0.901	100

1 The amount of water in the Upper Dawson aquifer to be adjudicated herein has been reduced by 52 acre feet total ground water availability and 0.52 annual ground water availability, such amount is allocated to State Engineer Exempt Well Permit No. 160623 adjudicated herein.

C. Proposed Uses: All beneficial uses including augmentation and exchange.

D. Land Ownership. Applicants are the owners of the land upon which all wells will be located.

E. Remarks: The above claimed amounts may be changed in any decree entered herein to conform with the State Engineer=s Determination of Facts. The Water Court will retain jurisdiction over the decree to enter a final determination of the amount of water available for appropriation in accordance with aquifer based information upon the drilling of the wells. Not non-tributary ground water resources from the Dawson and Denver aquifers are tributary to the South Platte River and any future use of those waters will be based upon a Court approved water augmentation plan.

2002CW367 **COLORADO ACADEMY**, 3800 South Pierce Street, Denver, CO 80235, Telephone 303-914-2521 (Anne J. Castle, Holland & Hart LLP, P.O. Box 8749, Denver, CO 80201, 303-295-8000). Application for Nontributary and Not Nontributary Underground Water Rights in the Denver, Arapahoe, and Laramie-Fox Hills Aquifers, **IN JEFFERSON COUNTY**. Applicant is the owner of approximately 74 acres of land located in the S½ NW¼ Section 1, Township 5 South, Range 69 West of the 6th P.M., Jefferson County, Colorado more specifically described below (the "Property") and, through this application, claims all of the ground water in the Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Property. Wells and Well Permits: Well permits will be applied for when Applicant is prepared to drill the wells. Applicant will locate a sufficient number of wells on the Property to withdraw all ground water in the Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Property. The wells may be constructed at any location on the Property, but no well will be closer than 600 feet from an existing well in the same aquifer owned by a person or entity other than Applicant. Applicant requests the right to construct additional wells as are necessary in order to recover the entire decreed amount of water or to maintain the production levels as the well yield in the aquifers declines, without the necessity of filing an amendment to this application, republishing, or petitioning the Court for the reopening of any decree hereafter entered. Applicant may establish a well field for the production of the ground water from the Denver, Arapahoe, and Laramie-Fox Hills aquifers described herein and shall be entitled to well permits for additional wells pursuant to Colo. Rev. Stat. § 37-90-137(10) and Rules 12 and 14 of the Rules and Regulations Applying to Well Permits to Withdraw Ground Water pursuant to Colo. Rev. Stat. § 37-90-137(4) ("Statewide Nontributary Rules"). Total Amount of Water Claimed: Applicant seeks a decree confirming its right to all unappropriated water underlying the Property in the Denver, Arapahoe, and Laramie-Fox Hills aquifers. The estimated average annual amounts of withdrawal 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, Applicant estimates that the following annual amounts are representative of the Denver, Arapahoe, and Laramie Fox-Hills aquifers underlying the Property: Denver Aquifer: 25.16 acre-feet not nontributary; 17% specified yield; 200 feet average saturated thickness. Upper Arapahoe Aquifer: 12.58 acre-feet nontributary; 17% specific yield; 100 feet average saturated thickness. Lower Arapahoe Aquifer: 9.43 acre-feet

nontributary; 17% specific yield; 75 feet average saturated thickness. Laramie-Fox Hills Aquifer: 22.20 acre-feet nontributary; 15% specific yield; 200 feet average saturated thickness. Applicant requests that the annual amount of withdrawal be adjusted to conform to actual local aquifer characteristics when adequate information is obtained from well drilling or test holes. Applicant claims all nontributary and not nontributary ground water underlying the Property and request the right to revise the estimated amounts of water available from the subject aquifers upward or downward, based on better or updated data, without the necessity of amending this application or republishing same. Applicant requests confirmation of the ability to withdraw the ground water in the Denver, Upper Arapahoe, Lower Arapahoe, and Laramie-Fox Hills aquifers from the wells to be constructed in the future in excess of the average annual amount decreed, so long as the sum of the total withdrawals from the aquifer does not exceed the product of the total number of years since the date of issuance of the well permit or the date of this Court's decree, whichever occurs first, and the amount of average annual withdrawal. Applicant will supplement this application with evidence that the State Engineer has issued or failed to issue, within four months of the filing of the application with this Court, a determination as to the facts of this application. Nontributary Character of Arapahoe and Laramie-Fox Hills Ground Water: Applicant asserts that the annual withdrawal of the amounts of Upper Arapahoe, Lower Arapahoe, and Laramie-Fox Hills aquifers ground water specified above, subject to the terms and conditions proposed herein, will not result in material injury to the vested water rights of others and will not, within 100 years, deplete the flow of the natural stream at an annual rate greater than 1/10 of 1% of the annual rate of withdrawal and is nontributary as defined in Colo. Rev. Stat. § 37-90-103(10.5). In order to assure that no vested water rights are materially affected by withdrawals of this nontributary ground water, no more than 98% of the water withdrawn annually from any of the future wells shall be consumed by Applicant. Not Nontributary Character of Denver Ground Water: Applicant asserts that the annual withdrawal of the amounts of Denver aquifer ground water specified above will, within 100 years, deplete the flow of the natural stream at an annual rate greater than 1/10 of 1% of the annual rate of withdrawal and is, therefore, not nontributary as defined in Colo. Rev. Stat. § 37-90-103(10.5). The location of the wells proposed to be drilled into the Denver aquifer is more than one mile from the point of contract with the nearest surface stream. In order to assure that no vested water rights are materially affected by withdrawals of this not nontributary ground water, Applicant will obtain approval of an augmentation plan providing for the replacement of at least 4% of the Denver aquifer withdrawals prior to the use of any of the water from the Denver aquifer described herein. Proposed Use of Water: The water withdrawn from the proposed wells will be used for all existing and future beneficial purposes including, without limitation, domestic, irrigation, commercial, industrial, fire protection, recreation, livestock watering, dust control, wetland establishment and maintenance, fish and wildlife, and any and all uses associated with the educational facilities located on the Property. Applicant claims the right to recapture, the right of reuse and successive use and, after use, the right to lease, sell, or otherwise dispose of said water. The right of successive use shall include the use and claiming of credit for any return flows generated, subject only to the provisions of Colo. Rev. Stat. § 37-82-106, and to Applicant's obligation to consume no more than 98% of the water withdrawn annually from the well described herein, pursuant to Rule 8 of the Denver Basin Rules. Said water will be produced for immediate application to beneficial use, both on and off the Property, for storage and subsequent application to beneficial use, for exchange purposes, for replacement of depletions, for relinquishment pursuant to Colo. Rev. Stat. § 37-90-137(9)(b), and for any other augmentation purpose. Description of the Land Overlying the Subject Nontributary Ground Water: Applicant owns approximately 74 acres of land overlying the Denver, Arapahoe, and Laramie-Fox Hills aquifers located in the S½ NW¼ Section 1, Township 5 South, Range 69 West of the 6th P.M., Jefferson County, Colorado. A legal description of the Property is attached hereto as Exhibit A. A map showing the location of the Property is attached as Exhibit B. Name and Address of Owner of Land: Applicant (See paragraph 1 above). WHEREFORE, Applicant requests that this Court enter a judgment and decree: Granting the application and awarding the underground water rights claimed; Specifically determining as a matter of hydrological and geological fact that unappropriated ground water in the estimated amounts specified in paragraph 4 is available for withdrawal by Applicant, that vested water rights of others will not be materially injured by such withdrawals, that the withdrawal of ground water in the amounts determined will not, within 100 years, deplete the flow of a natural stream at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal. Specifically determining that Applicant is entitled to appropriate all the ground water in the Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Property. Specifically determining that Applicant's full average annual entitlement from the Denver,

Arapahoe, and Laramie-Fox Hills aquifers may be produced through any combination of wells constructed into those aquifers, and that such wells shall be treated as a well field and operated in order to produce the full allocation of water from each aquifer. Specifically determining that Applicant may drill the subject wells at any point within the boundaries of the Property, without the necessity of filing any further amendments to this application, republishing, or reopening the decree. Specifically determining that the decreed determination of rights to the above described ground water in the Denver, Arapahoe, and Laramie-Fox Hills aquifers is a determination of the right to use such water for existing and future uses and that this determination is not subject to the reasonable diligence requirements of Colo. Rev. Stat. § 37-92-301 (4). Specifically determining that Applicant has the right to use successively and reuse to extinction the water which is the subject of this application, including the claiming of credit for return flows generated, subject only to the provisions of Colo. Rev. Stat. § 37-82-106 and to Applicant's obligation to consume no more than 98% of the water withdrawn annually from the subject well. Specifically determining that the return flows resulting from the use of the water that is the subject of this application can be used to replace out of priority depletions under a plan for augmentation. Directing that Applicant can withdraw the ground water in the Denver, Arapahoe, and Laramie-Fox Hills aquifers from the wells to be constructed in the future in excess of the average annual amount decreed, so long as the sum of the total withdrawals from the aquifer does not exceed the product of the total number of years since the date of issuance of the well permit or the date of this Court's decree, whichever occurs first, and the amount of average annual withdrawal. Specifically determining that Applicant has given adequate notice that the amounts decreed herein are subject to increase or decrease pursuant to this Court's retained jurisdiction. Directing the State Engineer to issue well permits in conformance with the provisions in this decree for the wells necessary to withdraw the ground water decreed herein and any additional wells required by Applicant to produce its full annual entitlement from the Denver, Arapahoe and Laramie-Fox Hills aquifers. Specifically determining that the right to use the ground water determined by this Court to be available for withdrawal shall be deemed to be a vested property right. Directing that the Water Court shall retain jurisdiction as to determination of ground water from the subject wells as is necessary to provide for the adjustment of the average annual amount of withdrawal allowed to conform to actual local aquifer characteristics from adequate information obtained from well drilling or test holes, pursuant to Colo. Rev. Stat. § 37-93-305(11). (Application-7 pages; Exhibit A-1 page; Exhibit B-oversized 1 page map)

2002CW368 **PLAYFAIR, INC. LLC**, ,. **LAWRENCE J. MCEVOY**, **RICHARD PFISTER, AND DISPERSING AGGREGATE MATERIALS, INC**., P.O. Box 1346, Breckenridge, CO 80424. Application for Water Storage Rights,Surface Water Rights, Right of Exchange, Adjudication of A Plan for Augmentation, and request to Conduct all hearings and trials, **IN PARK COUNTY**. (Charles Pisano, 400 Front Street, P.O. Box 901, Fairplay, CO 80440. Ph: 719-836-1485 . 2. Name of Reservoir: Plafair Reservoir. 3. A. Legal Description of Location of Dam ,Reservoir: The "Playfair Reservoir" is currently operated as a gravel pit under Permit Number M-84-094 issued by the Colorado Sate Division of Mining and Geology. The "Playfair Reservoir" will be located in portions of the S1/2,S1/2, Section 29 and the N1/2,N1/2 of Section 32, Township 9 South, Range 77 West, 6th P.M., Park County, Colorado. B. If Off-Channel Reserovir, Name and Capacity of Ditch Used to Fill Reservoir: the "Playfair Reservoir" will be filled and refilled with surface water diversions from the Sacramento Creek pursuant to the Water Right claimed by herein by Applicants, and by diversions from the Middle Fork of the South Platte River pursuant to the Water Right claimed herein, The Westerman Ditch Diversion). 4. Source: Sacramento Creek, tributary to the Middle Fork of the South Platte River (Sacramento Creek Ditch Number One), the Middle Fork of the South Platte River (Westerman Dtich Diversion). 5. Appropriation: A. Date of Appropriation: May 14, 2002. B. How Appropriation was initiated: by purchase of property and by conducting engineering and geological studies, construction of dam and reservoir. C. Date Water Applied to Beneficial Use: Not Applicable. 6. Amount Claimed: A. 300 acre feet, conditional. B. Rate of Diversions in cfs for Filling the Reservoir: 5 cfs, conditional. 7. Use: the "Playfair Reservoir" will be used as a storage facility for all beneficial uses, including but not limited to, power, municipal, commercial, industrial, recreation, and wildlife, flood control, navagation, domestic. 8. Surface Area of High Water Line: 12 Acres 9. Total Capacity of Playfair Reservoir: 300 acre feet. Dead Storage: zero. 10. Names and Addresses of the Owners of the Land upon which the Playfair Reservoir will be located: Same as Applciants above. I I . Surface Water Rights 1. Name of Structure: A. Saramento Creek Ditch Number One. B. Westerman Ditch Diversion 2. Legal Description of Point of Diversion: A. Sacramento Creek Ditch Number One: the SE1/4

of the SW1/4, Section 29, Township 9 South, Range 77 West, approximately 730 feet from the west line and approximately 420 feet from the south line, Park County Colorado. B. Westerman Ditch Diversion: the NE1/4NW1/4, Section 30, Township 9 South, Range 77 West, approximately 800 feet from the north section line and approximately 2070 feet from the west section line, Park County, Colorado. 3. Source: a. Sacramento Creek, tributary to the Middle Fork of the South Platte River. B. Middle Fork of the South Platte River. 4. Appropriation: a. Date: May 14, 2002 b. How: by purchasing of property and by conducting engineering and geological studies, and construction of dam and reservoir. 5. Amount claimed: 5 cfs per, CONDITIONAL. 6. Use: for all beneficial uses as described in paragraph 1-7 above. 7. Name and addresses of owners Upon which any structure is or will be Located: Snowstorn Sand and Gravel, P.O. Box 388, Fairplay, CO 80440-0388. **III.Plan for Augmentation** 1. Name of Structures to be Augmented a. Playfair Reservoir b. Guiraud 3T Ditch c. Cottage Grove Reservoir There are other water rights diverted from these structures. 2. Previous Decrees for Water Rights to Be Used for Augmentation: a. Date entered: 1. February 28, 1974 in Case W-7610-74, Water Div. 1, Water Storage Right, Salvaged Water Right, Change of Water Rights, and Approval of Plan for Augmentation, 21.82 feet for historic consumptive use. 2. December 31, 1974 in Case W-7853-74, Water Div. 1, Water Storage Right, 0.3 acre feet. 3. June 25, 1993 in Case 93CW071, Water Div. 1. Amended Plan for Augmentation 48.97 cfs. B. Legal Description of Points of diversion; 1. Cottage Grove Reservoir in the W1/2, NW1/4 of Section 19, T9S, R77W, 6th P.M., at a point which bears S. 38 degrees 54'15"E, a distance of 1471.1405 feet from the NW corner of said section 19. 2. Plafair Reservoir-see paragraph I.3 3. Guiraud #T Ditch-the headgate is located on the right bank of the Middle Fork of the South Platte River in the NE1/4NE1/4 of Sec. 8, T11S, R76W, of the 6th P.M., inm Park County Colorado. C. Source: Middle Fork, South Platte River. D. Appropriation: By purchase of property, and by conducting engineering and geological studies, and by construction of dam, and reservoir. E. Historic use: In Case W-7610 historic consumptive use was quantified at 21.82 acre feet for the Cottage Grove Reservoir; The Guiraud # T Ditch water was orginally for irrigation, but was changed to domestic, municipal, commercial, industrial, and recreational in Case W-7610-74. 3. Statement of Plan for Augmentation: As applicant has been mining, and excavating a pit approximately 20 acres in size to a depth of approximately one hundred feet, and considering that part of the property is a swamp, part of the swanp land will be dried up by the mining and excavating operation, and by intercepting drains, resulting in a lowering of the water table beneath such land to a depth of three to four feet. This will result in a salvaging of approximately 8.5 acre feet of water annually, which historically has been lost to the river. Applicant hereby claims this 8.5 acre feet of water developed from this source, which water will not be subject to call by senior water rights, and claims the right to divert such water from the Middle Fork of the South Platte River through the aforementioned Ditch's and infiltration galleries, or at other points in the event that such water is not utilized in connection with Applicants proposed development. Applicant owns approximately 75 acres at this location (see Exhibit for property description), and has plans to develop part of same into 25 residential lots, and approximately 35 acres for commercial use. Applicant desires to amend the Augmentation Plan decreed in Case No. W-7610 so as to provide a water supply for said 25 lots, and 35 acres of commercial property. The provision of a domestic water supply, will be by using one on site dometic well per lot. Outdoor irrigation will be prohibited by restrictive covenant. Water rights for the wells will not be adjudicated, and the wells will not have priority dates. Wastewater treatment and disposal will be by means of individual on lot septic systems. Applicant will have a water storage facility, the Playfair Reservoir which will store approximately 300 acre feet of water. Said Reservoir will expose groundwter the evaporation therefrom will be augmented pursuant to the plan proposed herein. Applicant may desire to keep the Playfair Reservoir full throughout the year for use of its decreed purposes. The depletions associated with the development of 25 residential lots, and the 35 acre commcerical site will be approximately 1 acre feet per year attributable to the use diverted to the 25 homesite, and 35 acre commercial site will be approximately 2 acre feet per year, and depletions attributable to the evaporation of water from the surface of the Playfair Reservoir estimated to be 76.8-96 acre feet per year. Applciant proposes to augment said depletions by storage of 240-300 acre feet per year, by leaving in the river 2.0 and 0.3 acre feet it owns associated with the Guiraud 3T Ditch Water Right, by refilling said Playfair Reservoir as needed, by salvaging 8.5 acre feet annually as above described. No injury will occur to any owner or user of any water right as a result of this plan, since the depletions associated herewith have a pattern that is virtually identical to the decreed use of the Guiraud 3T Ditch Water Right. 4. Names and Address of Owners of Land upon which structures will be located: C/O Duane S. Larson, 501 Ash, Dnever, CO ;80220. (5 pages- attachments 21 pages).

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2002CW369 EASTPARK, a Colorado general partnership, Paul J. Zilis, Vranesh and Raisch, LLP P. O. Box 871, Boulder, CO 80306. Phone Number: 303-443-6151 E-mail: pjz@vrlaw.com FAX Number: 303-443-9586. APPLICATION FOR AMENDMENT TO PLAN FOR AUGMENTATION **IN BOULDER COUNTY.**

1. Name, address, telephone number(s) (residence and business) of applicant(s):

   Eastpark, a Colorado general partnership
   c/o William Arnold, III
   Eastpark Associates
   P. O. Box 190
   Boulder, CO 80306
   303-447-2655

2. Name(s) of structure(s) to be augmented: Arnold Well No. 1.

   Are there other water rights diverted from this structure(s)? ___Yes _x_ No

3. Previous decree(s) for water right(s) to be used for augmentation:

Applicant was previously issued a Decree for a Plan for Augmentation in Case No. 85CW237 for Eastpark Well No. 1 utilizing a portion of the Applicant's 1/4 share in the New Anderson Ditch. This Application for Amendment applies to the Decree in Case No. 85CW237, and following is information concerning the New Anderson Ditch:

A. Date entered: June 2, 1882

B. Case No.: Civil Action No. 1269

C. Court: Boulder District Court

D. Type of water right (surface, underground storage): Surface.

E. Legal description of point(s) of diversion or place of storage: include distance and bearing from established government section corner or quarter corner; or distances from section lines, and indicate ¼ ¼, section number, township, range and meridian). A map is attached hereto as Exhibit 1. The location may include UTM coordinates based on Zone 13 and NAD27(CONUS) datum. In urban areas, include street address, lot, block, and subdivision:

Required Description: Boulder County	NE 1/4 of the	NE 1/4	Section 35	Township 1 N	Range 71 W	Principal Meridian 6th P.M.
Distance from section lines (section lines are typically not property lines) 625 Feet from __x__ N ____ S and 125 Feet from __x__ E ____ W of Section 35.						
Street Address: N/A						
Subdivision: N/A		Lot N/A		Block N/A		

F. Source: Boulder Creek

G. Amount: 25.0 cfs

H. Appropriation: October 1, 1860

I. Decreed use (if irrigation, include total acreage): Irrigation; total acreage not specified in Decree.

4. Historic use: The historic use of the subject 1/4 share was previously quantified in Case No. 85CW237. That Decree holds that the water had historically been utilized to irrigate approximately 6.08 acres of grass pasture and a nursery located in the NE 1/4 NE 1/4 of Section 33, Township 1 North, Range 70 West, 6th P.M., as more fully described in Exhibit 1 attached hereto and incorporated by reference herein. Case No. 85CW237 adjudicated the total historical consumptive use associated with said 1/4 share as 7.40 acre feet per year.

5. Statement of plan for augmentation, covering all applicable matters under CRS 37-92-103(9), 302(1)(2) and 305(8). Give full details of plan, including a description of all water rights to be established or changed by the plan.

A. The Decree in Case No. 85CW237 dedicated 0.82 acre feet of the historic consumptive use associated with the subject 1/4 share in the New Anderson Ditch to replace depletions from Eastpark Well No. 1. Diligence on the conditional water right was maintained through November 1999. The Decree also reserved the right of the Applicant to use the remaining water associated with said 1/4 share in the New Anderson Ditch for irrigation and future transfers. Applicant seeks to amend the Decree in Case No. 85CW237 to transfer the use of the subject 0.82 acre feet for augmentation of Eastpark Well No. 1 and to apply the remaining 6.58 acre feet of historic consumptive use to augment depletions from Arnold Well No. 1.

B. Arnold Well No. 1 will be used to irrigate lands within a tract of land located in the Northeast 1/4 Southeast 1/4 of Section 10, 5.33 acres under this Plan for Augmentation, Township 1 North, Range 69 West, 6th P.M. more particularly described in Exhibit 2 attached hereto.

C. Arnold Well No. 1 will be located in the NE 1/4 SE 1/4, Section 10, T1N, R69W, 6th P.M. at a point approximately 2,130 feet from the South section line and 38.5 feet from the East section line of said Section 10, with maximum pumping capacity of 240 gpm. A separate Water Application is being filed concurrently herewith for Arnold Well No. 1.

D. Total water diversions from Arnold Well No. 1 will be approximately 9.86 acre feet per year.

E. Applicant intends to allow a total of 7.4 acre feet of the water associated with its 1/4 share in the New Anderson Ditch which has historically been consumed, pass the New Anderson Ditch headgate during the irrigation season to replace the total depletions associated with the diversions of 9.86 acre feet per year associated with the subject well. This will prevent injury to all water users.

F. Applicant will remain a shareholder in the New Anderson Ditch at the present time, and pay all shareholder assessments on its 1/4 share of stock on the same basis as any other shareholder in the ditch company.

G. The subject 1/4 share in the New Anderson Ditch owned by Applicant entitles Applicant to an average pro rata share of the maximum diversion rate of the New Anderson Ditch of 0.0625 cfs.

H. Applicant hereby requests that its 1/4 share in the New Anderson Ditch, which is subject to this Plan for Augmentation, and was previously quantified in Case No. 85CW237, be changed from irrigation to augmentation.

I. The Decree in Case No. 85CW237 held that the Applicant must leave 5% of its share in the Anderson Ditch to compensate the shareholders for ditch losses. However, Applicant hereby claims ownership of said 5% of its right, which shall revert to Applicant if the New Anderson Ditch Company should cease to operate at some future date.

6. Name(s) and address(es) of owner(s) of the land on which structures is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use.

Eastpark, a Colorado general partnership
c/o William Arnold, III
P. O. Box 190
Boulder, CO 80306
303-447-2655

2002CW370 CONCERNING THE APPLICATION FOR WATER RIGHT IN SPRING OF DAYMAKER, INC., IN LARIMER COUNTY, COLORADO. Applicant, Daymaker, Inc. ("Applicant"), by and through its undersigned attorneys, submits this application for water right in spring, as follows: 1. Name, address and telephone number of applicant: Daymaker, Inc., c/o Mr. Paul Jonjak, 10437 Goosehaven Drive, Lafayette, CO 80026, (303) 890-0770. Please direct all pleadings to Applicant's counsel, Christopher L. Thorne and Leah A. Kukowski, Holland & Hart LLP, P.O. Box 8749, Denver, CO 80201-8749. 2. Name of structure: Daymaker Spring. 3. Legal description of point of diversion: Located in the SE 1/4 of the SW 1/4, Section 7, Township 4 North, Range 70 West, 6th P.M, approximately 200 feet from the South section line and 1400 feet from the West section line. Please see Location Map, attached as Exhibit 1. 4. Source: Fractures in crystalline bedrock. 5. Appropriation Information: *A. Date of initiation of appropriation*: January 1, 1947 (claimed – actual appropriation initiated earlier). *B. Date water applied to beneficial use*: January 1, 1947 (claimed – actual first use occurred earlier). *C. How appropriation was initiated*: The appropriation was initiated by formation of the requisite intent to appropriate coupled with actions manifesting such an intent sufficient to put third parties on notice, including but not limited to use of Daymaker Spring for the watering of livestock, installation of livestock watering tanks, and other improvements to Daymaker Spring. *D. Amount claimed*: 10 g.p.m., absolute. 6. Use or proposed use: Livestock watering. 7. Name and address of owner of land on which points of diversion and place of use(s) is (are) located: Daymaker, Inc., c/o Mr. Paul Jonjak, 10437 Goosehaven Drive, Lafayette, CO 80026. WHEREFORE, Applicant requests confirmation of the absolute surface water right described above. (3 pages plus one exhibit showing location of spring).

2002CW371 CONCERNING THE APPLICATION FOR WATER RIGHTS IN SPRINGS OF DAYMAKER, INC. IN LARIMER COUNTY, COLORADO. Applicant, Daymaker, Inc. ("Applicant"), by and through its undersigned attorneys, submits this application for water rights in springs, as follows: 1. Name, address and telephone number of applicant: Daymaker, Inc. c/o Mr. Paul Jonjak, 10437 Goosehaven Drive, Lafayette, CO 80026, (303) 890-0770. Please direct all pleadings to Applicant's counsel, Christopher L. Thorne and Leah A. Kukowski. Holland & Hart LLP, P.O. Box 8749, Denver, CO 80201-8749. 2. Names of structures: Sasquatch Spring, Thunderbyrd Spring, Edmonds Spring, Bob's Spring, and No. 60 Spring. 3. Legal description of each point of diversion: *A. Sasquatch Spring*: Located in the NE 1/4 of the NW 1/4 of Section 6, Township 4 North, Range 70 West of the 6th P.M., approximately 750 feet from the North Section line and 1950 feet from the West section line. *B. Thunderbyrd Spring*: Located in the SE 1/4 of the NE 1/4 of Section 1, Township 4 North, Range 71 West of the 6th P.M., approximately 1800 feet from the North section line and 300 feet from the East section line. *C. Edmonds Spring*: Located in the SW 1/4 of the SW 1/4 of Section 1, Township 4 North, Range 71 West of the 6th P.M., approximately 750 feet from the South section line and 1300 feet from the West section line. *D. Bob's Spring*: Located in the NE 1/4 of the NW 1/4 of Section 12, Township 4 North, Range 71 West of the 6th P.M., approximately 350 feet from the North section line and 2600 feet from the West section line. *E. No. 60 Spring*: Located in the NE 1/4 of the NE 1/4 of Section 13, Township 4 North, Range 71 West of the 6th P.M., approximately 950 feet from the North section line and 250 feet from the East section line. Please see also Location

Map, attached as Exhibit 1. 4. Source: Fractures in crystalline bedrock - Little Thompson drainage. 5. Appropriation Information: *A. Date of initiation of appropriation*: January 1, 1947 (claimed – actual appropriation initiated earlier) *B. Date water applied to beneficial use*: January 1, 1947 (claimed – actual first use occurred earlier) *C. How appropriation was initiated:* The appropriation was initiated by formation of the requisite intent to appropriate coupled with actions manifesting such an intent sufficient to put third parties on notice, including but not limited to use of springs for the watering of livestock, installation of stock watering tanks, and other spring improvements. 6. Amount claimed: *A. Sasquatch Spring*: 8 g.p.m., absolute. *B. Thunderbyrd Spring*: 8 g.p.m., absolute. *C. Edmonds Spring*: 2 g.p.m., absolute. *D. Bob's Spring*: 8 g.p.m., absolute. *E. No. 60 Spring*: 2 g.p.m., absolute. 7. Use or proposed use: Livestock watering. 8. Name and address of owner of land on which points of diversion and place of use(s) is (are) located: Daymaker, Inc., c/o Mr. Paul Jonjak, 10437 Goosehaven Drive, Lafayette, CO 80026. WHEREFORE, Applicant requests confirmation of the absolute surface water rights described above. (4 pages plus one exhibit showing location of springs).

2002CW372 APPLICATION FOR WATER RIGHTS (NATURAL LAKE LEVEL), IN JEFFERSON COUNTY, C/O SEAN T. MCALLISTER, Assistant Attorney General, Natural Resources Section, Attorneys for **CWCB,** 1525 Sherman Street, 5th Floor, Denver, Colorado 80203. Telephone: (303) 866-5053. FAX: (303) 866-3558. 1. Name, address, telephone number of applicant: Colorado Water Conservation Board, 1313 Sherman St., #721, Denver, CO 80203, Telephone No. (303) 866-3441. 2. Name of natural lake: Jewell Mountain Lake. 3. Legal description of lake: a. The lake is located at latitude 39º 53' 13"N and longitude 105º 14' 57"W in Jefferson County, Colorado. The lake is located on the Eldorado Springs and Louisville U.S.G.S. quadrangles.

4. a. Date of initiation of appropriation: January 23, 2002. b. Date water applied to beneficial use: Water was first applied to beneficial use on January 23, 2002 pursuant to § 37-92-103(4), C.R.S. (2001). c. How appropriation was initiated: A resolution directing the staff to publicly notice the Board's intent to appropriate this water right was passed by the Colorado Water Conservation Board at its regular meeting on January 23, 2002. 5. Amount of water claimed (ABSOLUTE): Twenty-eight (28) acre-feet, absolute. This is the amount of water necessary to preserve the natural elevation of the water surface at approximately 6,263 feet. 6. Remarks: This appropriation is made pursuant to the provisions of §§ 37-92-102(3) and 37-92-103(3), (4) and (10), C.R.S. (2001). The purpose of this appropriation by the State of Colorado is to preserve the natural environment to a reasonable degree. The Board has made the determination that the natural environment will be preserved to a reasonable degree by the water available for the appropriation to be made; that there is a natural environment that can be preserved to a reasonable degree with the Board's water right herein, if granted; and that such environment can exist without material injury to water rights. This determination was made subsequent to requesting and considering recommendations from the U.S. Department of Agriculture, U.S. Department of the Interior, Division of Wildlife and Division of Parks and Outdoor Recreation, among other things, and was presented upon Final Notice to the Board at its regular meeting on May 21, 2002.

2002CW373 APPLICATION FOR WATER RIGHTS (INSTREAM FLOW), PARK COUNTY, C/O SEAN T. MCALLISTER, Assistant Attorney General, Natural Resources Section, Attorneys for **CWCB**, 1525 Sherman Street, 5th Floor, Denver, Colorado 80203. Telephone: (303) 866-5053. FAX: (303) 866-3558. 1. Name, address, telephone number of applicant: Colorado Water Conservation Board, 1313 Sherman St., #721, Denver, CO 80203, Telephone No. (303) 866-3441. 2. Name of natural stream: South Fork South Platte River.

3. Location: a. Legal description of the stream segment through which an instream flow is claimed: The natural stream channel from U.S. Highway 285 at latitude 39° 04' 20" N and longitude 105° 58' 25"W as the upstream terminus and extending to a point at approximately latitude 39° 59' 54" N and longitude 105° 56' 57"W, which corresponds with the South Section Line of Sec. 13, T12S, R77W, 6th P.M. as the downstream terminus, being a distance of approximately 6.1 miles. This segment can be located on the Garo and Antero Reservoir U.S.G.S. quadrangles. 4.a. Date of initiation of appropriation: January 23, 2002. b. Date water applied to beneficial use: Water was first applied to beneficial use on January 23, 2002 pursuant to § 37-92-103(4), C.R.S. (2001). c. How appropriation was initiated: A resolution directing the staff to publicly notice the Board's intent to appropriate this water right was passed by the Colorado Water Conservation Board at its regular meeting on January 23, 2002. 5. Amount of water claimed (ABSOLUTE): Instream flow of 10.0 cfs (April 15 – October 31); 4.4 cfs (November 1 – April 14). 6. Remarks: This appropriation is made pursuant to the provisions of §§ 37-92-102(3) and 37-92-103(3), (4) and (10), C.R.S. (2001). The purpose of this appropriation by the State of Colorado is to preserve the natural environment to a reasonable degree. The Board has made the determination that the natural environment will be preserved to a reasonable degree by the water available for the appropriation to be made; that there is a natural environment that can be preserved to a reasonable degree with the Board's water right herein, if granted; and that such environment can exist without material injury to water rights. This determination was made subsequent to requesting and considering recommendations from the U.S. Department of Agriculture, U.S. Department of the Interior, Division of Wildlife and Division of Parks and Outdoor Recreation, among other things, and was presented upon Final Notice to the Board at its regular meeting on May 21, 2002.

2002CW374 APPLICATION FOR WATER RIGHTS AND APROVAL FOR PLAN OF AUGMENTATION, IN YUMA COUNTY, C/O STEPHEN C. CANN, Assistant Attorney General, Natural Resources Section, Attorneys for CWCB, 1525 Sherman Street, 5th Floor, Denver, Colorado 80203. Telephone: (303) 866-5033. FAX: (303) 866-3558. 1. Name, address, telephone number of applicant: Colorado Division of Wildlife, 6060 Broadway, Denver, CO 80216-1000, Telephone No. (303) 297-1192.

The Division of Wildlife (Division) and the Wildlife Commission, on behalf of the People of the State of Colorado, through the Office of the Attorney General, hereby request this Court to enter a decree approving a change of water right for the Bar 11 No. 2 Ditch, the Pyle-Cunningham Ditch, the Wray 2 Reservoir and to approve a plan of augmentation, including exchange, for the Division's Wray Hatchery.

The Wray Hatchery and Stalker Lake are owned and operated by the Division and are located in Yuma County, 3 miles east of the town of Wray, Colorado. The two main water supply sources for the Wray Hatchery are: 1) the Wray Hatchery Pipeline, which was decreed in Case No. 80-CW-354 and diverts from Chief Creek; and 2) the Francis Pond and Spring Collection System which diverts water under the Carroll and Gilmore Ditch water rights from Workman Creek (a.k.a. Pierce Creek).

This Court, in Case No. 80CW280 has previously decreed a change of water right for the Carroll and Gilmore Ditch from irrigation to piscatorial purposes including temporary storage in ponds and raceways at the Wray hatchery. The change decree included a quantification of the historic consumptive use of the ditch as well as the then occurring depletions associated with the hatchery operation as constructed and operated as of June 20, 1986. The findings in the decree concluded that historic consumptive use associated with the irrigation use of the ditch more than offset the then occurring depletions associated with the hatchery operation.

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The Division first acquired a portion of the hatchery property in March 1938, and since that time there have been several transactions with regard to property acquisition. Currently the property consists of approximately 424 acres. Two hundred and three acres were purchased in 1984 for the possible future expansion of the hatchery and for additional water rights. This property is known as the Sand Sage State Wildlife Area (SWA) and is located 3 miles southwest of the hatchery along the Republican River and was previously known as the Goodman property. The Sand Sage SWA was contemplated to be used for development of a new Wray 2 Hatchery. This Court in case no. 84CW131 changed a portion of the irrigation rights associated with the Bar 11 No. 2 Ditch and the Pyle-Cunningham Ditch located on the Sand Sage State Wildlife Area (SWA) for use at the proposed Wray 2 Hatchery. The decree in case no. 84CW131 was entered on November 2, 1984

Operations of the Division's Stalker Lake State Wildlife Area (SWA) are also addressed in this application. Stalker Lake is located on Chief Creek immediately south of the Wray Hatchery.

The objective of this application is to allow the Division to:

1. Use a portion of the irrigation rights previously decreed for augmentation purposes in 84CW131 for the replacement of depletions associated with the operation of new ponds, which were constructed after June 20, 1986, or which are to be constructed at the Wray Hatchery or for existing Wray Hatchery depletions.
2. Use a portion of the irrigation rights previously decreed for augmentation purposes in 84CW131 for augmentation of evaporative depletions associated with the Stalker Lake SWA.
3. Store a portion of the irrigation rights previously decreed in 84CW131 as augmentation supply water in Stalker Lake.
4. Transfer the remaining irrigation rights on the Sand Sage State Wildlife Area for use at the proposed Wray 2 Hatchery, Wray Hatchery and Stalker Lake.

Operations at the hatchery require a relatively constant diversion of water to supply the ponds and raceways. Therefore, water depletions must be augmented for those times when the hatchery's water supply is not in priority.

In the past, the Division operated the hatchery pursuant to an approved Substitute Supply Plan to replace depletions associated with the hatchery operation and nearby Stalker Lake. Two sources provided augmentation water.

First, the Division would bypass a portion of its interest in the Bar 11 Ditch No. 2 and the Pyle-Cunningham Ditch located on the Sand Sage State Wildlife Area (SWA). The consumptive use from the dry up of 82 acres of lands irrigated by these ditches was determined to be 143.5-acre feet in Case No. 84CW131.

The consumptive use credits; as determined in case 84CW131 were originally intended to offset depletions associated with the operation and maintenance of the proposed Wray 2 Hatchery. The Wray 2 Hatchery was to have been built on the Sand Sage SWA on lands historically irrigated by the Bar 11 Ditch No. 2 and the Pyle-Cunningham Ditches. However, the plans for the Wray 2 Hatchery are being revised; therefore, the Division will dedicate a portion of these established consumptive use credits to offset depletions at the existing Wray Hatchery and Stalker Lake.

This application addresses those water depletions resulting from additional Wray Hatchery operations and evaporation from Stalker Lake. Specifically, the facilities addressed in this application are:

- Francis Pond
- Wray Hatchery Pipeline Inlet Pond
- Existing Pond Nos. 1-27 and raceways

- Outlet Settling Pond (Settling Pond)
- Proposed New Ponds or Facilities to be Constructed
- Stalker Lake.

Pursuant to this plan of augmentation, the Bar 11 Ditch No. 2 augmentation water and water released from existing hatchery ponds or Stalker Lake, will be used to: 1) replace evaporative depletions from the above-listed structures; and 2) to fill the above-listed ponds during a call.

A general description of the current operations of the entire Wray Hatchery is provided to ensure an understanding of what operations and facilities are addressed by this application.

Current operation of the Wray Hatchery involves the use of twenty-seven ponds, the Francis Pond, a lower settling pond and raceways. In order to maintain proper temperatures and water quality to insure optimum growth, daily operation requires a constant flow through of water flow through the hatchery buildings and raceways. Hatching activities and early rearing take place in a separate building located near Francis Pond. Aerated and degassed water from the hatching building flows by gravity to the walleye rearing building and out to the pond system. Hydraulic gravity flow from pond 6 (solar warming pond) supplies warmed water to the "New Hatchery Building". **Figure 1** shows the detailed layout of the hatchery facilities.

Water from the Wray Hatchery Pipeline supplies water to ponds 1 through 5 and the raceways. This diversion can also provide water to ponds 22 through 26, as well as other needs throughout the hatchery. Water to the raceways is supplied from Francis Pond or Pond No. 1 and is then returned to Pond No. 4.

The settling pond is located at the lower end of the unit and used to settle out solid materials before the water is returned to Chief Creek.

Stalker Lake is filled in priority under Water Court Decree 80CW281. The source of water for filling is from surface flows of Chief Creek a tributary to the North Fork of the Republican River. The lake is typically kept full all year around and is used for cold and warm water fishing.

I. First Claim – Change of Water Rights ; Bar 11 Ditch No. 2. Previously decreed information: Date entered: Adjudicated as priority no. 3 in Civil Action No. 872 decreed on July 3, 1912. Case No.: Civil Action No. 872, W-7759-74, 84CW131. Court: Phillips County District Court and Water Court, Water Division 1. D. Type of water right (surface, underground storage): Surface. E. Legal description of point(s) of diversion or place of storage:

The headgate of the Bar 11 Ditch No. 2 was originally located on the North bank of the North Fork of the Republican River, in the NW1/4 of Section 19, Township 1 North, Range 44 W of the 6th P.M., Yuma County Colorado, approximately 300 feet South of the lines between Sections 18 and 19.

This location was changed in Case W-7759-74, to alternate points of diversion (APD) at points along the North Fork Republican River as it flows from its western most point in Section 18 through Section 9, beginning at a point 1118 feet East of the SW corner of the NE1/4 of the NW1/4, Section 18, T1N, R44W, to a point on the river in Section 9 as it crosses the East boundary line of the SW1/4 of the NE1/4 of that section.

F. Source: North Fork Republican River

G. Amount: 7cfs was decreed to ditch in Civil Action No. 872. In 1976, in case W7759-74 the entire amount was reaffirmed and approved for diversion at the

above-described alternate point of diversion. By succession of title, the Division's interest in this water right is 3.5cfs.

H. Appropriation Date: April 26, 1888.

I. Decreed use: This water right was originally decreed for irrigation and later changed for use in augmenting depletions from the Wray 2 Hatchery. Plans for construction of the Wray 2 Hatchery are being revised; therefore, the Division seeks the ability to use this right to augment the additional ponds to be constructed at the existing Wray Hatchery.

J. Proposed change: In addition to its presently decreed uses, the consumptive use associated with this right decreed in Case No. 84CW131 will be used for augmentation as requested in the Plan for Augmentation herein or will be stored in Stalker Lake or Wray 2 Reservoir for subsequent release for augmentation and/or exchange. In addition, the Division is requesting a change of the consumptive use of the remaining portion of this ditch not previously changed in Case 84-CW-131 for augmentation purposes as requested in the Plan for Augmentation herein and the proposed Wray 2 Hatchery by direct exchange or by exchange to storage and subsequent release for augmentation by exchange. Pursuant to this application the Division proposes to dry-up the remaining Bar 11 Ditch No. 2 irrigated acreage as defined in case 84CW131.

K. Historically Irrigated Acres. Figure 2 shows the location of the 43 acres to be dried-up. This acreage was historically irrigated by both the Bar 11 Ditch No.2 water right and the Pyle Cunningham water rights being changed herein.

1. Pyle-Cunningham Ditch

Previously decreed information:

A. Date entered: Adjudicated as priority no. 18 in Civil Action No. 872 decreed on July 3, 1912

B. Case No.: Civil Action No. 872, 80CW109, 84CW131

C. Court: Phillips County District Court and Water Court, Water Division 1

D. Type of water right (surface, underground storage): Surface

E. Legal description of point(s) of diversion or place of storage:

The headgate of the Pyle-Cunningham ditch was originally located on the South bank of the North Fork of the Republican River, at a point whence the SW Corner of Section 18, T1N, R44W, 6th PM, Yuma County, bears North 89°28' West, 1620 feet.

This location was changed in Case 80CW109, to alternate points of diversion (APD) at points along the North Fork Republican River from a point approximately 1118 feet East of the SW Corner of NE¼NW¼, Section 18 Easterly to a point where the river crosses the East line of the SW¼NE¼ of Section 9, T1N, R44W, 6th PM.

F. Source: North Fork Republican River

G. Amount: 13 cfs was decreed to ditch in Civil Action No. 872. In 1982, in case 80CW190, 6 cfs of the original 13 cfs was declared abandoned to the stream and 7 cfs remained absolute. By succession of title, the Division's interest in this water right is 3.5 cfs.

H. Appropriation Date: September 18, 1911.

I. Decreed use: This water right was originally decreed for irrigation and later changed for use in augmenting depletions from the Wray 2 Hatchery. Plans for construction of the Wray 2 Hatchery are being revised; therefore, the Division seeks the ability to use this right to augment the additional ponds to be constructed at the existing Wray Hatchery.

J. Proposed change: In addition to its presently decreed uses, the consumptive use associated with this right decreed in Case No. 84CW131 will be used for augmentation as requested in the Plan for Augmentation herein or will be stored in Stalker Lake or Wray 2 Reservoir for subsequent release for augmentation and/or exchange. In addition, the Division is requesting a change of the consumptive use of the remaining portion of this ditch not previously changed in Case 84-CW-131 for augmentation purposes as requested in the Plan for Augmentation herein and the proposed Wray 2 Hatchery by direct exchange or by exchange to storage and subsequent release for augmentation by exchange. Pursuant to this application the Division proposes to dry-up the remaining Pyle Cunningham Ditch water right irrigated acreage as defined in Case No. 84CW131.

K. Historically Irrigated Acres. Figure 2 shows the location of the 43 acres to be dried-up. This acreage was historically irrigated by both the Bar 11 Ditch No. 2 water right and the Pyle Cunningham water rights being changed herein.

2. Wray –2 Hatchery Reservoir

Previously decreed information:

A. Date entered: December 31, 1984

B. Case No: 84CW131, 88CW188, 95CW80

C. Court: Water Division 1

D. Type of water right (surface, underground storage): Storage

E. Legal description of point(s) of diversion or place of storage:

The Wray 2 Hatchery Reservoir is to be built in the SE¼, Section 7, T1, R44W, 6th P.M., Yuma County.

F. Source: North Fork Republican River

G. Amount: 150 Acre Feet, Conditional

H. Appropriation Date: November 27, 1983

I. Decreed use: Piscatorial, wildlife, recreation and augmentation.

J. Proposed change: Plans for construction of the Wray 2 Hatchery are being revised; In addition to its presently decreed uses, this water right will be used to augment the additional ponds to be constructed at the existing Wray Hatchery.

II. Second Claim – Plan for Augmentation

1. Pursuant to this augmentation plan, the Division will augment out of priority depletions for the Wray Hatchery and Stalker Lake. To offset the out of priority depletions from the Wray Hatchery and Stalker Lake, the Division will augment using the following water rights:

A. Bar 11 Ditch No. 2 Water previously transferred in Case No. 84CW131 – The Division's portion of this water right was decreed for use in augmenting depletions from the Wray 2 Hatchery. A portion of these water rights will be used at the existing Wray Hatchery. In case 84CW131, the Division dried up 82 of the 125 acres historically irrigated by the Bar 11 Ditch No. 2 and the Pyle Cunningham Ditch. This transfer is based on a combined average consumptive water requirement of 1.75 acre-ft per acre of historically grown crops. Thus, the total annual consumptive-use credit for the 82 acres is 143.5 acre-feet. Any of this credit not applied at the Wray Hatchery will remain available to augment future Wray 2 Hatchery development.

B. Bar 11 Ditch No. 2 and the Pyle Cunningham Ditch Water to be Transferred – Pursuant to this application, the Division proposes to dry-up the remaining Bar 11 Ditch No. 2 and the Pyle Cunningham Ditch 43 irrigated acres as defined in case 84CW131.

C. Releases from storage of Wray 2 Reservoir, Stalker Lake - Water in storage at either Wray 2 Reservoir or Stalker Lake may be used to replace any depletion. The pond or lake would then remain below its maximum capacity until such time as its storage right comes into priority or augmentation water is available for storage.

2. Augmentation is required for the following operations:

A. Out-of-Priority Filling of Ponds and Raceways: The majority of Wray Hatchery Ponds will initially be filled in priority and thus no injury will result to senior rights. Such ponds, however, need periodic refilling (as a result of O&M) which may occur out-of-priority. In order to prevent injury, the Division will develop its O&M schedule such that a refill of a pond, will occur in priority or if out-of priority, the filling will be accompanied by the draining of another pond of equal or greater size as historically administered by the water commissioner. Thus, no net depletions to the river will be experienced. If the refill of a pond 1) does not occur when the Division's rights are in priority, 2) cannot be accompanied by an equivalent draining of another as historically administered by the water commissioner, or 3) cannot be refilled from excess Bar 11 Ditch No. 2 augmentation water, then a sufficient amount of water will be released from Stalker Lake or Wray 2 Reservoir to offset the difference. Until such time as the Division's rights come back into priority Stalker Lake or Wray 2 Reservoir would then remain below its maximum capacity.

B. Evaporative Depletions**:** Out of priority evaporative losses from the Wray Hatchery structures and Stalker Lake will be replaced by the Bar 11 Ditch No. 2 and the Pyle Cunningham Ditch rights or by releasing water stored in the Wray 2 Reservoir and/or Stalker Lake and if necessary, by exchanging such augmentation water to the location of the depletion.

C. Accounting: An accounting of the necessary augmentation and out of priority replacements will be conducted in accordance with requirements by the Office of the State Engineer and the Division of Water Resources.

III. Third Claim – Exchanges

As needed Bar 11 Ditch No. 2 and the Pyle Cunningham Ditch water will be left in the North Fork of the Republican River and exchanged up Chief Creek to replace Wray Hatchery and Stalker Lake depletions. Stream loss will be assessed as required by the Division Engineer. In addition, a Bar 11 No. 2 Ditch and the Pyle Cunningham Ditch water account will be set up at Stalker Lake. Any Bar 11 Ditch No. 2 and Pyle Cunningham Ditch water not immediately used for augmentation will be exchanged up to the Bar 11 Ditch No. 2 and the Pyle Cunningham Ditch account at Stalker Lake. The Bar 11 Ditch No. 2 and Pyle Cunningham Ditch account water may be used as a source of augmentation water as needed. The date of appropriation for the exchange is May 13, 1987 based on the date of the first Substitute Supply Plan that was submitted for the Wray Hatchery.

Two separate exchanges are needed to use the Bar 11 Ditch No.2 and Pyle Cunningham Ditch water directly or from storage in Stalker Lake and Wray 2 Reservoir. The Bar 11 Direct Exchange and the Stalker Lake/Wray 2 Reservoir Exchange are described below. The locations involved in these exchanges are also described (See **Figure 3**) herein:

1. Bar 11 Direct Exchange

A. Exchange Water Source: Rights claimed in Paragraphs I. 1. and 2. above.

Source – North Fork of the Republican River
Location - Headgate of the Bar 11 Ditch No. 2: Originally located on the North bank of the North Fork of the Republican River in the NW1/4 of Section 19, Township 1 North, Range 44W of the 6th P.M., Yuma County Colorado, approximately 300 feet South of the lines between Sections 18 and 19. This location was changed in case W-7759-74 to alternate points of diversion at points along the Republican River as it flows from its western most point in Section 18 through Section 9, beginning at a point 1118 feet East of the SW corner of the NE1/4 of the NW1/4 of Section 18, T1N, R44W, to a point on the river in Section 9 as it crosses the East boundary line of the SW1/4 of the NE1/4 of that section.

B. Exchange From Point:

Source – North Fork of the Republican River
Location - Confluence of North Fork of the Republican River with Chief Creek: This confluence is located approximately 6 stream miles below the headgate of the Bar 11 Ditch No. 2 lowest alternate point of diversion). The stream miles were measured from USGS DRG for the Robb quadrangle dated January 13,1997.

C. Exchange To Points:

1. Hatchery Carroll and Gilmore Ditch: (Absolute)
   Source - Workman Creek (a.k.a. Pierce Creek)
   Location - As presently decreed source for the Hatchery, located on Workman Creek (a.k.a. Pierce Creek) in Section 34, Township 2 North Range 44 West in Yuma County.

2. Wray Hatchery Pipeline: (Absolute)

Source - Chief Creek
Location - Decreed as located at a point on the north bank of Chief Creek whence the N1/4 corner of Section 32 T2N, R44W of the 6th P.M. Yuma County bears North 20°4'14" East, 1617.55 feet.

3. Stalker Lake: (Absolute)
   Source - Chief Creek
   Location - The reservoir and dam are in the N1/2, Section 3, Township 1 North, Range 44 West of the 6th P.M., Yuma County.

4. Wray-2 Pipeline: (Conditional)
   Source - North Fork Republican River
   Location - In the NW1/4 of the NE1/4 of Section 18 T1N, R44W of the 6th P.M. in Yuma County

5. Wray-2 Reservoir: (Conditional)
   Source - North Fork of the Republican River
   Location - To be located in the SE1/4 of Section 7 T1N, R44W of the 6th P.M. in Yuma County.

D. Date of Appropriation- May 13,1987.

E. Exchange Rate and Amount - An Annual Total of 207.5 acre-feet at a rate of no more than 3.5 cfs.

2. Stalker Lake/Wray 2 Reservoir Storage Exchange

A. Exchange Water Sources:

1. Stalker Lake:
   Source - Stored Bar 11 Ditch No. 2 and Pyle Cunningham Ditch water changed pursuant to this application or water stored in priority pursuant to Paragraph IV herein.
   Location - The reservoir and dam are in the N1/2, Section 3, Township 1 North, Range 44 West of the 6th P.M., Yuma County.
   Amount - Annual Total of 70 acre-feet at a rate of no more than 10.0 cfs

Date of Appropriation- May 13, 1987.

2. Wray-2 Reservoir:
   Source - Stored Bar 11 Ditch No. 2 augmentation water or water stored in priority decreed for augmentation.
   Location - To be located in the SE1/4 of Section 7 T1N, R44W of the 6th P.M. in Yuma County.
   Amount - Annual Total of 150 acre-feet at a rate of no more than 10 cfs

Date of Appropriation- May 13, 1987

B. Exchange From Point:

1. Source – North Fork of the Republican River
   Location - Confluence of North Fork of the Republican River with Chief Creek: This confluence is located approximately 6 stream miles below the headgate of the Bar 11 Ditch No. 2 lowest alternate point of diversion). The stream miles were measured from USGS DRG for the Robb quadrangle dated January 13,1997.
   Amount – Annual Total of 220 acre-feet at a rate of no more than 10.0 cfs.

Date of Appropriation- May 13, 1987

C. Exchange To Points:

1. Hatchery Carroll and Gilmore Ditch:
   Source - Workman Creek (a.k.a. Pierce Creek)
   Location - As presently decreed source for the Hatchery, located on Workman Creek (a.k.a. Pierce Creek) in Section 34, Township 2 North Range 44 West in Yuma County.

2. Wray Hatchery Pipeline:
   Source - Chief Creek
   Location - Decreed as located at a point on the north bank of Chief Creek whence the N1/4 corner of Section 32 T2N, R44W of the 6th P.M. Yuma County bears North 20°4'14" East, 1617.55 feet.

3. Stalker Lake:
   Source - Chief Creek
   Location - The reservoir and dam are in the N1/2, Section 3, Township 1 North, Range 44 West of the 6th P.M., Yuma County.

4. Wray-2 Pipeline:
   Source - North Fork of the Republican River
   Location - In the NW1/4 of the NE1/4 of Section 18 T1N, R44W of the 6th P.M. in Yuma County

5. Wray-2 Reservoir:
   Source - North Fork of the Republican River
   Location - To be located in the SE1/4 of Section 7 T1N, R44W of the 6th P.M. in Yuma County.

D. Exchange Rate and Amount- Annual Total of 220 acre-feet at a rate of no more than 10 cfs.

E. Date of Appropriation- May 13, 1987, Conditional.

IV. Fourth Claim – Water Storage Right

1. Name of Structure: Stalker Lake.

2. Legal description: The reservoir and dam are in the N1/2, Section 3, Township 1 North, Range 44 West of the 6th P.M., Yuma County.

3. Source: Chief Creek, tributary to the North Fork of the Republican River.

4. Information about the appropriation: This appropriation was initiated by the contemplation of this augmentation plan and by the filing hereof. The date of appropriation of this right is the date of filing of this application.

5. Amount claimed: 70 acre-feet, Conditional.

6. Use: Augmentation. This structure is presently decreed for storage of water for other uses. By this application, the DOW seeks a new junior storage right in this structure for augmentation purposes.

The Colorado Division of Wildlife, and the Wildlife Commission, 6060 Broadway, Denver, CO 80216, telephone 303-291-7273, is the owner of the lands upon which the structures are or will be located and upon which water is or will be stored, or upon which water is or will be placed to beneficial use.

The Colorado Division of Wildlife and the Wildlife Commission requests the entry of a decree approving this application, including the requested change of water rights and appropriative rights of exchange and specifically determining that the source and location of delivery of augmentation water are sufficient to eliminate material injury to vested water rights.

2002CW375 Stand Firm, LLP, 27460 North Highway 67, Woodland Park, CO 80863 (Julianne M. Woldridge, MacDougall, Woldridge & Worley, P.C., attorneys for Applicant, 530 Communication Circle, Suite 204, Colorado Springs, CO 80905)Application for Underground Water Rights, **IN TELLER COUNTY**. II. Names of structures, permit numbers, locations, amounts, appropriation dates, and sources: A. The following wells located in NE¼SE¼, Sec. 2, T.12S., R.69W., 6th P.M.: Well Permit No. 058017-F, 1,950 feet from the South section line and 885 feet from the East section line; and Well Permit No. 058018-F, 2,022 feet from the South section line and 435 feet from the East section line. B. Amount: 15 g.p.m. each; 18 a.f.y. average each, absolute. C. Appropriation dates: August 14, 2002. D. Source: groundwater tributary to Trout Creek, a tributary of the South Platte River. III. How appropriations were initiated: by issuance of the well permits. Dates water applied to beneficial use: August 31, 2002. IV. Proposed use: commercial purposes, including but not limited to drinking and sanitary purposes for rental cabins and a restaurant, livestock watering, and filling of a swimming pool, at the Triple B Guest and Activity Ranch. V. Names and addresses of owners of land on which structures will be located: Applicant. VI. Remarks: Out-of-priority depletions from these wells will be augmented under an agreement between the City of Woodland Park and one of Applicant's affiliates, pursuant to an augmentation plan applied for in Case No. 02CW254. Applicant requests a decree awarding the claimed water rights and that the two wells be decreed as alternate points of diversion for each other. (5 pages)

2002CW376 COLORADO SEMINARY, c/o Paul Chan, Esq., Mary Reed Bldg., Room 310, 2199 S. University Blvd., Denver, CO 80208, (303) 871-4646. Please send copies of all filings to William A. Paddock, Carlson, Hammond, & Paddock, L.L.C., 1700 Lincoln St., Suite 3900, Denver, CO 80203-4539. Application for Approval of a Plan for Augmentation, **IN THE CITY AND COUNTY OF DENVER.** Name of Structure to be Augmented: University of Denver College of Law foundation drainage well, located in the NE¼ NE¼ of Sec. 26, T4S, R68W of the 6th P.M. Previous Decree for Water Right to be Used for Augmentation: The water rights to be used for augmentation purposes are decreed for augmentation and replacement or are fully-consumable water. The water is provided by lease with the Denver Board of Water Commissioners (the "Board") from the water rights listed in the attached Ex. A. Statement of Plan for Augmentation: The University of Denver College of Law, owned and operated by the Colorado Seminary ("DU"), is building a new law school on the University of Denver campus. The new law school is located in the NE¼ NE¼ of Sec. 26, T4S, R68W of the 6th P.M. in Denver County. The new building requires foundation drainage. DU intends to annually divert about 5.0 acre-feet of the foundation drainage water and use that water to irrigate up to 2.0 acres of lawns and landscaping, and to operate an outdoor water feature and related storage. DU will discharge all unused foundation drainage water into the existing storm drainage system. By using foundation drainage water, the use of treated potable water for irrigation will be reduced, the discharge to the storm drainage system will be reduced, and these improvements will help the building to qualify for a Leadership in Energy & Environmental Design ("LEED") certification from the U.S. Green Building Council. DU intends to use up to 5.0 acre-feet of water annually

and will consume up to 4.0 acre-feet annually. The new building is located approximately two miles east of the South Platte River. Stream depletions resulting from DU's use of foundation drainage water will impact the flows of the South Platte River mainstem or its alluvium in the SE¼ of Sec. 22, T4S, R68W of the 6th P.M. DU will replace its out-of-priority depletions with fully-consumable water or water decreed for augmentation and replacement leased from the Board. Pursuant to the lease, the Board will release the augmentation water from one of the following locations: (1) Chatfield Reservoir Outlet, located in the NE¼ of Sec. 1, T4S, R68W of the 6th P.M., approximately 9 miles upstream from where DU's depletions impact the South Platte River; (2) Littleton/Englewood ("Bi Cities") Wastewater Treatment Plant ("WWTP"), located in the NE¼ of Sec. 33, T4S, R68W of the 6th P.M., approximately where DU's depletions impact the South Platte River; (3) Metro Denver Wastewater Treatment Plant, located in the NW¼ of Sec. 12, T3S, R67W of the 6th P.M., approximately 12 miles downstream of where DU's depletions impact the South Platte River; (4) Any other point on the South Platte River or its tributaries where the Board may deliver replacement water upstream of the then-calling water right. In order to prevent injury to other water rights, augmentation water will be released by the Board upstream of the calling water right. The Division Engineer will deduct any transportation losses from the augmentation water to ensure DU's depletions to the South Platte River are fully augmented. DU will account for water uses and augmentation releases and submit this information to the Division Engineer. The Applicant is the owner of the land on which the structure is located and upon which the water is to be placed to beneficial use. (5 pages including exhibit)

2002CW377 **WELDON VALLEY DITCH COMPANY**, P.O. Box 626, Weldona, CO 80653. Applciation for Conditional Water Right, **IN WELD AND MORGAN COUNTIES**. 1. Name and Address of the Applicant: Weldon Valley Ditch Company, P.O. Box 626, Weldona, CO 80653. Please Direct Correspondence To: Mary Mead Hammond, Esq., Lee H. Johnson, Esq., Carlson, Hammond & Paddock, L.L.C., 1700 Lincoln Street, Suite 3900, Denver, Colorado 80203-4539, (303) 861-9000. 2. Name of Water Right:Weldon Valley Ditch Recharge Water Right (the ASubject Water Right≅). 3. Legal Description of Points of Diversion:The headgate of the Weldon Valley Ditch and the point of diversion of the Weldon Valley Ditch Recharge Water Right is located on the South Platte River at a point in the NW3SE 3 of Section 13, Township 4 North, Range 61 West of the 6th P.M. in Weld County, Colorado. The Subject Water Right will be diverted into the Weldon Valley Ditch and carried through said ditch. The Subject Water Right may also be diverted from the ditch into separate recharge pits located adjacent to said ditch. Although Applicant reserves the right to include additional recharge pits to be supplied by the Weldon Valley Ditch subject to the terms and conditions of the water right decreed herein, the general locations of the currently anticipated recharge pits are as follows: Recharge Pit 1:Approximately 10 surface acres in the NE3NW 3 of Section 18, Township 4 North, Range 60 West of the 6th P.M. Recharge Pit 2:Approximately 5 surface acres in the NE3NE 3 of Section 8, Township 4 North, Range 60 West of the 6th P.M. Recharge Pit 3:Approximately 10 surface acres in the SE3NW 3 of Section 3, Township 4 North, Range 60 West of the 6th P.M. Recharge Pit 4: Approximately 5 surface acres in the SW3SE 3 of Section 29, Township 5 North, Range 59 West of the 6th P.M. Recharge Pit 5:Approximately 5 surface acres in the NW3NW 3 of Section 33, Township 5 North, Range 59 West of the 6th P.M. Recharge Pit 6: Approximately 5 surface acres in the NE3NW 3 of Section 33, Township 5 North, Range 59 West of the 6th P.M. Recharge Pit

7: Approximately 8 surface acres in the SW3SW 3 of Section 27, Township 5 North, Range 59 West of the 6th P.M. A map of the Weldon Valley Ditch and initially proposed Recharge Pits is attached as Exhibit A. The Weldon Valley Ditch itself, and the Recharge Pits, are collectively referred to herein as the ARecharge Areas.≅4. Source of Water: South Platte River. 5. A. Date of Appropriation: July 24, 2002. B. How Appropriation was Initiated: By the formation of the intent to appropriate water and the performance of overt acts sufficient to manifest the requisite intent as of the date identified above.C. Date Water Applied to Beneficial Use: N/A. 6. Amount Claimed: 165 c.f.s., conditional, whenever legally and physically available, to fill and refill the Recharge Areas. 7. Use or Proposed Use: All beneficial uses including, but not limited to, recharge, augmentation, replacement and exchange and storage for the purposes identified herein. Applicant intends to use this conditional right for augmentation purposes associated with wells owned by Company shareholders and located near the Weldon Valley Ditch pursuant to an approved substitute supply plan or a subsequent decree of this Court. Water diverted into the Weldon Valley Ditch pursuant to the Subject Water Right will seep from the Ditch and will seep from the recharge pits adjacent to and supplied by said Ditch resulting in recharge to the alluvial aquifer of the South Platte River. 8. Name and Address of Owner of Land on which points of diversion and place of use are located: On information and belief, the Weldon Valley Ditch headgate is located on an easement held by, and the headgate structure itself is owned by, the Weldon Valley Ditch Company, P.O. Box 626, Weldona, Colorado. On information and belief, the recharge sites are located on lands owned by Joe Hawkins, 22411 Dunreathe Ave, Orchard, CO 80649; Christensen Bros., Inc., Larry J Christensen, President, 24951 MCR 9.5 Weldona, CO 80653; L.D. Groves, 1998 MCR X, Orchard, CO 80649; Mrs. Lucille Shaver, 8421 Hwy 144, Weldona, CO 80653; Orchard Ranch L.L.C., Dale Knapp, 1998 MCR W 7/10, Orchard, CO 80649; Larry and Ricky Lorenzini, 10222 MCR Y. Weldona, CO 80653; and, Gary and Beverly Carmin, 12801 MCR X.5, Weldona, CO 80653. 9. Remarks: A. The conditional water right, decreed herein, will be fully consumable and may be used, reused and successively used to extinction for the beneficial uses identified herein. B. The conditional water right, decreed herein, may be diverted when in priority into the Weldon Valley Ditch and may be used to fill and refill the recharge pits identified in paragraph 3, above.

2002CW379 CITY OF GOLDEN. APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION AND EXCHANGE, IN CLEAR CREEK COUNTY. 1. Name, Address and Telephone Number of Applicant. City of Golden c/o Dan Hartman, 911 10th Street, Golden, Colorado 80401 (303) 384-8000, Direct all pleadings to: Glenn E. Porzak, Kristin Howse Moseley, Porzak Browning & Bushong LLP, 929 Pearl Street, Suite 300, Boulder, Colorado 80302, (303) 443-6800. 2. Description of Water Rights to be Augmented: A. Name of structures: Golden Reservoir Nos. 1, 2 and 3. B. Description of conditional water rights: (1) Decree: The Golden Reservoirs Nos. 1, 2 and 3 were decreed by the District Court in and for Water Division No. 1 (the "Division No. 1 Water Court") in Case No. 82CW469 on October 11, 1985. (2) Decreed locations: (A) Golden Reservoir No. 1 is located in the NW1/4 SW1/4 of Section 29 and NE1/4 SE1/4 of Section 30, Township 3 South, Range 74 West of the 6th P.M., Clear Creek County, Colorado. The right (south) abutment of the dam is located at a point whence the SE corner of Section 29, Township 3 South, Range 74 West of the 6th P.M. bears South 66E 25' East a distance of 4,842 feet. (B)Golden Reservoir No. 2 is located in the N1/2 SW1/4 and the NW1/4 SE1/4 of Section 29, Township 3 South, Range 74 West of the 6th P.M., Clear Creek County, Colorado. The right (south) abutment of the dam is located at a point whence the SE corner of Section 29, Township 3 South, Range 74 West of the 6th P.M. bears South 56E 48' East a distance of 2,792 feet.(C) Golden Reservoir No. 3 is located in the N1/2 SE1/4 of Section 29, Township 3 South, Range 74 West of the 6th P.M., Clear Creek County, Colorado. The right (south) abutment of the dam is located at a point whence the SE corner of Section 29 bears South 21E 44' East a distance of 2,031 feet. (3)Source: The Golden Reservoirs will be filled by water diverted from the West Fork of

Clear Creek through the Lindstrom No. 2 Ditch and First Enlargement and the Golden Diversion Dam and Pipeline, both of which have capacities of 30 cfs, and by groundwater inflow, seepage and runoff water in the watershed of the West Fork of Clear Creek. The points of diversion for these structures are located as follows:(A) Lindstrom No. 2 Ditch and First Enlargement: located at a point in the SW1/4 NE1/4 of Section 30, Township 3 South, Range 74 West of the 6th P.M., Clear Creek County, Colorado, on the right bank of the West Fork of Clear Creek whence the SE corner of Section 29, Township 3 South, Range 74 West of the 6th P.M. bears South 66N 20' East a distance of 7900 feet. (B) Golden Diversion Dam and Pipeline: located at a point in the SE1/4 NE1/4 of Section 30, Township 3 South, Range 74 West of the 6th P.M., Clear Creek County, Colorado, on the right bank of the West Fork of Clear Creek whence the SE corner of Section 29, Township 3 South, Range 74 West of the 6th P.M. bears South 64N 20' East a distance of 6400 feet.(4) Appropriation date: June 8, 1977. (5)Amounts: (A)Golden Reservoir No. 1: active capacity of 450 acre-feet and dead storage capacity of 150 acre-feet (conditional). (B)Golden Reservoir No. 2: active capacity of 850 acre-feet and dead storage capacity of 150 acre-feet (conditional).(C) Golden Reservoir No. 3: active capacity of 875 acre-feet and dead storage capacity of 125 acre-feet (conditional). (6) Use:Domestic, municipal (including fire protection), commercial, industrial, irrigation, aesthetic, recreational, including fishing, fishery and wildlife breeding, boating and swimming, streamflow enhancement and maintenance, power generation, manufacturing, and storage. (7) Previous Augmentation Plan: A previous augmentation plan was decreed for the Golden Reservoir Nos. 1, 2 and 3 by Division No. 1 Water Court in Case No. 83CW361. By this application, Golden does not modify the augmentation plan decreed in Case No. 83CW361, rather Golden wishes to add additional augmentation sources to fill the Golden Reservoir Nos. 1, 2 and 3. 3. Description of the Sources of Augmentation Water and the Water Rights to be Used by Exchange: The following described water rights diverted from Peru Creek, a tributary of the Snake River in the Colorado River basin, and transported through the Vidler Tunnel and discharged to Leavenworth Creek, a tributary of the South Fork of Clear Creek in the South Platte River basin, will be used to augment the water rights described in paragraph 2 above, and/or will be stored by exchange: A. Rice Ranch Rights: 135 consumptive acre feet of water per year out of a total of 361 consumptive acre feet, and 11.675 cfs out of a total maximum diversion rate of 31.22 cfs, decreed by the District Court in and for Water Division No. 5 (the "Division No. 5 Water Court"), in Case No. W-217, as being historically attributable to the following described water rights: (1) Rice Ditch, decreed for 4.50 cfs with a May 3, 1893 appropriation date and a March 2, 1910 adjudication date. The originally decreed headgate of the Rice Ditch is located on the left (south) bank of the Snake River in the NW1/4 SE1/4 of Section 22, T. 5 S., R. 77 W., 6th P.M.; (2) Soda Creek Ditch, decreed for 2.72 cfs with a July 1, 1900 appropriation date and March 10, 1952 adjudication date. The originally decreed headgate of the Soda Creek Ditch is located on the right (east) bank of the Soda Creek at a point whence the South quarter corner of Section 27, T. 5 S., R. 77 W., 6th P.M., bears South 10E15' East a distance of 940 feet; (3) Phillips Ditch, decreed for 4.00 cfs with a June 1, 1904 appropriation date and a March 2, 1910 adjudication date. The originally decreed headgate of the Phillips Ditch is located on the left (west) bank of the Keystone Creek in the SW1/4 SW1/4 of Section 14, T. 5 S., R. 77 W., 6th P.M.; (4) Rice Ditch - Riley Enlargement, decreed for 10.00 cfs with a July 5, 1914 appropriation date and an October 26, 1937 adjudication date. The originally decreed headgate of the Riley Enlargement is located on the left (south) bank of the Snake River at a point whence the SW corner of Section 22, T. 5 S., R. 77 W., 6th P.M., bears S. 54E46' West a distance of 3845 feet; and (5) Rice Ditch - Rice Enlargement, decreed for 10.00 cfs with a July 5, 1914 appropriation date and a March 10, 1952 adjudication date. The originally decreed headgate of the Rice Enlargement is the same as the Rice Ditch - Riley Enlargement, as said water rights were changed by the Division No. 5 Water Court in Case Nos. W-217 and W-2110 to the following points of diversion for domestic, agricultural, industrial and municipal uses (hereinafter the "Collection System"): The Collection System consists of a system of diversion works, ditches, canals, siphons, conduits and pipelines which intercepts and takes water from various named and unnamed tributaries of Peru Creek at the following-described locations:(i) Headgate A: a point on the East bank of an unnamed tributary of Peru Creek whence the Southwest Corner of Section 9, T. 5 S., R. 75 W. of the 6th P.M. bears S. 81E49' W., 3244 feet.(ii) Headgate B: a point on the East bank of an unnamed tributary of Peru Creek whence the Southwest Corner of Section 9, T. 5 S., R. 75 W. of the 6th P.M. bears S. 71E41' W., 2864 feet. (iii) Headgate C: a point on the East bank of an unnamed tributary of Peru Creek whence the Southwest Corner of Section 9, T. 5 S., R. 75 W. of the 6th P.M. bears S. 74E50' W., 2626 feet.(iv) Headgate D: a point on the bank of an unnamed tributary of Peru Creek whence the Southwest

Corner of Section 9, T. 5 S., R. 75 W. of the 6th P.M. bears S. 73E25' W., 1771 feet. (v) Headgate E: a point on the East bank of Falls Gulch, a tributary of Peru Creek whence the Northwest Corner of Section 16, T. 5 S., R. 75 W. of the 6th P.M. bears N. 46E17'W., 1067 feet. (vi) Headgate F: a point on the East bank of an unnamed tributary of Peru Creek whence the Northwest Corner of Section 16, T. 5 S., R. 75 W. of the 6th P.M. bears N. 24E47' W., 1533 feet. The water diverted at the Collection System is transported to the west portal of the Vidler Tunnel where it is carried through the Vidler Tunnel into the headwaters of Clear Creek for use in the South Platte River basin. The west portal of the Vidler Tunnel is located in Section 9, T. 5 S., R. 75 W., Summit County, Colorado, at a point from which the SW corner of said Section 9 bears S. 85E14'08" W., 3,361 feet. The eastern portal of the Vidler Tunnel is located in Section 10, T. 5 S., R. 75 W., Clear Creek County, Colorado, at a point from which the Northwest Corner of Section 1, T. 5 S., R. 75 W., 6th P.M., bears N. 39E04'43" E., 9,185.0 feet. B. Arduser Ditch Rights: 20 consumptive acre feet of water per year out of a total of 52.5 consumptive acre feet, and 1.1428 cfs out of a total maximum diversion rate of 3 cfs, decreed by the Summit County District Court in Case No. 2350 as being historically attributable to the Arduser Ditch, Ditch No. 230, Priority No. 249, decreed by the Summit County District Court in Civil Action No. 1709 for 3 cfs, with a September 28, 1934 appropriation date and an October 26, 1937 adjudication date; changed in Case No. 2350 to the points of diversion of the Collection System for all beneficial uses. C. Vidler Tunnel Unit Water Rights. 25.2 c.f.s. decreed absolute out of 39.8 c.f.s., decreed by the Summit County District Court in Civil Action No. 2371, with a July 28, 1959 appropriation date, and a March 19, 1979 adjudication date, which may be diverted at the Collection System for domestic, agricultural, industrial and municipal uses. Of the original 39.8 c.f.s. decreed for the Vidler Tunnel Unit, 21.6 c.f.s. was made absolute for Collection System diversion points A, B, C, and D by the Division No. 5 Water Court in Case No. W-3865, 6.6 c.f.s. was made absolute for Collection System diversion point E by the Division No. 5 Water Court in Case No. 87CW246, and 3.6 c.f.s. was made absolute for Collection System diversion point F by the Division No. 5 Water Court in Case No. 95CW006. 4. Description of the Plan for Augmentation. By this application, Golden seeks the right to divert and store water out-of-priority in the Golden Reservoir Nos. 1, 2 and 3 described in paragraph 2 above for all uses decreed to those reservoirs. To permit such otherwise out-of-priority diversions and storage, Golden proposes to commit to the Clear Creek / South Platte River system an equal amount of the Rice Ranch Rights, the Arduser Ditch Rights and the Vidler Tunnel Unit Water Rights described in paragraph 3 above. All of the foregoing sources of augmentation are imported, transmountain water rights and are fully consumable. 5. Description of the Plan for Exchange. By this application, Golden further seeks the right to store by exchange the Rice Ranch Rights, the Arduser Ditch Rights and the Vidler Tunnel Unit Water Rights described in paragraph 3 above in the Golden Reservoir Nos. 1, 2 and 3 described in paragraph 2 above. The downstream terminus of the exchange is the confluence of the West Fork of Clear Creek and Clear Creek located in the NW1/4 of the SE1/4 of Section 27, Township 3 South, Range 74 West, of the 6th Principal Meridian. The upstream terminus is the Lindstrom No. 2 Ditch and Enlargement, the Golden Diversion Dam, and Golden Reservoir Nos. 1, 2 and 3 described in paragraph 2 above. The rate of exchange is 38 c.f.s. Golden seeks a December 28, 2000 priority date in connection with the subject plan for exchange, which is the date that Golden acquired the Vidler Tunnel, the Rice Ranch Rights, the Arduser Ditch Rights and the Vidler Tunnel Unit Water Rights. 6. Remarks. Conditions: (1) Measurement Devices. So as to assure the operation of the augmentation and exchange plan, Golden will install and maintain such water measuring devices and implement such accounting procedures as may be required to verify that the amount of augmentation and exchange water equals the amount of out-of-priority diversions and storage. (2) Reservoir Operations. The operation of Golden Reservoir Nos. 1, 2 and 3 as decreed in Case Nos. 82CW469 and 83CW361 will not be changed by this application. 7. Names and Addresses of Owners of Land upon which Structures is or will be Located, upon which Water is or will be Stored, or upon which Water is or will be Placed to Beneficial Use: A. The Vidler Tunnel is a transmountain water diversion tunnel approximately 1.354 miles in length that crosses through real property owned by Golden. B. The Collection System diversion points are located on property owned by the U.S. Forest Service, whose address is Dillon Ranger District, P.O. Box 620, Silverthorne, Colorado 80498 (under special use permit to Golden), and Golden (in fee title and by recorded easement). C. Golden Reservoir Nos. 1, 2, and 3 are located on property owned by Glenda M. Guanella, whose address is P.O. Box 128, Empire, CO 80438-0128 (under lease to Golden), and Sally A. Buckland, whose address is P.O. Box 56, Empire, CO 80438-0056 (under lease to Golden). D. The Lindstrom No. 2 Ditch and First Enlargement and the Golden Diversion Dam

and Pipeline are located on property owned by the U.S. Forest Service whose address is Clear Creek Ranger District, P.O. Box 3307, Idaho Springs, CO 80452 (under special use permit to Golden), by Glenda M. Guanella, whose address is P.O. Box 128, Empire, CO 80438-0128 (under lease to Golden), by Sally A. Buckland, whose address is P.O. Box 56, Empire, CO 80438-0056 (under lease to Golden) and by Bruce and Catherine Russell, whose address is 12719 William Dowdell Road, Cypress, TX 77429 (under easement to Golden).

WHEREFORE, Golden requests that this Court enter a decree which: (i) Approves Golden's plan for augmentation and exchange described in paragraphs 4 and 5; and (ii) Finds that as a result of Golden's augmentation and exchange plan there will be no injury to any owner of or persons entitled to use water under a vested water right or decreed conditional right.

2002CW380 KPLATTEVILLE, LLC. (Robert E. Schween, Robert E. Schween, P.C. P.O. Box 262104, Littleton, Colorado 80163-2104. Telephone: 303-471-5150 Facsimile: 303-470-3103. **APPLICATION FOR CHANGE OF WATER RIGHTS AND PLAN FOR AUGMENTATION, IN WELD COUNTY.**

I. Name, Address and Telephone Number of Applicant: KPLATTEVILLE, LLC, a Colorado limited liability company, c/o Wendell Geeslin, P.O. Box 190, Platteville, CO 80651. 303-654-1429.

II. Overview of Application: Applicant, by this application, seeks to change its shares in Farmers Independent Ditch Co. from irrigation to allow the historical consumptive use credit of such water rights to be diverted and/or stored at new alternate points of diversion or storage for all beneficial uses including augmentation of alluvial wells used for irrigation of the same or other lands in Weld County.

III. Application for Change of Water Rights: A. Names of water rights to be changed: Farmers Independent Ditch: Applicant seeks a change of use on five (5) shares out of a total of 800 shares in the Farmers Independent Ditch.

B. Previous Decree Information: The water rights decreed to the Farmers Independent Ditch by the District Court in Civil Action No. 6009 on April 28, 1883 are as follows:

	Appropriation Date	Amount (cfs)	Pro-Rata Amount Claimed (cfs)
Original Construction	November 20, 1865	61.60	0.385
First Enlargement	November 20, 1876	85.40	0.54

C. Decreed Points of Diversion: The decreed point of diversion for the Farmers Independent Ditch is located on the east bank of the South Platte River in the SW ¼, SW ¼, NE ¼, Section 19, Township 3 North, Range 66 West, 6th P.M., in Weld County, at a point 730 feet from the West Section Line and 1430 feet from the South Section Line. See General Location Map, **Exhibit A**. D. Source: South Platte River.

E. Historic Use: The five (5) shares were historically used to irrigate 197.69 acres in parts of Sections 13 and 14, Township 3 North, Range 67 West, 6th P.M. Annual river headgate diversion was 16,335 acre-feet ("AF"), or 102 AF per share for the period from 1950 through 2001. The crop grown was alfalfa. The historical consumptive use of the 5 shares was estimated using a modified Blaney-Criddle analysis. Based on a 10% ditch loss and a 55% farming efficiency, the average consumptive use for the five shares is 243.24 AF or 48.65 AF per share. Annual historic return flows from the use of the five shares averaged 216.19 AF or 43.24 AF per share. F. Proposed Changes: 1. Alternate Types of Use: The proposed alternate types of use for the water rights identified include all, including but not limited to irrigation, storage, recharge, augmentation and exchange, fish and wildlife purposes, and recreation.

2. Alternate Points of Diversion: The alternate points of diversion for the water rights identified are as follows: (See **Exhibit A**) (a) Meadow Island Ditch No. 2 Headgate: The decreed point of diversion for the Meadow Island Ditch No. 2 is located on the west bank of the South Platte River in the SE ¼, NW ¼, Section 1, T-2-N, R-67-W, at a point 1900 feet from the West Section line, and 1700 feet from the

North Section line. (b) Beeman Ditch Headgate: The decreed point of diversion for the Beeman Ditch is located on the left bank of the South Platte River in the SE ¼, NW ¼, Section 1, T-2-N, R-67-W, at a point 1900 feet from the West Section line, and 1700 feet from the North Section line. The Beeman Ditch shares a common river diversion point with the Meadow Island Ditch No. 2. (c) South Platte Alluvial Well No. 1: Located in the SE ¼, SE ¼, Section 25, T-3-N, R-67-W, 6th P.M. The well diverts water from the east bank of the South Platte River. (d) South Platte Alluvial Well No. 2: Located in the SE ¼, SE ¼, Section 25, T-3-N, R-67-W, 6th P.M. The well diverts water from the east bank of the South Platte River. (e) South Platte Alluvial Well No. 3: Located in the NW ¼, NE ¼, Section 1, T-2-N, R-67-W, 6th P.M. The well diverts water from the east bank of the South Platte River.

3. Alternate Points of Storage: Following the diversion of the water rights pursuant to the proposed change of use at the proposed alternate points of diversion, the water rights may be stored in one or more of the following alternate points of storage: (a) Sunata Recharge Pond No. 1: Located in the E ½, SE ¼, Section 26, T-3-N, R-67-W, 6th P.M. (b) Sunata Reservoir No. 1: Located in the E ½, SE ¼, Section 26, T-3-N, R-67-W, 6th P.M. (c) Waddle Reservoir No. 1: Located in the SE ¼, NW ¼, Section 24, T-3-N, R-67-W, 6th P.M. (d) Waddle Reservoir No. 2: Located in the N ½, NW ¼, Section 24, T-3-N, R-67-W of the 6th P.M. (e) Lorenz Reservoir No. 1: Located in the SW ¼, SW ¼, Section 30, T-3-N, R-66-W, 6th P.M. (f) Funk Reservoir No. 1: Located in the NW ¼, NE ¼, Section 1, T-2-N, R-67-W, 6th P.M. (g) Beddo Reservoir No. 1: Located in the SW ¼, NE ¼, Section 25, T-3-N, R-67-W, 6th P.M. (h) Beddo Reservoir No. 2: Located in the NW ¼, NE ¼, Section 25, T-3-N, R-67-W, 6th P.M.

IV. Application for Plan for Augmentation: A. Structures to be Augmented:

[All wells described below are located in Township 3 North, Range 67 West, 6th P.M., in Weld County. See **Exhibit A** hereto.]

1. Richter Well No. 2 (10002): Located in the SE ¼, NE ¼, Section 14, at a point 300 feet from the East Section line and 1500 feet from the North Section line. The well was adjudicated in Water Court Case No. 4190 on May 14, 1974, with an appropriation date of June 15, 1953, for 2.02 cfs. 2. Richter Well No. 3 (4081-F): Located in the NW ¼, NW ¼, Section 13, at a point 1225 feet from the West Section line and 1300 feet from the North Section line. The well was adjudicated in Water Court Case No. W-4190 on May 14, 1974, with an appropriation date of May 13, 1963, for 2.72 cfs. 3. Sandlin Well No. 1 (8684): Located in the NW ¼, NW ¼, Section 36, at a point 1000 feet from the West Section line and 1300 feet from the North Section line of said Section 36. The well was adjudicated in Water Court Case No. W-735 on June 19, 1972, with an appropriation date of June 1, 1910, for 3.22 cfs. 4 Hansen Well No. 1 (19862-1): Located in the SW ¼, SW ¼, Section 25, on the West Section line 125 feet from the South Section line. The well was adjudicated in Water Court Case No. W-2112 on April 9, 1973, with an appropriation date of December 31, 1937, for 2.00 cfs. 5. Hansen Well No. 2 (19862-2): Located in the SW ¼, SW ¼, Section 25, at a point 925 feet North and 555 feet East of the SW Corner of said Section 25. The well was adjudicated in Water Court Case No. W-2112 on April 9, 1973, with an appropriation date of August 15, 1954, for 1.78 cfs.

6. Hansen Well No. 3 (8953-F): Located in the SW ¼, SW ¼, Section 25, at a point 380 feet North and 20 feet West of the SE Corner of said Section 25. The well was adjudicated in Water Court Case No. W-2112 on April 9, 1973, with an appropriation date of June 29, 1958, for 2.22 cfs. 7. Sunata Well No. 1 (13721-R): Located in the NW ¼, SE ¼, Section 26, at a point 65 feet from the South Section line and 2428 feet from the East Section line. The well was adjudicated in Water Court Case No. W-474, on March 22, 1972, with an appropriation date of April 30, 1953, for 2.38 cfs.8. Sunata Well No. 2 (13722-R): Located in the SW ¼, SE ¼, Section 26, at a point 1380 feet from the South Section line and 2610 feet from the East Section line. The well was adjudicated in Water Court Case No. W-474 on March 22, 1972, with an appropriation date of May 31, 1954, for 2.62 cfs. 9. Sunata Well No. 3 (3724-F): Located in the SE ¼, SE ¼, Section 26, at a point 45 feet from the South Section line and 10 feet from the East Section line. The well was adjudicated in Water Court Case No. W-474 on March 22, 1972, with an appropriation date of August 20, 1962, for 2.22 cfs.10. Leitz Well No. 1 (197-RF): Located in the SW ¼, SW ¼, Section 23, at a point 75 feet from the West Section line and 75 feet from the South

Section line. The well was adjudicated in Water Court Case No. W-1829 on March 12, 1975, with an appropriation date of June 15, 1941, for 2.07 cfs. 11. Norgren Well No. 8 (15338): Located in the SW ¼, SW ¼, Section 24, at a point 30 feet North and 520 feet East of the SW Corner of said Section 24. The well was adjudicated in Water Court Case No. W-5677 on September 29, 1975, with an appropriation date of July 1, 1934, for 2.56 cfs.

12. Norgren Well No. 9 (6278): Located in the NW ¼, SE ¼, Section 24, at a point 1365 feet North and 3290 feet East of the SW Corner of said Section 24. The well was adjudicated in Water Court Case No. W-5677 on September 39, 1975, with an appropriation date of April 15, 1957, for 1.07 cfs. 13. Norgren Well 10 (4913-F): Located in the NW ¼, SW ¼, Section 24, at a point 1385 feet North and 1080 feet East of the SW Corner of said Section 24. The well was adjudicated in Water Court Case No. W-5677 on September 29, 1975, with an appropriation date of October 15, 1956, for 2.45 cfs.

B. Source of Replacement Water: 1. Farmers Independent Ditch Shares: Consumptive use credit associated with the proposed change of use contained in this application.

2. Recharge credits: Credits associated with the plan for augmentation filed with the District Court, Case No. 2002-CW-182.

C. Description of Plan for Augmentation: 1. Applicant intends to replace out-of-priority depletions caused by the pumping of the wells identified in this application through the use of the consumptive use credits associated with the identified shares of Farmers Independent Ditch. To the extent recharge and/or storage is available under any decree to be entered in Case No. 2002-CW-182, these sources may also be used. Actual stream depletions are estimated at 408.82 AF per year based on an irrigated area of 197.69 acres. Total well pumping is estimated at 480.97 AF based on an irrigation efficiency of 85%. 2. The wells are located at varying distances from the river causing lagged depletion effects on the river. Lagged stream depletions from each of the wells will be determined; the timing and quantity of these depletions will be replaced to the river when there is a call senior to that of the appropriation date for the various wells.

3. Ditch credits in excess of irrigation season depletions will be stored in any of the identified alternate places of storage. Winter depletions caused by the lagged effects of the pumping of the wells will be replaced by releasing water from any of the identified alternate places of storage, or through lagged credits accruing to the river from the Sunata Recharge Pond or ditch seepage credits from the Meadow Island Ditch No. 2 and the Beeman Ditch as identified in Case No. 2002-CW-182.

V. Names and Addresses of Owners of Land Upon Which Water Rights Are Located:

A. Magness Land Holdings, same address as Applicant. B. Kplatteville, LLC, same address as Applicant. C. Magness Platteville, LLC, same address as Applicant.

D Dearal Beddo, P.O. Box 426, Platteville, CO 80651.

VI. Jurisdiction: The Water Court has jurisdiction over the subject matter of this application pursuant to section 37-92-302, C.R.S.

WHEREFORE, Applicant, Kplatteville, LLC, requests this Court to enter a decree:

(1) Granting the application herein and awarding the plan for augmentation described herein.

(2) Retaining jurisdiction over this matter for a period necessary to assure that the operation of the plan will not cause injury to other vested water rights. FURTHER, Applicant asks the Court grant such other relief as it deems just and proper in this matter.

2002CW381 MEADOW ISLAND DITCH COMPANY No. 2. Robert E. Schween, Robert E. Schween, P.C., P.O. Box 262104, Littleton, Colorado 80163-2104. Telephone: 303-471-5150 Facsimile: 303-470-3103. **APPLICATION FOR CHANGE IN USE OF WATER RIGHTS AND PLAN FOR AUGMENTATION, IN WELD COUNTY.**

I. Names, Addresses and Telephone Numbers of Applicant: Meadow Island Ditch Company No. 2, c/o Mr. Dearal Beddo, P.O. Box 426, Platteville, CO 80651. 303-861-1748.

II. Overview of Application:

A. Applicant, by this application, seeks to change all shares in the Meadow Island Ditch No. 2 from

irrigation to irrigation and/or augmentation use and storage so that the historical consumptive use credit associated with each share of such water right may be diverted and/or stored at new alternate points of diversion or storage. All or a portion of such water rights, once quantified, may be used for the augmentation of alluvial wells used for irrigation of the same lands as historically irrigated by such water right or for irrigation of other lands.

B. Certain wells are identified in this application as structures to be augmented by a portion of the shares subject to this application. Other well owners who hold shares in the Meadow Island Ditch No. 2 may want to have their wells included in this plan for augmentation in the future but such wells have not been identified at this time. Such other well owners may join this plan at a later date, with proper notice given, or may file separate applications for augmentation based on the adjudication of this plan.

III. Application for Change of Water Rights:

A. Names of Water Rights to be Changed: Meadow Island Ditch No. 2: Applicant seeks a change of use on all 90 outstanding shares in this ditch.

B. Previous Decree Information:

1. The water rights decreed to the Meadow Island Ditch No. 2 by the District Court in Civil Action No. 6009 on April 28, 1883, are as follows:

	Appropriation Date	Amount (cfs)	Comments
Original Construction	May 3, 1866	57.83	Per Agreement of 1905, 6.42 cfs transferred to the Beeman Ditch.
First Enlargement	April 10, 1876	8.33	Per Agreement of 1905, 0.92 cfs transferred to the Beeman Ditch.

C. Decreed Point of Diversion: The decreed point of diversion for the Meadow Island Ditch No. 2 is located on the west bank of the South Platte River in the SE ¼, NW ¼, Section 1, Township 2 North, Range 67 West of the 6th P.M., at a point 1900 feet from the West Section line, and 1700 feet from the North Section line. See **Exhibit A**. D. Source: South Platte River. E. Historic Use: 1. The 90 shares have been historically used to irrigate 2905 acres in parts of Sections 22, 23, 24, 25, 26, 35, and 36, Township 3 North, Range 67 West of the 6th P.M. Annual river headgate diversions averaged 10,426 acre-feet ("AF"), or 115.8 AF per share, for the period from 1950 through 2001. Water diverted under the decreed rights for the Meadow Island Ditch No. 2 has historically used for irrigation under the Meadow Island Ditch No. 2 and the Beeman Ditch. The primary crops grown were pasture grass (60%), corn (30%), and alfalfa (10%). 2. The historic consumptive use of the 90 shares was estimated using a modified Blaney-Criddle analysis. Based on a 10% ditch loss and a 55% farming efficiency, the average historical consumptive use for the 90 shares is 4595 AF or 51.06 AF per share. Annual historical return flows from the use of the 90 shares averaged 4787 AF.

F. Proposed Change: 1. Alternate Types of Use: The proposed alternate types of use for the water rights identified include all, including but not limited to irrigation, storage, recharge, recreation, fish & wildlife uses, and augmentation and exchange. 2. Alternate Points of Diversion: The alternate points of diversion for the water rights identified are as follows:

(a) Beeman Ditch Headgate: The decreed point of diversion for the Beeman Ditch is located on the left bank of the South Platte River in the SE ¼ of the NW ¼ of Section 1, Township 2 North, Range 67 West of the 6th P.M., in Weld County, at a point 1900 feet from the West section line, and 1700 feet from the North section line. The Beeman Ditch shares a common river diversion point with the Meadow Island Ditch No. 2. (b) South Platte Alluvial Well No. 1: Located in the SE ¼, SE ¼, Section 25, Township 3 North,

Range 66 West, 6th P.M. The well will divert water from the east bank of the South Platte River.

(c) South Platte Alluvial Well No. 2: Located in the SE ¼, NE ¼, Section 25, Township 3 North, Range 67 West, 6th P.M. The well will divert water from the east bank of the South Platte River. (d) South Platte Alluvial Well No. 3: Located in the NW ¼, NE ¼, Section 1, Township 2 North, Range 67 West, 6th P.M. The well will divert water from the east bank of the South Platte River.

3. Alternate Points of Storage: Following the diversion of the water rights pursuant to the proposed change of use at the proposed alternate points of diversion, the water rights may be stored in one or more of the following alternate points of storage:

	Facility Name	Location	Section	Town, Range, 6th P.M.
(a)	Sunata Recharge Pond No. 1	E ½, SE ¼	26	T-3-N, R-67-W
(b)	Sunata Reservoir No. 1	E ½, SE ¼	26	T-3-N, R-67-W
(c)	Waddle Reservoir No. 1	SE ¼, NW ¼	24	T-3-N, R-67-W
(d)	Waddle Reservoir No. 2	N ½, NW ¼	24	T-3-N, R-67-W
(e)	Lorenz Reservoir No. 1	SW ¼, SW ¼	30	T-3-N, R-66-W
(f)	Funk Reservoir No. 1	NW ¼, NE ¼	1	T-2-N, R-67-W
(g)	Beddo Reservoir No. 1	SW ¼, NE ¼	25	T-3-N, R-67-W
(h)	Beddo Reservoir No. 2	NW ¼, NE ¼	25	T-3-N, R-67- W

III. Application for Plan for Augmentation: A. Structures to be augmented:

[All wells described below are located in Township 3 North, Range 67 West of the 6th P.M., in Weld County. See General Location Map, **Exhibit A**.]

1. Sandlin Well No. 1 (8684): Located in the NW ¼, NW ¼, Section 36, at a point 1050 feet from the West Section Line and 1300 feet from the North Section Line. The well was adjudicated in Case No. W-735, entered on June 19, 1972, with an appropriation date of June 1, 1910, for 3.22 cfs.

2. Hansen Well No. 1 (19862-1): Located in the SW ¼, SW ¼, Section 25, on the West Section Line 125 feet from the South Section Line. The well was adjudicated in Case No. 2112, entered on April 9, 1973, with an appropriation date of December 31, 1937, for 2.00 cfs.

3. Hansen Well No. 2 (19862-2): Located in the SW ¼, SW ¼, Section 25, at a point 923 feet North and 555 East of the SW Corner of said Section 25. The well was adjudicated in Case No. 2112, entered on April 9, 1973, with an appropriation date of August 15, 1954, for 1.78 cfs.

4. Hansen Well No. 3 (8953-F): Located in the SE ¼, SE ¼, Section 25, at a point 380 feet North and 20 feet West of the SE Corner of said Section 25. The well was adjudicated in Case No. 2112, on April 9, 1975, with an appropriation date of June 29, 1958, for 2.22 cfs.

5. Sunata Well No. 1 (13721-R): Located in the NW ¼, SE ¼, Section 26, at a point 64 feet from the South Section Line and 2428 feet from the East Section Line. The well was adjudicated in Case No. 474, entered on March 22, 1972, for 2.38 cfs.

6. Sunata Well No. 2 (13722-R): Located in the SW ¼, SE ¼, Section 26, at a point 1380 feet from the South Section Line and 2612 feet from the East Section Line. The well was adjudicated in Case No. W-474, entered on March 22, 1972, for 2.62 cfs.

7. Sunata Well No. 3 (3724-F): Located in the SE ¼, SE ¼, Section 26, at a point 44 feet from the South Section Line and 12 feet from the East Section Line. The well was adjudicated in Case No. W-474, entered on March 22, 1972, for 2.22 cfs.

8. Leitz Well No. 1 (RF-197): Located in the SW ¼, SW ¼, Section 23, at a point 75 feet from the West Section Line and 75 feet from the South Section Line. The well was adjudicated in Case No. W-1829 entered on March 12, 1975, with an appropriation date of June 15, 1941, for 2.07 cfs.

9. Norgren Well No. 8 (15338): Located in the SW ¼, SW ¼, Section 24, at a point 30 feet North and 519 feet East of the SW Corner of said Section 24. The well was adjudicated in Case No. W-5677 entered on September 29, 1975, with an appropriation date of July 1, 1934, for 2.56 cfs.

10. Norgren Well No. 9 (6278): Located in the NW ¼, SE ¼, Section 24, at a point 1364 feet North and 3290 feet East of the SW Corner of said Section 24. The well was adjudicated Case No. W-5677, entered on September 29, 1975, with an appropriation date of April 15, 1957, for 1.07 cfs.
11. Norgren Well No. 10 (4913-F): Located in the NW ¼, SW ¼, Section 24, at a point 1386 feet North and 1082 feet East of the SW Corner of said Section 24. The well was adjudicated in Case No. W-5677, entered on September 29, 1972, with an appropriation date of October 15, 1956, for 2.45 cfs.
12. Birkle Well No. 1(12595): Located in the SW ¼, NW ¼, Section 25, at a point 439 feet East and 221 feet North of the W ¼ Corner of said Section 25. The well was adjudicated in Case No. W-3330, entered on July 18, 1974, with an appropriation date of August 31, 1935, for 2.08 cfs.
13. Birkle Well No. 2 (04109-F): Located in the SW ¼, NW ¼, Section 25, at a point 439 feet East and 27 feet North of the W ¼ Corner of said Section 25. The well was adjudicated in Case No. W-3330, entered on July 18, 1974, with an appropriation date of May 10, 1963 for 2.84 cfs.
14. Nishimoto Well No. 1 (1-1154): Located in the SW ¼, NW ¼, SE ¼, Section 36. The well was adjudicated in Case No. W-734, with an appropriation date of December 31, 1934, for 2.67 cfs.
15. Nishimoto Well No. 2 (2-1155): Located in the SW ¼, NW ¼, SE ¼, Section 36. The well was adjudicated in Case No. W-734, with an appropriation date of December 31, 1935, for 2.22 cfs.

B. Source of Replacement Water: Meadow Island Ditch No. 2. The source of replacement water will be the consumptive use credits associated with the proposed change of use contained in this application.
C. Description for Plan for Augmentation: 1. Applicant intends to replace out-of-priority stream depletions caused by the pumping of the wells identified in this application through the use of a portion of the consumptive use credits associated with the Meadow Island Ditch No. 2, including water it has leased or allowed to be used through the Beeman Ditch. Actual stream depletions are estimated to be 1487 acre-feet per year based on an irrigated area of 890 acres. Total well pumping is estimated to be 1750 AF based on an irrigation efficiency of 85%. 2. The wells are located at varying distances from the river causing lagged depletion effects on the river. Lagged stream depletions from each of the wells will be determined; the timing and quantity of these depletions will be replaced to the river when there is a call senior to that of the appropriation date for the various wells.

3. Ditch credits in excess of irrigation season depletions will be stored in any of the identified alternate places of storage. Winter depletions caused by the lagged effects of the pumping of the wells will be replaced by releasing water from any of the identified alternate places of storage, or through lagged credits accruing to the river from the Sunata Recharge Pond or ditch seepage credits from the Meadow Island Ditch No. 2 and the Beeman Ditch as identified in Case No. 2002-CW-182.

IV. Names and Addresses of Owners of Land Upon Which Water Rights Are Located:

A. Dearal Beddo, same address as Applicant. B. Magness Land Holdings, LLC, P.O. Box 190, Platteville, CO 80651. C. Kplatteville, LLC, same address as B, above. D. Magness Platteville, LLC, same address as B, above. E. Kevin Nishimoto, 12716 Weld County Road 23, Ft Lupton, CO 80621.

V. Jurisdiction: The Water Court has jurisdiction over the subject matter of this application pursuant to section 37-92-302, C.R.S.

WHEREFORE, Applicant, Meadow Island Ditch Company No. 2, requests this Court to enter a decree: (1) Granting the application herein and awarding the change in water rights and plan for augmentation described herein. (2) Retaining jurisdiction over this matter for a period necessary to assure that the operation of the plan will not cause injury to other vested or conditionally decreed water rights. FURTHER, Applicant asks the Court grant such other relief as it deems just and proper in this matter.

2002CW382 CRANE HOLLOW LLLP, a Colorado limited liability limited partnership, c/o Steven A. Demos, Partner, 11666 Crane Hollow Drive, Longmont, CO 80503 (James R. Montgomery, Gabriel D. Carter,, Wittemyer, Harrison and Woodruff, P.C., P.O. Box 1440, Boulder, CO 80306-1440, 303-443-8782). **APPLICATION FOR UNDERGROUND WATER RIGHTS, CHANGE OF WATER RIGHT AND APPROVAL OF PLAN FOR AUGMENTATION INCLUDING EXCHANGE, IN BOULDER COUNTY. I. CLAIM FOR UNDERGROUND WATER RIGHTS FOR UNLINED GRAVEL PIT WELLS.** Crane Hollow Pond No. 1:

Permit No.: 047954-F, issued March 6, 1997. Legal description of well: Located in the NE1/4 NE1/4 and SE1/4 NE1/4 of Section 35, Township 3 North, Range 70 West of the 6th P.M., Boulder County, Colorado, with the approximate centroid of the pond at a point 1250 feet south of the north section line and 400 feet west of the east section line. Source: Underground water in the alluvium of St. Vrain Creek, which is tributary to the South Platte River. Depth: 8 feet. Date of appropriation: December 17, 1996, the date on which the State Engineer's Office approved an application for a temporary substitute supply plan for a gravel pit mining operation on applicant's property pursuant to C.R.S. § 37-80-120. Amount: Up to 18.5 acre-feet per year, CONDITIONAL, in combination with Crane Hollow Pond Nos. 2 and 3. Uses: Industrial and commercial uses for gravel mining, lake and reservoir evaporation, aesthetic, recreation, and fish and wildlife preservation and propagation. Crane Hollow Pond No. 2: Permit No.: 047954-F, issued March 06, 1975. Legal description of well: Located in the SE1/4 NE1/4 of Section 35, Township 3 North, Range 70 West of the 6th P.M., Boulder County, Colorado, with the approximate centroid of the pond at a point 1850 feet south of the north section line and 400 feet west of the east section line. Source: Underground water in the alluvium of St. Vrain Creek, which is tributary to the South Platte River. Depth: 10 feet. Date of appropriation: December 17, 1996, the date on which the State Engineer's Office approved an application for a temporary substitute supply plan for a gravel pit mining operation pursuant to C.R.S. § 37-80-120. Amount: Up to 18.5 acre-feet per year, CONDITIONAL, in combination with Crane Hollow Pond Nos. 1 and 3. Uses: Industrial and commercial uses for gravel mining, lake and reservoir evaporation, aesthetic, recreation, and fish and wildlife preservation and propagation. Crane Hollow Pond No. 3: Permit No.: 047954-F, issued March 6, 1975. Legal description of well: Located in the NE1/4 NE1/4 of Section 35, Township 3 North, Range 70 West of the 6th P.M., Boulder County, Colorado, with the approximate centroid of the pond at a point 900 feet south of the north section line and 250 feet west of the east section line. Source: Underground water in the alluvium of St. Vrain Creek, which is tributary to the South Platte River. Depth: 8 feet. Date of appropriation: December 17, 1996, the date on which the State Engineer's Office approved an application for a temporary substitute supply plan for a gravel pit mining operation on applicant's property pursuant to C.R.S. § 37-80-120. Amount: Up to 18.5 acre-feet per year, CONDITIONAL, in combination with Pond Nos. 1 and 2. Uses: Industrial and commercial uses for gravel mining, lake and reservoir evaporation, aesthetic, recreation, and fish and wildlife preservation and propagation. Remarks: The above-described ponds were permitted as wells and included in a temporary substitute water supply plan ("SSP") approved in 1996 and renewed annually through 2002. Applicant seeks conditional underground water rights for the ponds, all with an appropriation date as of the date of approval of the SSP, for the existing uses of the ponds. The gravel pit mining operation was concluded in 1999, and these existing uses include evaporative depletions from the ponds that resulted from the gravel mining operation, as well as aesthetic, recreation and fish and wildlife uses. In order to prevent injury to vested and decreed conditional rights of others, out-of-priority depletions from these uses will be replaced in accordance with the plan for augmentation described in Part III of this application. **II. CHANGE OF WATER RIGHTS.** Decreed name of structure for which change is sought: Webster-McCaslin Ditch. From previous decree: Date entered: June 2, 1882. Case No.: In the Matter of the Adjudication of the Priorities of Right to the Use of Water for Irrigation in Water District No. 5. Court : District Court of Boulder County, State of Colorado. Decreed point of diversion: On the south bank of St. Vrain Creek in the SW1/4 of the SW1/4 of Section 26, Township 3 North, Range 70 West of the 6th P.M., Boulder County, Colorado. Source: St. Vrain Creek, tributary to the South Platte River. Appropriation date: July 5, 1865. Amount: 13.23 cfs, of which applicant owns an undivided, *pro rata* interest that was sufficient for the historical irrigation of 23 acres. Based on the proportion of historically irrigated acreage on applicant's property in relation to the total acreage irrigated under the Webster-McCaslin Ditch, applicant's engineers have calculated that applicant's ownership interest is equivalent to approximately 2.24 cfs. Decreed use: Irrigation. Historic use: Applicant owns an undivided, *pro rata* interest in the Webster-McCaslin Ditch, which was historically used for the irrigation of approximately 23 acres of grass hay on applicant's property located in the NE1/4 of Section 35, Township 3 North, Range 70 West of the 6th P.M., Boulder County, Colorado. A map depicting the historically irrigated acreage on applicant's property is attached hereto as Exhibit A. A summary of diversion records for the Webster-McCaslin Ditch for the period 1950 through 1994 is attached hereto as Exhibit B, and shows that the average annual diversions from the ditch totaled 510 acre-feet per year. Historical evidence indicates that Webster-McCaslin Ditch water was regularly available for the historic irrigation practices on applicant's property. Proposed change: There are two unlined ponds located south of St. Vrain Creek on applicant's property, as described above, and a third unlined pond

north of St. Vrain Creek is located on property owned by Orville and Donna Sadar ("Sadar"). These ponds ("Ponds") are located generally in the E1/2 of the NE1/4 of Section 35, Township 3 North, Range 70 West of the 6th P.M., Boulder County, Colorado, as depicted on the map attached hereto as Exhibit C. All or a portion of the Ponds were created by a gravel pit mining operation by applicant's and Sadar's predecessor-in-interest. That predecessor-in-interest obtained a temporary substitute supply plan ("SSP") from the State Engineer's Office in 1996 to replace evaporative depletions from the Ponds both before and after the mining operation. Pursuant to an agreement with the St. Vrain & Left Hand Water Conservancy District ("District"), applicant's SSP has been renewed annually and administered in conjunction with the SSP of the District. Applicant proposes to change a portion of its ownership interest in the Webster-McCaslin Ditch, as described above, in an amount sufficient to replace out-of-priority evaporative depletions from the Ponds. The new uses will include augmentation, replacement and exchange for depletions resulting from evaporation of groundwater exposed in commercial gravel mining operations, lake and reservoir evaporation, aesthetic, recreational, and fish and wildlife preservation and propagation. When the underground water rights claimed in Part I of this application are not in priority, applicant will use part of its interest in the Webster-McCaslin Ditch water rights to replace out-of-priority depletions from the Ponds in accordance with the augmentation plan described in Part III. Applicant's engineers have estimated that the amount of Webster-McCaslin Ditch water necessary to fully augment depletions from the Ponds is that amount of water attributable to approximately 11 of the 23 historically irrigated acres on applicant's property, or approximately 1.07 cfs. **III. PLAN FOR AUGMENTATION INCLUDING EXCHANGE.** Water rights to be used for augmentation: Applicant's ownership interest in the Webster-McCaslin Ditch, as described above. Names of structures to be augmented: Crane Hollow Pond No. 1, as described above; Crane Hollow Pond No. 2, as described above; Crane Hollow Pond No. 3, as described above. No other water rights divert from these structures. Names and addresses of owners of land on which structures to be augmented are located: Crane Hollow Pond Nos. 1 and 2: Crane Hollow, LLLP, a Colorado limited liability limited partnership, c/o Steven A. Demos, Partner, 11666 Crane Hollow Drive, Longmont, CO 80503; Crane Hollow Pond No. 3: Orville and Donna Sadar, P.O. Box 34, Hygiene, CO 80533. Proposed augmentation plan: Applicant's engineers have determined that approximately 7.57 acres of surface area of the Ponds were exposed by the gravel pit mining operation and the evaporation from such area must be augmented. Based on that surface area, applicant's engineers have estimated that a total of approximately 18.5 acre-feet per year must be replaced by applicant to the stream system if the underground water rights claimed in Part I are out of priority for the entire year. Applicant proposes to change and dedicate that amount of its Webster-McCaslin Ditch rights, or such amount determined by the Court to be sufficient, to fully augment depletions from the Ponds. Monthly diversion and consumptive use amounts under the historical use of applicant's Webster-McCaslin Ditch rights and monthly depletions from the Ponds are set forth in Table 1 below.

AVERAGE MONTHLY DIVERSIONS AND CONSUMPTIVE USE FOR 11 ACRES AND POND DEPLETIONS

Month	**Proportionate Ditch Diversions**	**Historical Consumptive Use**	**Pond Depletions**
January			0.66

February			0.67
March			0.80
April	1.5	0.8	1.36
May	7.4	1.8	1.81
June	8.3	3.7	2.59
July	9.6	5.0	3.07
August	7.3	4.1	2.74
September	4.9	2.4	1.88
October	2.2	1.0	1.35
November			0.70
December			0.60
Totals	**41.2**	**18.8**	**18.23**

Applicant will account for consumptive use credits as they accrue under the changed Webster-McCaslin Ditch rights, and will also account for depletions from the Ponds, on a monthly or other basis acceptable to the Division Engineer. During the irrigation season, applicant proposes to divert its Webster-McCaslin Ditch water into Crane Hollow Pond No. 2 in an amount sufficient to fully augment evaporative depletions from the Ponds and maintain historical return flows. Return flows from applicant's interest in the Webster-McCaslin Ditch will be maintained in historical time and amount, because Pond No. 2 is located in the center of the area where the historic irrigation occurred on applicant's property. Applicant will continue to irrigate up to 12 acres of property with its remaining interest in the Webster-McCaslin Ditch in accordance with a County-approved Planned Unit Development ("PUD"). If the Webster-McCaslin Ditch is out-of-priority during the irrigation season, applicant may release needed augmentation water from one or more storage structures, as described below. Applicant may carry over unused consumptive use credit stored during one irrigation season to the next irrigation season. To account for depletions during the non-irrigation season, applicant proposes to store consumptive use credits from the changed Webster-McCaslin Ditch water rights either in storage structures owned by the District or in a lined storage structure to be constructed on applicant's property, which may include one of the Ponds or a portion thereof. Applicant is negotiating a purchase of approximately 5 acre-feet of storage space in the District's Rock'n W.P. Ranch Lake No. 4, as described below, and an agreement for the District to store and release a portion of applicant's Webster-McCaslin Ditch water for replacement of non-irrigation season depletions from the Ponds. As described below, consumptive use credits from applicant's Webster-McCaslin Ditch rights will be exchanged during the irrigation season either upstream into storage in Rock'n W.P. Ranch Lake No. 4, or alternatively will be stored in a storage structure to be constructed on applicant's property. The 11 acres historically irrigated by applicant's interest in the Webster-McCaslin Ditch being changed in this application have been permanently removed from irrigation by construction of the ponds and by residential development on applicant's property in accordance with the PUD, for subsequent release during the non-irrigation season in amounts necessary to fully replace wintertime depletions from the Ponds. Releases of applicant's Webster-McCaslin Ditch from said structure(s) may be aggregated by the Division Engineer and delivered into the stream system at such times considered to be most advantageous for water rights administration purposes. By including the third pond located on Sadar's property in this application, applicant is not assuming any legal responsibility or liability for replacement of evaporative depletions from that pond which applicant would not otherwise have and applicant hereby reserves any rights that it may possess in that regard. Description of proposed exchange: Source of water to be exchanged into storage: Applicant's ownership interest in the Webster-McCaslin Ditch, as described above. Legal description of structures in which water may be stored by exchange: Rock'n W.P. Ranch Lake No. 4: The center point of the lake, which has a surface area of approximately 40 acres, is located 2040 feet south of the north section line, and 2040 feet east of the west section line of Section 27, Township 3 North, Range 70 West of the 6th P.M., Boulder County, Colorado. Legal description of exchange: Water will be exchanged from the headgate of the Webster-McCaslin Ditch, which diverts from the South Branch of St. Vrain Creek in the SW1/4 SW1/4 of Section 26, Township 3 North, Range 70 West of the 6th P.M., Boulder County, Colorado, upstream on the South Branch of St. Vrain Creek and into storage in Rock'n W.P. Ranch Lake No. 4, which is filled via the Goss Private Ditch, which diverts from the South Branch of St. Vrain Creek in the NW1/4 of Section 27, Township 3 North, Range 70 West of the 6th P.M., Boulder County, Colorado. Appropriation date of exchange: February 10, 1997. How appropriation was initiated: By execution of an agreement with the District by applicant's predecessor in interest providing for the exchange, storage and release of applicant's Webster-McCaslin Ditch rights by the District for replacement of non-irrigation season depletions from the Ponds. Exchange amount and rate: Up to 5 acre-feet per year; 1.07 cfs maximum exchange rate, CONDITIONAL. Use of water stored by exchange: Augmentation and replacement of depletions resulting from evaporation of groundwater exposed in commercial gravel mining operations, lake and reservoir evaporation, aesthetic, recreational, and fish and wildlife preservation and propagation. Name and address of owner of land on which water will be stored by exchange: St. Vrain & Left Hand Water Conservancy District, 9595 Nelson Road, Suite 203, Longmont, Colorado 80501. (11 pages + Exhibits - 3 pages)

2002CW383 EASTPARK, a Colorado general partnership. Paul J. Zilis, Vranesh and Raisch, LLP P. O. Box 871, Boulder, CO 80306. Phone Number: 303-443-6151 E-mail: pjz@vrlaw.com

December, 2002 Resume

FAX Number: 303-443-9586. APPLICATION FOR UNDERGROUND WATER RIGHT, **IN BOULDER COUNTY.**

2. Name, address, telephone number(s) (residence and business) of applicant(s):

Eastpark, a Colorado general partnership
c/o William Arnold, III
Eastpark Associates
P. O. Box 190
Boulder, CO 80306
(303)447-2655

3. Name(s) of well(s) and permit, registration, or denial number(s). (If permit applied for, but not acted upon, give date of permit application.)

Arnold Well No. 1 (permit application submitted on December 30, 2002).

4. Legal description of well (include distance and bearing from established government section corner or quarter corner; or distances from section lines, and indicate ¼ ¼, section number, township, range and meridian; include map). The location may include UTM coordinates based on Zone 13 and NAD27(CONUS) datum. In urban areas, include street address, lot, block, and subdivision:

Required Description: Boulder County	NE 1/4 of the	SE 1/4	Section 10	Township 1 N	Range 69 W	Principal Meridian 6th P.M.
Distance from section lines (section lines are typically not property lines) 2,130 Feet from ☐ N ☒ S and 385 Feet from ☒ E ☐ W						
Street Address: N/A						
Subdivision: N/A		Lot N/A		Block N/A		

5. A. Source: Alluvial groundwater tributary to Boulder Creek.

B. Depth: 50 feet

5. A. Date of appropriation: December 24, 2002

B. How appropriation was initiated: Engineering studies, physical staking of the well-site and filing of Water Rights Application.

C. Date water applied to beneficial use: N/A

6. Amount claimed: 240 gpm ☐ Absolute ☒ Conditional

7. If well is non-tributary:

A. Name of Aquifer: N/A

B. Amount claimed in acre feet annually: N/A

8. Proposed use:

A. If irrigation, complete the following:

(1) Number of acres historically irrigated: N/A

(2) Total number of acres proposed to be irrigated: 5.33 acres will be irrigated initially and 9.56 acres will ultimately be irrigated.

(3) The legal description of the land irrigated: 5.33 acres of land located with the NE 1/4 SE 1/4, Section 10, T1N, R69 W, 6th P.M. (map attached as Exhibit 1).

(4) Area of lawns and gardens irrigated 5.33 acres

B. If non-irrigation, describe purpose fully: N/A

9. Name(s) and address(es) of owner(s) of the land upon which any structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use:

Catherine A. Arnold
1160 Cascade Avenue
Boulder, CO 80302

10. Remarks: An Application for an Amendment to a Plan for Augmentation to cover depletions from Arnold Well No. 1 for the irrigation of 5.33 acres was filed in Water Court concurrently herewith.

2002CW384, CONCERNING THE APPLICATION OF **CIMARRON PARK, LLC**, APPLICATION FOR APPROVAL OF WATER RIGHTS AND WATER STORAGE RIGHTS, **IN JEFFERSON COUNTY**. 1. Name, address, and telephone number of Applicant: Cimarron Park, LLC, 10050 Wadsworth Blvd., Westminster, CO 80021 (303) 469-2534. (Carmen S. Hall, Esq., Petrock & Fendel, P.C., 700 17th Street, #1800, Denver, Colorado 80202 (303) 534-3636). REQUEST FOR WATER RIGHTS 2. Name and location of structures: A. Cimarron Park Diversion #1, to be located approximately in the NW1/4NW1/4 of Section 24, T2S, R70W of the 6th P.M., at a point approximately 1100 feet from the north and 100 feet from the west section lines of said Section 24, as shown on

Attachment A hereto. B. Cimarron Park Diversion #2, to be located approximately in the SW1/4NW1/4 of Section 24, T2S, R70W of the 6th P.M., at a point approximately 2000 feet from the north and 1200 feet from the west section lines of said Section 24, or at a location to be determined in the future where a proposed roadway crosses Big Dry Creek, as shown on Attachment A hereto. C. Cimarron Park Diversion #3, to be located approximately in the NW1/4SE1/4 of Section 24, T2S, R70W of the 6th P.M., at a point approximately 2600 feet from the south and 2200 feet from the east section lines of said Section 24, or at a location to be determined in the future where a proposed roadway crosses Big Dry Creek, as shown on Attachment A hereto. 3. Source: Inflows tributary to Big Dry Creek, including runoff associated with proposed highways or roadways and other municipal improvements which may be constructed on and over Applicant's land, which is generally located in the N1/2, N1/2SW1/4, and NE1/4SW1/4 of Section 24, T2S, R70W of the 6th P.M., as shown on Attachment A. 4. Date of appropriation: August 1, 1986 How appropriation initiated: Intent to divert and store water and preparation of study area of possible reservoir sites on Applicant's land, which is generally located in the N1/2, N1/2SW1/4, and NE1/4SW1/4 of Section 24, T2S, R70W of the 6th P.M., as shown on Attachment A. 5. Amount Claimed: 25 cfs (conditional) through each point of diversion. 6. Uses: Municipal, including augmentation and storage (conditional). 7. Name of owner of land on which the structures for the water rights are located: Applicant REQUEST FOR WATER STORAGE RIGHT R 8. Name and location of structure: A. Cimarron Park Reservoir #1, to be located approximately in the E1/2 of Section 24, T2S, R70W of the 6th P.M., where the center of said reservoir is located at a point approximately 2000 feet from the south and 1000 feet from the east section lines of said Section 24, or at a location to be determined in the future in the same vicinity based on where a proposed roadway crosses Big Dry Creek, as shown on Attachment A hereto. B. Cimarron Park Reservoir #2, to be located approximately in the NW1/4 of Section 24, T2S, R70W of the 6th P.M., where the center of said reservoir is located at a point approximately 1400 feet from the north and 600 feet from the west section lines of said Section 24, or at a location to be determined in the future in the same vicinity based on where a proposed roadway crosses Big Dry Creek, as shown on Attachment A hereto. 9. Source: Through the points of diversion requested above. 10.Date of appropriation: August 1, 1986 How appropriation initiated: Intent to divert and store water and preparation of study area of possible reservoir sites on Applicant's land, which is generally located in the N1/2, N1/2SW1/4, and NE1/4SW1/4 of Section 24, T2S, R70W of the 6th P.M., as shown on Attachment A. 11. Amount Claimed: 500 acre-feet for Reservoir #1 and 3000 acre-feet for Reservoir #2 and right to refill (conditional). It is estimated that approximately two-thirds of these amounts will be active storage and one-third will be dead storage. 12. Estimated height and length of dam: 20 to 30 feet high for Reservoir #1 30 to 45 feet high for Reservoir #2 and 1000 to 2000 feet long for both. 13. Uses: Municipal, including augmentation and storage (conditional). 14. Name of owner of land on which the storage structures are located: Applicant WHEREFORE**,** Applicant prays that this Court enter a decree granting the application requested herein, and for such other and further relief as this Court deems just and proper in the premises.

2002CW385 APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY SOURCES, IN THE NONTRIBUTARY UPPER AND LOWER ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS

1. Name and address of applicants: **Freund Investments, LLC**, 15460 East Batavia Drive, Aurora, Colorado 80011, **Roger and Christine Swinney**, 107 South Coolidge, Aurora, Colorado 80018. Copies of all pleadings to: Richard A. Johnson, Stephen C. Larson, Johnson & Repucci LLP, 1401 Walnut, Suite 500, Boulder, Colorado 80302, (303) 442-1900. **APPLICATION FOR UNDERGROUND WATER RIGHTS, IN ARAPAHOE COUNTY.** 2. Well Permits: Well permits will be applied for prior to construction of the wells that are the subject of this Application. 3. Legal Description of Wells and Subject Property: The property which is the subject of this Application are three individual residential lots comprising two parcels of land (the "Subject Property") within the Thunderbird Estates Subdivision (the "Subdivision") located in the S1/2 of Section 7, Township 4 South, Range 65W of the 6th P.M. Applicant Freund Investments owns Lot 4, Block 4, within the Subdivision, which is a 2½ acre parcel that is also known as 208 South Coolidge, Aurora, Colorado. Applicants Roger Swinney and Christine Swinney own Lots 6 and 7, Block 5, within the Subdivision, which is a 5 acre parcel that is also known as 107 South Coolidge, Aurora, Colorado. Applicants will own a pro-rata interest in the total amount of groundwater requested herein underlying their respective lots. The wells which will withdraw the subject groundwater will be located at any location on the

Subject Property. 4. Source of Water Rights: The source of the groundwater to be withdrawn from the Arapahoe and Laramie-Fox Hills 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. Applicants estimate that the following annual amounts are representative of the aquifers underlying the Subject Property. Parts of this water may be reserved underlying certain lots for use through exempt wells, if necessary.

Aquifer	Saturated Thickness	Annual Amount
Upper Arapahoe	100.5 feet	1.3 acre-feet
Lower Arapahoe	103 feet	1.3 acre-feet
Laramie-Fox Hills	155.8 feet	1.8 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 their respective lands, through wells or any additional wells which may be completed in the future, as Applicants' well fields, subject to Rule 11.B of the Statewide Nontributary Ground Water Rules (2 C.C.R. 402-7). 7. Proposed Use: The water will be used, reused, successively used, and after use leased, sold, or otherwise disposed of for the following beneficial purposes: municipal, domestic, industrial, commercial, irrigation, livestock watering, fire protection, and 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. 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. Applicants request the right to revise the estimates upward or downward, based on revised data, without the necessity of amending this Application or republishing the same. WHEREFORE, Applicants pray that this Court enter a Decree as follows: (i) 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;
(ii) 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 pursuant to §37-92-305(11), C.R.S. and Denver Basin Rule 9.A; and (iii) vested or conditionally decreed water rights of others will not be materially injured by the withdrawals of groundwater proposed herein. FURTHER, Applicants pray that this Court grant such other relief as it deems proper in the premises.

2002CW386 CITY AND COUNTY OF DENVER, acting by and through its Department of Aviation.

I. City and County of Denver acting by and through its Department of Aviation (Aviation or Applicant), Manager of Aviation of Denver International Airport, 8500 Peña Boulevard, Denver, Colorado 80249-6340. Application for Water Right, Underground Water Right Including Plan for Augmentation and Application for Conditional Water Right, **IN ADAMS AND DENVER COUNTIES.**

II. Underground Water Right

A. Name of structure, well registration or denial number.

1. DIA Box Elder Creek Wetland Mitigation Well
   Well Permit Number 054244-F:
   a) Annual Diversions
   b) Annual Consumptive Use: 16.32 acre-feet

B. Legal Description of well:

Well Permit Number 054244-F, Box Elder Creek Wetlands NW ¼ NE ¼ Section 1 Township 2 South Range 65 West of the 6th Principal Meridian in Adams County, Colorado 600 feet from the North Section Line and 1900 feet from the East Section Line.
Well location address: Wetland excavation site is directly south of 120th Avenue on the west side of Box Elder Creek.

C. Source:

Intercepted and exposed alluvium of Box Elder Creek, tributary to the South Platte River. The well is excavated approximately 2-6 feet exposing the water table of Box Elder Creek. Well Permit Number 054244-F; Date of Appropriation: July 1, 2000. How appropriation was initiated: excavation of dirt to create a depression in the earth to intercept groundwater and surface flows of Box Elder Creek. Date water applied to beneficial use: Pond first filled on August 1, 2000.

D. Amount claimed:

Approximately 17 acre feet per year will be consumed by evaporation and evapotranspiration off of the 5.56 acres of constructed wetland. Applicant claims 17 acres absolute.

E. Proposed use:

The underground water subject of this application will be used for operation of a wetland east of DIA. This wetland is required by conditions of the Section 404 Permit granted to Applicant for the construction of DIA. The wetland is and will be used for wildlife propagation, waterfowl, recreation, scientific study site, and any other aviation related municipal purpose.

F. Name and address of the owners of the land upon which any structure is or will be located upon which water will be stored or upon which water is placed to beneficial use:

1) The land on which the wetlands is located which encompasses all structures applied for herein is under contract to sell 7.69 acres to the Department of Aviation by the Estate of Neochial M. Nazarenus, Elizabeth Tracy Hauser, Personal Representative and Trustee, 1041 Superba Ave., Venice, California 90291. Aviation has acquired a conservation easement on this property for wetland purposes.

III. Surface Water Right

Given the construction of the mitigation well, some surface flows will be intercepted, diverted and detained and or retained within the wetland. Accordingly, Applicant seeks a junior surface appropriation of a water right.

A. Name, location and description of diversion structure: See above.

B. Source of water:

Some surface flows, tributary to Box Elder Creek will, on an intermittent basis following precipitation events, flow into the mitigation wetland heretofore described.

C. Amount claimed:

Applicant claims a surface water right in the amount of 0.5 cfs conditional.

D. Priority claimed and how appropriation was initiated:

Applicant claims a priority date of July 1, 2000, which is the date that actual construction of the mitigation wetland commenced.

E. Proposed use:

Applicant proposes to use the water for the same purposes and beneficial uses as set forth heretofore in its claim for underground water associated with the mitigation wetland, i.e. 1. wildlife propagation, 2. waterfowl management, 3. recreation, 4. scientific study site and 5. all other aviation related municipal uses.

F. Name and address of the owners of the land upon which any structure, is or will be located, upon which water is stored or upon which water is placed to beneficial use:

1. The land on which water will be diverted, detained, retained and placed to beneficial use is the mitigation wetland. The City acquired a conservation easement on this property from the Estate of Neochial M. Nazarenus, Elizabeth Tracy Hauser, Personal Representative and Trustee, 1041 Superba Ave., Venice, California 90291.

IV. Application for Approval of Plan for Augmentation

A. Name of Structures to augmented:

1. Well Permit Number 054244-F: Box Elder Creek Wetland
2. Surface flows intercepted by these structures.

B. Legal Description of point(s) of diversion, place of storage and or use.

Well Permit Number 05244-F, Box Elder Creek Wetlands, NW ¼ NE ¼ Section 1 Township 2 South Range 65 West of the 6th Principal Meridian in Adams County, Colorado; 600 feet from the North Section Line and 1900 feet from the East Section Line; Well location address: Wetland excavation site is directly south of 120th Avenue on the west side of Box Elder Creek.

C. Source of water to be augmented and description of well:

The out of priority depletion covered by this plan for augmentation are associated with the evaporation and evapotranspiration from the Applicant's mitigation wetland located near Box Elder Creek.. The water table was exposed by excavation resulting in ongoing evaporation and evapotranspiration from wetland vegetation and inadvertent diversion of surface flows. These loses to the river occur in and out of priority. The priority date of the water rights claimed herein is July 1, 2000.

D. Further Remarks pertaining to underground water right appropriation:

1. The existing well identified above was included in a temporary substitute supply plan (SWSP) approved by the State Engineer. After this application is filed, Applicant will apply for an SWSP under the provisions of and in compliance with C.R.S. § 37-92-

308(4) to permit the use of this well during the time the water court proceeding is pending in this matter.

2. The wetland excavations are considered to be wells. The Applicant seeks to make the wetlands permanent by having them decreed as wells and replace evaporative losses through a plan for augmentation.

E. Statement of Plan for Augmentation :

1. Well Permit Number 054244-F: Box Elder Creek Wetland. The wetlands site is located west of Box Elder Creek, south of 120th Street, near the northern boundary of Denver International Airport. The site was excavated to intercept groundwater. In addition, surface flows will be diverted from Box Elder Creek to the wetland site. The surface area of wetlands is 5.56 acres. The estimated loss due to evaporation is 16.32 acre-feet annually. There will be no other losses of water except for evaportranspiration from the wetlands. Based on Class A pan evaporation data distributed by month using the SEO percentages, gross evaporation is estimated to be 46 inches (from NOAA Technical Report NWS 33). Effective precipitation is 70 percent of the average precipitation from the Denver Weather Station

   Denver Water has agreed to provide make-up water for the evaporative losses from the wetland. Denver Water will lease first use flows to Aviation from its facilities at DIA. The source of the water will be a hydrant at an existing Aircraft Rescue and Fire Fighting (ARFF) station located on the east side of DIA. These flows will be introduced into Box Elder Creek upstream of the wetlands site. From the point of introduction, the water is channeled to Box Elder Creek through a series of constructed storm drains and grass-lined channels. These flows shall be potable water, formerly potable water or non-potable water. All structures necessary to augment Applicant's out of priority depletions are constructed and on line.

2. Applicant's use of these water sources shall be considered a first use of said water delivered from the Denver Water Department's municipal water system. All water provided for such use is in conformance with applicable law with no warranties expressed or implied. Moreover, all right title and interest in the water shall remain with the Denver Water Department, including all rights to subsequently use, re-use, successively use that portion of said augmentation water that legally may be used to extinction.

3. Sources of augmentation water available to this plan include the water rights set forth on Exhibit No. 1 attached hereto.

4. The Denver Water Department shall set up a monitoring plan and an operations and accounting plan for the augmentation plan. This plan must be approved by state water officials.

5. Operation of the proposed plan for augmentation shall adequately make up depletions caused by the mitigation wetland as to location, timing and amount resulting in no injury to persons entitled to use waters of the South Platte and its tributaries under vested water rights and conditional water rights.

Wherefore, Applicant's respectfully request that this Court enter a decree granting the application requested herein and finding that the Applicants surface diversion and use of the underground water right sought herein, including the plan for augmentation requested herein, will prevent injury to users of vested and conditional water rights and for such other relief as this Court deems just and proper.

2002CW 387 RON GRIFFIN aka RON W. GRIFFIN and CHARLOTTE GRIFFIN, 104 Harris Street, P.O. Box 6876, Breckenridge, CO 80424; NORTH FORK ASSOCIATES, INC. and MOUNTAIN MUTUAL RESERVOIR COMPANY, c/o Bill Blatchley, 2525 South Wadsworth Blvd., Suite 306, Denver, CO 80227 (Henry D. Worley, MacDougall, Worldridge & Worley, P.C., Attorneys for Ron Griffin and Charlotte

Griffin, 530 Communication Circle, Suite 204, Colorado Springs, CO 80905) Application for Conditional Ground Water Right and for Approval of Plan for Augmentation, **IN PARK COUNTY.**

I. APPLICATION FOR CONDITIONAL GROUND WATER RIGHT.

1. Name of well and permit, registration or denial number. Griffin Well, no well permit applied for. **2. Legal description of well:** Because Applicants have not selected a house site, Applicants request the right to locate a well at any location on their 26 acre property, which is described as "that portion of the E1/2 NE1/4 lying westerly of the west bank of the Sacramento Ditch in Section 6, T. 10 S., R. 77 W., 6th P.M. in Park County, Colorado" (the "Property"). A map showing the location of the Property is attached as Figure 1. For reference only, the center of the Property is located approximately 1100 feet from the east section line and 1320 feet from the north section line of the above-referenced Section 6. **3. Source:** ground water tributary to Four Mile Creek and the South Platte River. **4. Date of appropriation:** December 31, 2002. **5. How appropriation was initiated:** By the filing of this application in water court. **6. Date water was applied to beneficial use:** N/A. **7. Amount claimed:** 15 gpm, 0.362 acre feet annually, both conditional. **8. Proposed use:** in-door residential, landscape and garden irrigation, livestock watering. **9. Names and address of owners of land on which well is located:** Ron Griffin and Charlotte Griffin, address set forth above.

II. APPROPRIATIVE RIGHT OF EXCHANGE.

1. Location: from the confluence of the South Platte River and the Middle Fork of the South Platte River, in the SW1/4 SW1/4 Section 25, T. 12 S., R. 74 W., up the South Platte River to its confluence with the South Fork of the South Platte River in the NE1/4 NE1/4 Section 14, T. 12 S., R. 75 W., thence up the South Fork of the South Platte River to its confluence with Four Mile Creek in the SW1/4 NE1/4 Section 7, T. 12 S., R. 75 W., thence up Fourmile Creek to the general location of depletions in the SW1/4 SE1/4 Section 16, T. 10 S., R. 77 W., 6th P.M. **2. Amount:** 0.005 cfs, 0.077 acre feet annually. **3. Appropriation date:** December 31, 2002, by filing this application in Division 1 Water Court.

III. PLAN FOR AUGMENTATION.

1. Name of Structures to be Augmented: Griffin Well. **2. Water Rights to be Used for Augmentation Purposes:** Applicants have entered into a contract, copy attached as Exhibit A, with co-applicants North Fork Associates and Mountain Mutual Reservoir Company ("MMRC") to purchase 2.5 shares of the capital stock of MMRC. The water attributable to 2.5 shares will be necessary to replace all depletions associated with this plan for augmentation. The 2.5 shares represent the right to receive 0.0018 cfs (0.039 acre feet) of the Guiraud 3T Ditch by direct flow and an additional 0.038 acre feet of the Guiraud 3T Ditch to be stored in Lower Sacramento Reservoir pursuant to Case No. 96CW287, or water stored in Spinney Mountain Reservoir. North Fork Associates and MMRC own the following water rights which will be used to meet the annual augmentation requirements associated with out-of-priority stream depletions from the Griffin Well: **a. Guiraud 3T Ditch.** North Fork Associates and MMRC own 2.868 cfs of the water rights decreed to the Guiraud 3T Ditch as

follows: Adjudication Date: October 18, 1889 (original adjudication, Water Dist. 23); Appropriation Date: July 1, 1867; Amount (cfs): 20. The Guiraud 3T Ditch headgate is located on the south bank of the Middle Fork of the South Platte River in the NE 1/4, Section 8, T. 11 S., R. 76 W., 6th P.M., Park County, Colorado, at a point whence the Northeast Corner said Section 8 bears North 63 35' East, 1,305 feet. Originally decreed for irrigation uses, this water right has been subject to various change proceedings. Past decrees have determined the average annual consumptive use under the Guiraud 3T Ditch to be 21.825 acre feet per 1.0 cfs. **b. Lower Sacramento Creek Reservoir No. 1.** North Fork Associates owns a 25.2 percent interest in the Lower Sacramento Creek Reservoir No. 1. The Reservoir has been constructed and is decreed as follows for domestic, municipal, commercial, industrial, irrigation, fish and wildlife propagation, recreational and all other beneficial purposes, including exchange to compensate for depletions in the South Platte River or its tributaries. Adjudication date: 1974, Case No. W-7741-74; Appropriation Date: July 25, 1974; Amount (acre feet): 40. The Reservoir is located in the NE 1/4 NW 1/4, Section 32 and the SE 1/4 SW 1/4, Section 29, T. 9 S., R. 77 W., 6th P.M., Park County, Colorado. Releases from the Reservoir are made pursuant to the decrees issued in Case Nos. 84CW250 and 85CW465. **c. Spinney Mountain Reservoir.** MMRC is the owner by deed of a firm annual yield of 80 acre feet of water stored in Spinney Mountain Reservoir. Said Reservoir is located on the South Platte River, with the left abutment of the dam being at a point whence the Southwest Corner of Section 36, T. 12 South, R. 74 W., 6th P.M., Park County, Colorado, bears South 23 26' West, a distance of 8,314.3 feet. A storage decree for the reservoir has been entered for domestic, irrigation, municipal and all other beneficial uses as follows: Adjudication Date: 1973, Case No. W-7395; Appropriation Date: March 26, 1973; Amount (acre feet): 86,000. In addition, various decreed direct flow water rights have been transferred to storage in the structure by the Division No. 1 Water Court and provide the basic yield of the annual allotment of 80 acre feet. **3. Statement of plan for Augmentation, Covering all Applicable Matters Under Section 37-92-103(9), 302(1) and (2), and 305(8), 15 C.R.S.:** One single family dwelling will be constructed on the Property. The annual unit amounts of water on the Property by activity are as follows: in-house: 0.314 acre feet, 10% consumptive; turf irrigation: 1.25 acre feet per acre annually, 80% consumptive; garden irrigation: 0.5 acre feet per acre annually, 80% consumptive; livestock watering: 0.0112 acre feet per horse annually, 100% consumptive. Diversions from the Griffin Well will be limited to a maximum of 0.362 acre feet (118,000 gallons) annually for the above purposes. Applicants will use a nonevaporative septic system to dispose of wastewater. This method of wastewater disposal is considered to be 10% consumptive. All return flows will accrue to Fourmile Creek and the South Platte. In order to assure that sufficient augmentation water will be available to augment the anticipated stream depletions, 0.0018 cfs of the Guiraud 3T Ditch priority, yielding 0.039 acre feet of water per year, and 0.038 acre feet annually of water in Spinney Mountain Reservoir are reserved for use in this plan for augmentation. Depletions to the stream system which occur during the period May through September, inclusive, will primarily be augmented by leaving the above referenced Guiraud 3T Ditch water rights in the stream. During times when the

Guiraud 3T Ditch is not in priority and during the months of October through April, inclusive, depletions will be augmented by releasing water from Spinney Mountain Reservoir. Due to the small volume of annual stream depletions projected to occur under this plan, Applicants seek to right to aggregate stream depletions and replace them with one or more releases of short duration from storage. Transit losses on the South Platte from the headgate of Guiraud 3T Ditch will equal 1.6 percent; there will not be any transit losses from Spinney Mountain Reservoir. Net available consumptive use water after deduction of transit losses will be no less than 0.077 acre feet annually. Prior to requesting any releases of water from Spinney Mountain Reservoir, MMRC will provide the City of Aurora, the owner and operator of the structure, with at least twenty-four hours notice during regular working hours, Monday through Friday, of the required time and amount of such releases. Out-of-priority depletions associated with water use at the proposed subdivision will be included in the reports which MMRC presently makes to the State water officials for other plans for augmentation which utilize MMRC augmentation water supplies. On the basis of the submitted reports, not only for this plan but other plans administered by MMRC, and in accordance with the directives of the Division Engineer, MMRC will make the required release of augmentation water by properly documenting the in-stream delivery of replacement water from the Guiraud 3T Ditch or the release of storage water from Lower Sacramento Creek Reservoir or Spinney Mountain Reservoir. Applicants seek changes in the decree for the Guiraud 3T Ditch so that 0.0018 c.f.s of said Decree can be assigned as an in-stream augmentation credit to offset depletions associated with use of the diversion structures described herein. Applicants also seek judicial confirmation that storage water available to them in Lower Sacramento Reservoir and in Spinney Mountain Reservoir can be utilized for replacement and augmentation purposes. **4. Names and Addresses of Owners of Land on which structures are Located.** **a.** Spinney Mountain Reservoir: City of Aurora / 1470 South Havana Street / Aurora, Colorado 80012; **b.** Lower Sacramento Reservoir: Lower Sacramento Creek Reservoir Company / 2525 South Wadsworth Blvd., Suite 306 / Denver, Colorado 80227; **c.** Proposed Griffin Well: Ron and Charlotte Griffin, address shown above**.**

2002CW388 HIGHLAND DAIRY, LLC. (John P. Akolt, III, Law Office of John P. Akolt, P.C., 1022 Pearl St., Denver, CO 80203). Application for Change of Water Right and Approval of Plan for Augmentation, **IN ADAMS AND WELD COUNTIES.**

1 . Name, address, telephone number(s) (residence and business) of applicant s :

Highland Dairy, LLC. c/o Eldon Marrs, 5651 Weld County Road 42, Johnstown, CO 80534

2. Name(s) of structures) to be augmented:

Well Permit No. 22019-F (replacement well) Water Court Case No W-1328), Well Permit No. RD-8, 270 feet east and 20 feet south of the NW comer of SW1/4 of Section 17, T8N, R 65 West of the 6th P. M. **Well** Permit **No. 22020-F and Well Permit No. 017291-F** (District Court **Weld** County **Case No. 16704). 2216 feet from the south** section line **and 450 feet** from **the west** section line **of** Section 17, T **8N, R 65 West of** the 6th P. M.

A map of the Highland Dairy Property is attached hereto as Exhibit A.

Are there other water rights diverted from this structure(s)? No

3. Previous decree(s) for water right(s) to be used for augmentation:

Marrs Land and Cattle Company, LLP is the owner of 5.33 shares of the capital stock of The Burlington Ditch, Reservoir and Land Company. Water delivered on said shares will be used to provide for the depletion to the South Platte River arising from the exercise of the wells identified in paragraph 2 in accordance with the terms and conditions of this plan for augmentation.

Water rights of The Burlington Ditch Reservoir and Land Company are:

Duggan Ditch (transfer), South Platte River, 16.28 c.f.s., appropriation date April 1, 1864, adjudication date April 28, 1883

Burlington Ditch, South Platte River, 350.00 c.f.s., appropriation date November 20, 1885, adjudication date July 8, 1883

Duck Lake, Geneva Creek, 750 acre feet, appropriation date, September 15, 1904, adjudication date May 18, 1918

The Burlington Ditch headgate is located in Section 14, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado

4. Change of water right:

As additional uses for the water rights of the Burlington Ditch, Reservoir and Land Company, presently adjudicated for irrigation and domestic uses, the applicant seeks to add: stock watering, dust suppression, all commercial and industrial uses associated with the operation of a dairy and augmentation.

The consumptive use rates decreed for Burlington shares by Thomton in Case No. 87CW107, Water Court, Water Division No. 1, will be used by the Applicant as the values associated with the historic use of the 5.33 shares of the stock of the Burlington Ditch, Reservoir and Land Company owned by the Marrs Land and Cattle Company, LLP.

Land of the Marrs Land and Cattle Company, LLP situate in Adams County, Colorado, historically irrigated with shares of stock of The Burlington Ditch, Reservoir and Land Company will be dried up in such amounts as are required to equal the consumptive use of the well depletions to the South Platte River at the confluence of Lone Tree Creek as set forth in this application.

5. Historic use: (include a description of all water rights to be used for augmentation, 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.)

Water diverted into the Burlington Ditch Reservoir and Land Company, allocated for delivery to shareholders of the company whose lands lie above Barr Lake (Little Burlington Ditch system) has historically been used for the irrigation of nearly 12,000 acres of land situate in Adams and Weld County, Colorado lying east of the South Platte River north from the Adams/Denver county line to approximately Ft. Lupton, Colorado.

Applicant will use such amount of its pro-rata share of its water under the Burlington Ditch system as required for augmentation of out of priority depletions to the South Platte River.

Applicant's share of Burlington Ditch Company water that is available for augmentation of the applicant's wells will be based upon the same determination as adjudicated in the application of the City of Thornton, Case No. 87CW107, Water Court, Water Division No. 1, State of Colorado.

Records of daily diversions as maintained by the Burlington Ditch Reservoir and Land Company are the basis upon which the applicant intends to rely.

6. Statement of plan for augmentation, covering all applicable matters under CRS 37-92-103(9), 302(l)(2) and 305(8). Give full details of plan, including a description of all water rights to be established or changed by the plan.

The Highland Dairy is situated in the SW1/4 Sec. 17, T. 8 **N.,** R. 65 W., about 3 miles northeast of the Town of Pierce. This location is about one-half mile east of Lone Tree Creek as shown in Attachment A.

At maximum development, the Highland Dairy is expected ultimately to involve 10,000 cows of which about 5,000 will be milking cows. At maximum development, approximately 1 acre-foot of water will be required each day for drinking by the cows and for cleaning of the dairy facilities. Wastewater will be collected, discharged into wastewater ponds, and used for irrigation.

At present, the maximum number of cows at the dairy is approximately 1,000 cows.

The water for the dairy will be obtained primarily from two existing irrigation wells on the property. These wells are identified in paragraph 2 of this application. The use of these wells has been for irrigation with replacements made by GASP. This application for change of water right and plan of augmentation relates solely to the use of water from the wells for drinking by the cows, for cleaning of the dairy facilities, and for all other commercial and industrial uses associated with the operation of a commercial dairy ("dairy pumping"). In addition to the water from the wells, Highland Dairy will obtain potable water from the North Weld County Water District.

Engineering analysis of the hydrology and geohydrology in the area indicates that the pumping of these wells will not affect the surface flows in either Lone Tree or Owl Creeks and, consequently, that the replacements for the stream depletions from dairy pumping can be made to the South Platte River. Although there are active water rights on the lower reach of Lone Tree Creek, the Applicant believes that the supplies available to these water rights are from tailwater and waste from Cache La Poudre River ditches.

A Glover analysis has been used to assess the timing of the depletions to the South Platte from pumping of the subject wells which indicates that depletions to the South Platte River are greatly delayed. In fact, depletions do not occur to the South Platte until the 40th year and were only about one acre-foot in the 1 00th year (assuming pumping for the maximum development). The geohydrologic parameters are a specific yield of 0.2, a distance to the stream of 80,300 feet or 15.2 miles, and a transmissivity of 20,000 gpd/ft based on a hydraulic conductivity of 500 gpd/ft2 and an average saturated thickness of 40 feet.

In view of the small amount of stream depletion in the upcoming year, the Highland Dairy, LLC proposes to replace 1.5 acre-feet of the water to the South Platte during 2003. This water will be obtained under shares that it controls in the Burlington Ditch, Reservoir, and Land Company. This release would be sufficient to replace up to 1.00 acre-foot of stream depletion from well pumping and 0.45 acre-foot of historical return flow based on the consumptive use rates decreed for Burlington shares by Thornton in Case No. 87CW1 07, together with such amount of stream loss as assessed by the Office of the State Engineer for transport from the point of replacement from the Burlington Ditch to the confluence of Lone Tree Creek and the South Platte River. The releases will be made to the South Platte directly at time and place of actual depletion to the South Platte River. Delayed depletions, to the extent that such occur at times when water is not available for delivery from the Burlington Ditch system, will be made at time and place of depletion by accreting water to the alluvium of the South Platte River to provide for the replacement of depletions at the confluence of Lone Tree Creek and the South Platte River.

Highland Dairy, LLC will equip the wells with totalizing flow meters to measure separately the water pumped for the dairy and will record the monthly pumping on a form similar to that included herewith as Attachment C. The form will be submitted monthly to the Division Engineer.

4. Name(s) and addressees) of owner(s) of the land on which structures is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use.
   Highland Dairy, LLC, 5651 Weld County Road 42, Johnstown, CO 80534.

2002CW389 UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT, c/o Stephen A. Spann, President, 4801 South Galapago Street, Englewood, CO 80110, (303) 781-2430 (Jeffrey J. Kahn, Esq., Bernard, Lyons, Gaddis & Kahn, P.C., P.O. Box 978, Longmont, CO 80502-0978, (303) 776-9900), AND **CENTER OF COLORADO WATER CONSERVANCY DISTRICT,** c/o Daniel J. Drucker, President, P.O. Box 1747, Fairplay, CO 80440-1747, (303) 838-0302 (James W. Culichia, Esq., Felt, Monson & Culichia LLC, 319 North Weber Street, Colorado Springs, CO 80903-1228, (719) 471-1212). **APPLICATION FOR APPROVAL OF**

PLAN FOR AUGMENTATION INCLUDING APPROPRIATIVE RIGHTS OF EXCHANGE, IN PARK, TELLER, JEFFERSON AND DOUGLAS COUNTIES. 2. **Names of structures to be augmented:** The Upper South Platte District and the Center District (collectively "the Districts") propose to augment various wells and surface water diversion structures (herein referred to as "participating diversions") under this plan, within the boundaries of the Districts as shown on **EXHIBIT A** and located in the drainage basin of the North Fork of the South Platte River and the South Platte River above their confluence (the "Service Area"). The current participants in the plan are: A. Saint Mary of the Rockies: Well permit 047419-F granted on October 15, 1996 for drinking and sanitary purposes inside a church. Well is located in the SW ¼, NE ¼, Section 16, Township 7 South, Range 72 West, 6th PM, Park County, volume of water diversion not to exceed 0.27 acre feet per year. Consumptive use is10%, or 0.027. acre feet per year. B. Fairplay Mobile Home Park (James S. Burger and Diane K. Burger): Well permit 46641 is located in the NW ¼, NW ¼, Section 3, Township 10 South, Range 77 West, 6th PM, Park County. Final build out estimated volume of water includes 85 trailers, a lumber yard, restaurant, and gas station quick stop store. Estimate of build-out demand is 36 acre feet, with municipal waste water treatment consumption of 5% resulting in 1.8 acre feet of consumptive use per year. C. Forest Glen Sports Association: Well permit 41516 is located in the SE ½, NW ¼, Section 3, Township 13 South, Range 71 West, 6th PM, Teller County. Estimate demand for a 50 lot subdivision of 13.2 acre feet of diversion and with an average annual consumption of 1.95 acre feet. D. Lininger Reservoir (Kenosha Trout Club): Reservoir is located NW ¼, Section 16, Township 7 South, Range 75 West, 6thPM. Water is exchanged to the Lininger Ditch out of Beaver Creek located in the NE ¼, SE ¼, SE ¼, Section 16, Township 76 South, Range 78 West, 6th PM. In 2000, the District provided 35 acre feet of water by exchange of water from Spinney Mountain Reservoir to Lininger Reservoir beginning on 6/22/00. New participating diversions may be added pursuant to the terms set forth in Paragraph 4 below within the area described in **EXHIBIT A**. 3. **Water rights to be used for augmentation:** A. Spinney Mountain Reservoir Water. An undivided interest in the right of first use to a firm yield of 37 acre feet of water per annum from any of the water rights owned by the City of Aurora and decreed for storage in Spinney Mountain Reservoir, the legal description of that structure being the South one-half of Section 25, Township 12 South, Range 74 West, 6th PM; the left abutment of said dam located at a point whence the Southwest corner of Section 36, Township 12 South, Range 74 West, 6th PM, bears South 23º 26" West 8,314.3 feet in Park County, Colorado. This 37 acre feet of firm yield has been deeded by the City of Aurora to the Upper South Platte District. B. Spinney Mountain Reservoir Storage Space. Water stored by the Districts in 50 acre feet storage space in Spinney Mountain Reservoir. The 50 acre feet of storage space has been assigned to the Upper South Platte District by the City of Aurora. C. 21.5 Shares of the Mountain Mutual Reservoir Company. Those water rights represented by 21.5 shares of the Mountain Mutual Reservoir Company ("MMRC"), Class A stock ("the 21.5 shares"). By virtue of its shareholder status in Mountain Mutual, the Upper South Platte District is entitled to receive 0.675 acre feet of consumptive use water per year. Delivery of Mountain Mutual's water will be made at various points including the confluence of the main stem of the South Platte River and the North Fork of the South Platte River from the following described sources: 1. Guiraud 3T Ditch: MMRC owns 2.868 cfs of the water rights decreed to the Guiraud 3T Ditch as follows:

Adjudication Date	Appropriation Date	Amount (cfs)
October 18, 1889 (Original Adjudication, Water District 23)	July 1, 1867	20

The Guiraud 3T Ditch headgate is located on the South bank of the Middle Fork of the South Platte River in the NE ¼, Section 8, Township 11 South, Range 76 West, 6th PM, Park County, Colorado, at a point whence the Northeast Corner of said Section 8 bears North 63º 35' East, 1,305 feet. Originally decreed for irrigation uses, this water right has been subject to various change proceedings. Past decrees have determined the average annual consumptive use under the Guiraud 3T Ditch to be 21.825 acre feet per 1.0 cfs. 2. Spinney Mountain Reservoir: MMRC owns by deed a firm annual yield of 80 acre feet of water stored in Spinney Mountain Reservoir. Said Reservoir is located on the South Platte River, with the left abutment of the dam being at a point whence the Southwest Corner of Section 36, Township 12 South, Range 74 West, 6th PM, Park County, Colorado, bears South 23º 26' West, a distance of 8,314.3 feet. A storage decree for the reservoir has been entered for domestic, irrigation, municipal and all other beneficial uses as follows:

Adjudication Date	Appropriation Date	Amount (acre feet)
1973: Case No. W-7395	March 26, 1973	86,000

In addition, various decreed direct flow water rights have been transferred to storage in the structure by the Division No. 1 Water Court and provide the basic yield of the annual allotment of 80 acre feet. 3. Lower Sacramento Creek Reservoir No. 1: MMRC owns a 25.2 percent interest in the Lower Sacramento Creek Reservoir No. 1. The Reservoir has been constructed and is decreed as follows for domestic, municipal, commercial, industrial, irrigation, fish and wildlife propagation, recreational and all other beneficial purposes, including exchange to compensate for depletions in the South Platte River or its tributaries:

Adjudication Date	Appropriation Date	Amount (acre feet)
1974: Case No. W-7741-74	July 25, 1974	40

The Reservoir is located in the NE ¼, NW ¼, Section 32 and the SE ¼, SW ¼, Section 29, Township 9 South, Range 77 West, 6th PM, Park County, Colorado. Releases from the Reservoir are made pursuant to the decrees issued in Case Nos. 84CW250 and 85CW465. The 21.5 shares of MMRC were originally used in a plan for augmentation decreed upon the Application of Burland Meadows, North Fork Associates and MMRC Case No. 80CW050, decree entered May 2, 1982. The Upper South Platte District acquired the 21.5 shares by assignment in May 1991. The water rights associated with the 21.5 shares may be exchanged upstream utilizing exchanges decreed in Case No. 80CW050, or exchanges claimed in this application. D. The following water rights which are subject to an application for a change of water rights filed by the Center of Colorado Water Conservancy District, et. al., in Case No. 02CW240. 1. The McCartney Ditch: (a) Decree Information. The water right being changed represents a undivided three eighths (3/8) interest in the McCartney Ditch water right consisting of the right to divert 75 cfs with an appropriation date of May 20, 1885 (Priority No. 199) from Tarryall Creek through the headgate of the McCartney Ditch, as described in the decree entered by the Park County District Court in Case No. 341, "In the Matter of the Adjudication of Water Rights for Irrigation in Water District No. 23," on October 18, 1889 (referred to herein as the "McCartney Ditch"). (b) Decreed Point of Diversion: On Tarryall Creek, whence the west quarter corner of Section 24, Township 8, south of Range 76 west, in Park County, Colorado, bears N. 82° 38'E. 10119 feet distant. The Applicants have determined that the decreed location of the McCartney Ditch headgate is erroneous and is not located on Tarryall Creek, but rather in the middle of a field; the actual and historical point of diversion of the McCartney Ditch is as follows: in the SW ¼, SE ¼, Section 22, Township 8 South, Range 76 West, 6th PM, 364 feet from the south section line and 1758 feet from the east section line. (c) Source: Tarryall Creek, tributary to South Platte River. (d) Appropriation Date: May 20, 1885. The Sessions Ditch: (a) Decree Information. An undivided one third (1/3) interest in the Sessions Ditch water right, consisting of the right to divert 3.5 cfs with an appropriation date of July 31, 1880 (Priority No. 127) from Michigan Creek as described in the decrees entered by the Park County District Court in Case No. 341, "In the Matter of the Adjudication of Water Rights for Irrigation in Water District No. 23," on October 18, 1889 and July 30, 1896 (referred to herein as the "Sessions Ditch"). (b) Decreed Point of Diversion: On Michigan Creek at a point in the SE 1/4, SE 1/4, Section 13, Township 8 South, Range 76 West, 6th PM, Park County, Colorado 15 rods below where the Denver and South Park Rail Road crosses said Creek. (c) Source. Michigan Creek, tributary to Tarryall Creek, tributary to the South Platte River. (d) Appropriation Date: July 31, 1880. 3. The Michigan Ditch: (a) Decree Information. The Michigan Ditch water right, consisting of the right to divert 2.0 cfs with an appropriation date of June 30, 1875 (Priority No. 53) from Michigan Creek through the headgate of the Michigan Ditch as described in the decrees entered by the Park County District Court in Case No. 341, "In the Matter of the Adjudication of Water Rights for Irrigation in Water District No. 23" on October 18, 1889 and July 30, 1896 (referred to herein as the "Michigan Ditch"). (b) Decreed Point of Diversion: On Michigan Creek at a point in the SE 1/4, NE ¼, Section 2, Township 9 South, Range 75 West, 6th PM, Park County, Colorado. (c) Source. Michigan Creek, tributary to Tarryall Creek, tributary to the South Platte River. (d) Appropriation Date: June 30, 1875. 4. The Tarryall Ditch: (a) Decree Information. The Tarryall Ditch water right, consisting of the right to divert 7.9 cfs with appropriation date of June 15, 1875 (Priority No. 52) from Tarryall Creek through the headgate of the Tarryall Ditch, as described in the decree entered by the Park County

District Court in Case No. 341, "In the Matter of the Adjudication of Water Rights in Water District No. 23," on October 18, 1889 and the decree entered in Case No. 84 CW 036 Water Division No. 1 on April 4, 1989 (referred to herein as the "Tarryall Ditch"). (b) Decreed Point of Diversion: On Tarryall Creek at a point in the SE 1/4, NW ¼, Section 11, Township 9 South, Range 75 West, 6th PM, Park County, Colorado. (c) Source: Tarryall Creek, tributary to South Platte River. (d) Appropriation Date: June 15, 1875. The ownership and historic use of these water rights is described in the application in Case No. 02CW240. The Districts will utilize the consumptive use credits quantified in that case and owned by the Center District as augmentation water to augment or replace out-of-priority depletions in this case. The Districts may exchange the consumptive credits quantified in Case No. 02CW240 using exchanges decreed in that case or in this case. 4. **Statement of Plan for Augmentation:** A. The Districts will provide augmentation water for participating diversions, including wells, pipelines, ponds, pumps and springs diverting tributary water for irrigation, stock watering, gravel mining, domestic and commercial uses within the boundaries of the Districts as shown on **EXHIBIT A** and to those current participating diversions identified in Paragraph 2, above. New participating diversions may be added pursuant to the terms set forth below in this §4. B. The District will provide augmentation water to replace all consumptive use depletions resulting from participating water users that have wells, ponds or other diversions located within the District from the sources described in §3 above. Those water users with out-of-priority depletions who wish to participate in this plan for augmentation must have their land on which the water is used and the depletions occur included within the boundaries of the District and obtain approval from the Districts and the Division Engineer. C. The basis for determining amount of replacement water required: 1. Residential indoor use (diversions):

Year-Round Dwellings	80 gpcd	3 persons/dwelling	365 days/year	0.27 acre feet/year
Seasonal Dwellings	50 gpcd	3 persons/dwelling	100 days/year	0.05 acre feet/year

(Annual amounts to be divided into equal amounts each month.) 2. Indoor consumptive use (applies to all types of indoor use, and based on sewage disposal system used):

Central Sewer Systems	5% of use
Leach Field Septic Systems	10% of use
Evapotranspiration Septic Systems	100% of use

3. Irrigation consumptive use: (Based on elevation corrected Blaney-Criddle analysis for bluegrass.)

Month	May	June	July	August	September	October	Total
Rate (ft)	0.20	0.38	0.39	0.31	0.26	0.09	*1.63*
Per 1,000 sq. ft. (acre feet)	0.0046	0.0087	0.0090	0.0071	0.0060	0.0021	*0.0375*

4. Livestock: 12 gallons per head per day, 100% consumptive use. 5. Pond water surface evaporation:

	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec	Total
Acre-Feet per Acre	0.02	0.07	0.14	0.21	0.31	0.43	0.38	0.29	0.28	0.18	0.04	0.03	2.38

6. Commercial/Industrial/Business water use: Augmentation requirements for commercial, industrial and business uses will be based upon either actual metered water use, or the following table of water use rates:

Type of Water Use	**Total Diversions/Gallons Per Day**
Hotel /Motel/Lodge/Guest Ranch /Cabins with Kitchen	100 gpd per occupied room
Hotel /Motel/Lodge/Guest Ranch /Cabins without Kitchen	65 gpd per occupied room
Retail Stores, per 1000 square feet of retail space	100 gpd
Laundromat (self-service)	250 gpd per washing machine
Restaurant with table/bar service	10 gpd per customer
Restaurant with paper service only	2 gpd per customer
Kennels	20 gpd per dog
Office - per 1000 square feet	90 gpd
Campground/RV Park, with central public toilet and shower facility, assuming 150 days per year occupancy	65 gpd per camp site
Campground/RV Park, with water/sewer hookup, assuming 150 days per year occupancy	35 gpd per camp site
Warehouse	30 gpd per 1000 square feet
School (without cafeteria, gym and showers)	15 gpd per student
School (with cafeteria, gym and showers)	20 gpd per student
Automobile Service station with car wash	250 gpd per pump
Automobile Service Station without car wash	500 gpd per pump
Car Wash – self service	750 gpd
Mobile home, year round occupied	160 gpd

The amount of replacement water required for all commercial, business or industrial uses, whether based upon metered diversions or the above table of water use rates, will be calculated based upon the method of sewage disposal system utilized as set forth in 2. above. **APPLICATION FOR APPROPRIATIVE RIGHTS OF EXCHANGE 5. Description of Exchanges**: A. Conditional Exchanges. **1. Exchange Reaches:**

	Stream	Upper Terminus	Lower Terminus
(a)	South Fork South Platte River	Headwaters in vicinity of lat 39 07 40N long 106 10 48W	Confluence Middle Fork South Platte River at lat 39 00 39N long 105 44 23W
(b)	Middle Fork South Platte River	Headwaters in vicinity of lat 39 21 52N long 106 08 51W	Confluence South Fork South Platte River at lat 39 00 39N long 105 44 23W
(c)	Tarryall Creek	Headwaters in vicinity of lat 39 20 32N long 106 00 30W	Confluence South Platte River in S16 T11S R71W 6 PM
(d)	Michigan Creek	Headwaters in vicinity of lat 39 27 02N long 105 56 09W	Confluence Tarryall Creek in NE/4 SW/4 S1 T9S R75W 6 PM

(e)	Jefferson Creek	Headwaters in vicinity of lat 39 28 35N long 105 53 04W	Confluence Michigan Creek at lat 39 19 40N long 105 46 07W
(f)	North Fork South Platte River	Headwaters in vicinity of S14 T6S R76W 6 PM	Confluence South Platte River in SW/4 SE/4 S25 T7S R70W 6 PM
(g)	South Platte River	Confluence South Fork and Middle Fork South Platte River at lat 39 00 39N long 105 44 23W	Confluence North Fork South Platte River in SW/4 SE/4 S25 T7S R70W 6 PM
(h)	Horse Creek	Confluence Horse Creek and West Creek in NW/4 SW/4 S36 T9S R70W 6 PM	Confluence South Platte River in NW/4 NE/4 S21 T9S R70W 6PM
(i)	West Creek	Teller County line in SW/4 SW/4 S31 T10S R69W 6 PM	Confluence Horse Creek and West Creek in NW/4 SW/4 S36 T9S R70W 6 PM
(j)	Trout Creek	Teller County line in SW/4 SW/4 S34 T10S R69W 6 PM	Confluence Horse Creek and Trout Creek in NW/4 SW/4 S36 T9S R70W 6 PM

2. Water will be exchanged from those sources described in Paragraph 3 above up the exchange reaches described above. In certain instances, water will not be exchanged from the Lower Terminus but from a point higher on the stream (for e.g. from Spinney Mountain Reservoir upstream on the South Platte River instead of the lower terminus identified in Paragraph (g), above). Likewise, water may not be exchanged to the Upper Terminus of the exchange reach, but to a point lower on the stream (for e.g. water may be exchanged up the South Platte River from the Lower Terminus to Spinney Mountain Reservoir instead of the Upper Terminus identified in Paragraph (g), above). 3. Maximum Rates of Exchange: (a) 2.0 cfs, (b) 2.0 cfs, (c) 3.0 cfs, (d) 2.0 cfs, (e) 2.0 cfs, (f) 3.0 cfs, (g) 2.0 cfs, (h) 2.0 cfs, (i) 2.0 cfs, (j) 2.0 cfs. 4. (a) Appropriation Date: December 4, 2002. (b) How appropriation was initiated: Adoption of a resolution evidencing the District's intent to appropriate said exchanges. B. Absolute Exchanges. 1. Downstream Points of Exchange: (a) Spinney Mountain Reservoir is described in Section 3.A. above. (b) The confluence of the North Fork of the South Platte River and the South Platte River in the SW ¼, SE ¼, Section 25, Township 7 South, Range 70 West of the 6th PM. 2. Upstream Points of Exchange:

	Customer	Structure	Location
(a)	Saint Mary of the Rockies	Well, Permit No. 047419-F	North Fork South Platte River in NE1/4 NE1/4 S36 T7S R72W 6PM
(b)	Fairplay Mobile Home Park	Well, Permit No. 46641	Middle Fork South Platte River in SW1/4 SW1/4 S34 T9S R77W 6PM

(c)	Forest Glen Sports Association	Well, Permit No. 41516	South Platte River in SE1/4 SE1/4 S30 T12S R71W 6PM
(d)	Lininger Reservoir (Kenosha Trout Club)	Lininger Ditch from Beaver Creek (to supply Lininger Reservoir)	North Fork South Platte River at confluence with Beaver Creek in SW1/4 SW1/4 S34 T6S R75W 6PM

3. Rates of Exchange: (a) 0.1 cfs, (b) 0.1 cfs, (c) 0.1 cfs, (d) 2.2 cfs. 4. (a) Appropriation Dates: Customer: i. St. Mary of the Rockies – January 6, 1999, ii. Fairplay Mobile Home Park – January 1, 1998, iii. Forest Glen Sports Association – April 30, 1998, iv. Lininger Reservoir (Kenosha Trout Club) – March 14, 2000. (b) How appropriations were initiated: By agreement of the Upper South Platte District to replace depletions to each of the structures. (c) Date appropriations were completed: i, ii and iii above- Dec. 31, 1999; iv above-Sept. 12, 2000. **6. Ownership of Structures:** A. Structures to be Augmented. 1. Saint Mary of the Rockies, c/o Reverend Ernest W. Bond, P.O. Box 319, Bailey, CO 80421. 2. Fairplay Mobile Home Park, c/o James S. Burget, 7259 W. Portland Avenue, Littleton, CO 80128-4714. 3. Forest Glen Sports Association, c/o Charlotte Kramp, Secretary, P.O. Box 85, Florissant, CO 80816. 4. Liniger Reservoir, Kenosha Trout Club, c/o Dave Echter, 9180 W 52nd Ave. , Arvada, CO 80002. B. Augmentation Sources. 1. Spinney Mountain Reservoir, City of Aurora, c/o Director of Utilities, 1470 S. Havana, Aurora, CO 80012, (Augmentation sources described in § 3 A. and B.), 2. Mountain Mutual Reservoir Company, 2525 South Wadsworth Blvd., Suite 306, Denver, CO 80227(Augmentation sources described in § 3.C.), 3. Applicant, Center of Colorado Water Conservancy District (Augmentation sources described in §3.D.).

2002CW390 TROLLCO, INC., c/o Martin Lind, President, 1625 Pelican Lakes Point, Suite 201, Windsor, CO 80550 (970) 686-5828 (Jeffrey J. Kahn, Esq., Bernard, Lyons, Gaddis & Kahn, P.C., P.O. Box 978, Longmont, CO 80502-0978. **APPLICATION FOR CHANGE OF WATER RIGHTS AND PLAN FOR AUGMENTATION INCLUDING EXCHANGES IN LARIMER AND WELD COUNTIES**. 2. **Water Rights Sought to be Changed**: Whitney Ditch; B.H. Eaton Ditch; New Cache La Poudre Irrigating Ditch (a/k/a Greeley No. 2 Canal, the New Cache La Poudre Irrigation Canal and the New Cache La Poudre Canal). Applicant owns 40 out of 320 shares in the Whitney Irrigating Ditch Company, the owner of the Whitney Ditch; 100 out of 192 shares in the B.H. Eaton Ditch Company, the owner of the B.H. Eaton Ditch; and 4 out of 2,500 shares in the New Cache La Poudre Irrigating Company, the owner of the New Cache La Poudre Irrigating Ditch. The Applicant's interest in the above water rights are hereinafter referred to as the "water rights." 3. **Description of Previous Decrees**: a) Previous decrees entered April 11, 1882 in Case No. 320 by the Larimer County District Court. b) Decreed points of diversion: 1. Whitney Ditch: North side of the Cache La Poudre River in the NW ¼, SE ¼, S19, T6N, R67W, 6th P.M., Weld County, Colorado. 2. B.H. Eaton Ditch: South side of the Cache La Poudre River in the NW ¼, SE ¼, S19, T6N, R67W, 6th P.M., Weld County, Colorado. 3. New Cache La Poudre Ditch: North side of the Cache La Poudre River in SE ¼, NE ¼, S11, T6N, R68W, 6th P.M., Larimer County, Colorado. *See* map showing the points of diversion attached as **EXHIBIT A**. c) Decreed source for all water rights: Cache La Poudre River. d) Appropriate dates and amounts:

Ditch	Appropriation Date	Amount (cfs)

1.	Whitney	09/01/1862	48.23
		09/10/1871	12.95
2.	B.H. Eaton	04/01/1864	29.10
		06/01/1866	3.33
		07/25/1872	9.27
3.	New Cache La Poudre Irrigating	10/25/1870	110.00
		09/15/1871	170.00
		11/10/1874	184.00
		09/15/1877	120.00
		05/27/1974	65.00

e) Historic use: Applicants' interest in each of the water rights sought to be changed was historically used for irrigation at the locations shown on the map attached as **EXHIBIT B.** A summary of historical diversion records for each water right is attached as **EXHIBIT C**. 4. **Proposed Change:** a) Applicant proposes to store the water rights in one or more of the following reservoirs:

	Reservoir	Legal Description of Location of Reservoir	Approximate Center of Reservoir
1.	Pelican Lake	NW ¼ S28, T6N, R67W of the 6th P.M., Weld County, Colorado	800 ft. S. of N. Sect. line, 780 ft. E. of W. Sect line
2.	West Entry Pond	NW ¼ S28, T6N, R67W of the 6th P.M., Weld County, Colorado	80 ft. S. of N. Sect. line, 1450 ft. E. of W. Sect. line
3.	East Entry Pond	NW ¼ S28, T6N, R67W of the 6th P.M., Weld County, Colorado	60 ft. S. of N. Sect. line, 1770 ft. E. of W. Sect line
4.	Habitat Lake	NW ¼ S28, T6N, R67W & SW ¼ S28, T6N, R67W of the 6th P.M., Weld County, Colorado	2860 ft. S. of N. Sect. line, 1080 ft. E. of W. Sect. line
5.	Rockbridge Lake	SE ¼ S28, T6N, R67 W of the 6th P.M., Weld County, Colorado	1300 ft. W. of E. Sect. line, 3260 ft. S. of N. Sect. line
6.	South West Lake	SW ¼, S28, T6N, R67W & NW ¼, S33, T6N, R67W & SE ¼, S29, T6N, R67W of the 6th P.M., Weld County, Colorado	200 ft. E. of W. Sect. line S28, 1400 ft. N. of S. Sect. line S28
7.	South East Lake	SE ¼, S28, T6N, R67W & NE ¼, S33, T6N, R67W of the 6th P.M., Weld County, Colorado	1200 ft. W. of E. Sect. line S 33, 200 ft. S. of N. Sect line S 33
8.	South Pond	NW ¼, S33, T6N, R67W of the 6th P.M., Weld County, Colorado	1200 ft. W. of E. Sect. line S33, 200 ft. S. of N. Sect. line S33

	Reservoir	Legal Description of Location of Reservoir	Approximate Center of Reservoir
9.	East Pond	SW ¼, S33, T6N, R67W of the 6th P.M., Weld County, Colorado	1000 ft. W. of E. Sect. line S33, 2750 ft. S. of N. Sect line
10.	Grandpa's Lake	SW ¼, S28, T6N, R67W of the 6th P.M., Weld County, Colorado	1000 ft. N. of S. Sect. line S28, 1850 ft. E. of W. Sect. line S28
11.	Raindance No. 1	W ½, S31, T6N, R67W of the 6th P.M., Weld County, Colorado	1430 ft. E. of W. Sect. line S31, 2500 ft. S. of N. Sect. line S31
12.	Raindance No. 2	NW ¼, S6 & W ½ NE ¼, S6, T5N, R67W of the 6th P.M., Weld County, Colorado	1850 ft. E. of W. Sect. line S6, 1500 ft. S. of N. Sect. line S6
13.	Raindance No. 3	E ½, S31, T6N, R67W of the 6th P.M., Weld County, Colorado	1070 ft. W. of E. Sect. line, 2100 ft. N. of S. Sect. line

b) The water rights will be stored in one or more of the above identified reservoirs following diversion at the points of diversion for the Whitney Ditch, the B.H. Eaton Ditch and the New Cache La Poudre Irrigating Ditch as identified in ¶3.b) above. c) Following storage, or on a direct flow basis, the water rights being changed will be used for irrigation, commercial, industrial, municipal, domestic, fire protection, wetland establishment and maintenance, wildlife habitat, fish habitat, recreation, power generation, replacement, augmentation and exchange uses. d) Use of the water rights, including for irrigation, will take place at the following locations: 1. Within the boundaries of the Poudre Tech Metropolitan District located in the: a. Water Valley Subdivision, Phase 1, located in the N ½ of Section 28, Township 6 North, Range 67 West of the 6th P.M., approximately 81 acres. b. Water Valley Subdivision, Phase 1, Filing 2 located in the N ½ and SW ¼ of Section 28, Township 6 North, Range 67 West of the 6th P.M., approximately 150 acres. c. Water Valley Subdivision, Phase 2, Filing 2, located in the N ½ and SE ¼ of Section 28, Township 6 North, Range 67 West of the 6th P.M., approximately 151 acres. d. Hilltop Estates Subdivision located in the SW ¼ of Section 29, and the N ½ of Section 32, Township 6 North, Range 67 West of the 6th P.M., owned by VIMA, Inc., approximately 316 acres. e. Lands included in the future in the Poudre Tech Metropolitan District. 2. The S ½ of Section 30, Township 6 North, Range 67 West of the 6th P.M., excepting therefrom that parcel conveyed to the Town of Windsor by deed recorded February 9, 1979 in Book 859 as Reception No. 1781453, approximately 320 acres. All of Section 31, Township 6 North, Range 67 West of the 6th P.M., Town of Windsor, Weld County, Colorado; excepting therefrom that portion dedicated to the County of Weld, State of Colorado, by instrument recorded July 27, 2001 as Reception No. 2869568, and re-recorded September 21, 2001 as Reception No. 2885547, approximately 640 acres. Both of the above parcels are owned by Raindance Aquatic Investments, LLC. 3. Town of Windsor. 4. A parcel of land in the W ½ of Section 33, Township 6

North, Range 67 West of the 6th P.M., owned by Trollco Investments of Windsor, LLC, approximately 26.5 acres. 5. SW ¼ of Section 32, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado, except for Lot A of Recorded Exemption No. 0807-32-3-RE 1415 recorded July 10, 1992 owned by PAVISTMA Partners, LLC, approximately 150 acres. 6. A parcel in Section 6, Township 5 North, Range 67 West of the 6th P.M. owned by Martin Lind, approximately 400 acres. 5. **Plan for Augmentation**: To the extent the above reservoirs described in ¶4.a) above capture water not in priority from drainage, seepage, return flows, floodwater, or other sources, Applicant will replace the resulting out-of-priority depletions using the historic consumptive use credits from the water rights described in ¶2 above. 6. **Exchange**: Applicant seeks a conditional water right to exchange any return flows to the Poudre River after the beneficial uses described in ¶4.c) above to the points of diversion for the Whitney Ditch, the B.H. Eaton Ditch and the New Cache La Poudre Ditch described in ¶3.b) above. 7. **Owners of Structures**: a) Whitney Ditch: The Whitney Irrigating Ditch Company, c/o Mr. Harold Long, 11492 Weld County Road 64 ¾, Windsor, CO 80550; b) B.H. Eaton Ditch: The B.H. Eaton Ditch Company 1625 Pelican Lakes Point, Suite 201, Windsor, CO 80550; c) The New Cache La Poudre Irrigating Ditch: The New Cache La Poudre Irrigating Company, P. O. Box 104, Lucerne, CO 80646; d) Reservoirs identified in ¶4. a) 1-10: Applicant Trollco, Inc.; e) Reservoirs identified in ¶4.a) 11-13: Raindance Aquatic Investments, LLC., c/o Martin Lind, Manager, 1625 Pelican Lakes Point, Suite 201, Windsor, CO 80550; f) Lands where water will be used: i. Poudre Tech Metropolitan District, 1625 Pelican Lakes Point, Suite 201, Windsor, CO 80550; ii. Raindance Aquatic Investments, LLC, 1625 Pelican Lakes Point, Suite 201, Windsor, CO 80550; iii. Town of Windsor, c/o Rod Wensing, Town Administrator, 301 Walnut Street, Windsor, CO 80550; iv. Trollco Investments of Windsor, LLC, 1625 Pelican Lakes Point, Suite 201, Windsor, CO 80550; v PAVISTMA Partners, LLC, 1625 Pelican Lakes Point, Suite 201, Windsor, CO 80550; vi. Martin Lind, 1625 Pelican Lakes Point, Suite 201, Windsor, CO 80550.

2002CW391 TROLLCO, INC., c/o Martin Lind, President, 1625 Pelican Lakes Point, Suite 201, Windsor, CO 80550 (970) 686-5828; AND **RAINDANCE AQUATIC INVESTMENTS, LLC**, c/o Martin Lind, Manager, 1625 Pelican Lakes Point , Suite 201, Windsor, CO 80550, 970-686-5828 (Jeffrey J. Kahn, Esq., Bernard, Lyons, Gaddis & Kahn, P.C., P.O. Box 978, Longmont, CO 80502-0978.) APPLICATION FOR WATER STORAGE RIGHT **IN WELD COUNTY**. 2. **Reservoirs**:

Reservoir	Legal Description	Capacity (acre feet)	Surface Area (acres)
a. Pelican Lake	NW ¼ S28, T6N, R67W of the 6th P.M., Weld County, Colorado	180	18
b. West Entry Pond	NW ¼ S28, T6N, R67W of the 6th P.M., Weld County, Colorado	20	2
c. East Entry Pond	NW ¼ S28, T6N, R67W of the 6th P.M., Weld County, Colorado	20	2

	Reservoir	Legal Description	Capacity (acre feet)	Surface Area (acres)
d.	Habitat Lake	NW ¼ S28, T6N, R67W & SW ¼ S28, T6N, R67W of the 6th P.M., Weld County, Colorado	315	35
e.	Rockbridge Lake*	SE ¼ S28, T6N, R67 W of the 6th P.M., Weld County, Colorado	810	62
f.	South West Lake	SW ¼, S28, T6N, R67W & NW ¼, S33, T6N, R67W & SE ¼, S29, T6N, R67W of the 6th P.M., Weld County, Colorado	1300	81
g.	South East Lake	SE ¼, S28, T6N, R67W & NE ¼, S33, T6N, R67W of the 6th P.M., Weld County, Colorado	1115	62
h.	South Pond	NW ¼, S33, T6N, R67W of the 6th P.M., Weld County, Colorado	2	2
i.	East Pond	SW ¼, S33, T6N, R67W of the 6th P.M., Weld County, Colorado	1	1
j.	Grandpa's Lake	SW ¼, S28, T6N, R67W of the 6th P.M., Weld County, Colorado	10	1
k.	Raindance No. 1	W ½, S31, T6N, R67W of the 6th P.M., Weld County, Colorado	3500	42
l.	Raindance No. 2	NW ¼, S6 & W ½ NE ¼, S6, T5N, R67W of the 6th P.M., Weld County, Colorado	1500	29
m.	Raindance No. 3	E ½, S31, T6N, R67W of the 6th P.M., Weld County, Colorado	1800	12

All claims are for active storage. *The claim for Rockbridge Lake is for an **ABSOLUTE** water storage right. All other claims are for **CONDITIONAL** water storage rights. See 5.c. below. 3. **Sources of water**: a) Cache La Poudre River, drainage water, storm water, and return flows from irrigation. b) Ditches diverting from the Cache La Poudre River: 1. Whitney Ditch may be used to fill the reservoirs identified in 2. a-e above. The legal description of the point of diversion for the Whitney Ditch is: North side of the Cache La Poudre River in the NW ¼, SE ¼, S19, T6N, R67W, 6th P.M., Weld County, Colorado. 2. B.H. Eaton Ditch may be used to fill the reservoirs identified in 2. f-m. The legal description of the point of diversion for the B. H. Eaton Ditch is: South side of the Cache La Poudre River in the NW ¼, SE ¼, S19, T6N, R67W, 6th P.M., Weld County, Colorado. See map attached as **EXHIBIT A.** 4. **Claimed Filling Rates:** a) Through the Whitney Ditch – 100 cfs. b) Through the B.H. Eaton Ditch – 50 cfs. **5. Appropriation:** a) Dates of appropriation for reservoirs identified in 2. a-j: November 30, 1990. For reservoirs identified in 2. k-m: December 31, 2002. b) How appropriations were initiated: For reservoirs identified in 2.a-j, by application for mining permits to construct the reservoirs. For reservoirs identified in 2. k-m, by filing this application. c) Date water applied to beneficial use: Rockbridge Reservoir – 1300 acre feet was stored in priority and put to beneficial use on or before September 30, 2000. Claims for all other reservoirs are **CONDITIONAL**. 6. **Uses**: Irrigation, commercial, industrial, municipal, domestic, fire protection, wetland establishment and maintenance, wildlife habitat, fish habitat, recreation, power generation, replacement, augmentation and exchange uses. Use of the water rights, including for irrigation, will take place at the following locations: a) Within the boundaries of the Poudre Tech Metropolitan District located in the: i. Water Valley Subdivision, Phase 1, located in the N ½ of Section 28, Township 6 North, Range 67 West of the 6th P.M.,

approximately 81 acres. ii. Water Valley Subdivision, Phase 1, Filing 2 located in the N ½ and SW ¼ of Section 28, Township 6 North, Range 67 West of the 6th P.M., approximately 150 acres. iii. Water Valley Subdivision, Phase 2, Filing 2, located in the N ½ and SE ¼ of Section 28, Township 6 North, Range 67 West of the 6th P.M., approximately 151 acres. iv. Hilltop Estates Subdivision located in the SW ¼ of Section 29, and the N ½ of Section 32, Township 6 North, Range 67 West of the 6th P.M., owned by VIMA, Inc., approximately 316 acres. v. Lands included in the future in the Poudre Tech Metropolitan District. b) The S ½ of Section 30, Township 6 North, Range 67 West of the 6th P.M., excepting therefrom that parcel conveyed to the Town of Windsor by deed recorded February 9, 1979 in Book 859 as Reception No. 1781453, approximately 320 acres. All of Section 31, Township 6 North, Range 67 West of the 6th P.M., Town of Windsor, Weld County, Colorado; excepting therefrom that portion dedicated to the County of Weld, State of Colorado, by instrument recorded July 27, 2001 as Reception No. 2869568, and re-recorded September 21, 2001 as Reception No. 2885547, approximately 640 acres. Both of the above parcels are owned by Raindance Aquatic Investments, LLC. c) Town of Windsor. d) A parcel of land in the W ½ of Section 33, Township 6 North, Range 67 West of the 6th P.M., owned by Trollco Investments of Windsor, LLC, approximately 26.5 acres. e) SW ¼ of Section 32, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado, except for Lot A of Recorded Exemption No. 0807-32-3-RE 1415 recorded July 10, 1992 owned by PAVISTMA Partners, LLC, approximately 150 acres. f) A parcel in Section 6, Township 5 North, Range 67 West of the 6th P.M. owned by Martin Lind, approximately 400 acres. 7. **Names and Addresses of Owners of Structures**: a) Whitney Ditch: The Whitney Irrigation Company, c/o Mr. Harold Long, 11492 Weld County Road 64 ¾, Windsor, CO 80550. b) B.H. Eaton Ditch: The B.H. Eaton Ditch Company, 1625 Pelican Lakes Point, Suite 201, Windsor, CO 80550. c) Reservoirs identified in 2.a-j: Applicant Trollco, Inc. d) Reservoirs identified in 2.k-m: Applicant Raindance Aquatic Investments, LLC. f) Lands where water will be used: i. Poudre Tech Metropolitan District, 1625 Pelican Lakes Point, Suite 201, Windsor, CO 80550. ii. Applicant Raindance Aquatic Investments, LLC. iii. Town of Windsor, c/o Rod Wensing, Town Administrator, 301 Walnut Street, Windsor, CO 80550. iv. Trollco Investments of Windsor, LLC, 1625 Pelican Lakes Point, Suite 201, Windsor, CO 80550. v. PAVISTMA Partners, LLC, 1625 Pelican Lakes Point, Suite 201, Windsor, CO 80550. vi. Martin Lind, 1625 Pelican Lakes Point, Suite 201, Windsor, CO 80550. 8**. Comments**: All reservoirs are constructed, or planned to be constructed, below the existing land surface elevation so no dams are involved. The Reservoirs identified in ¶2. a, d, e, f, g and j have been accepted as being sealed by the Division of Water Resources, State of Colorado. The remaining reservoirs will be sealed or have been sealed, but have not yet been accepted.

2002CW392 - THE CITY OF LOVELAND, IN LARIMER AND WELD COUNTIES. APPLICATION FOR CHANGE OF WATER RIGHTS. 1. Name, Address and Telephone Number of Applicant: The City of Loveland, Colorado, 500 East Third Street, Loveland, Colorado 80537, Telephone: 970-962-3000. Direct all pleadings to**:** Brian M. Nazarenus, Esq., William H. Caile, Esq., Friedlob Sanderson Paulson & Tourtillott, LLC, 1775 Sherman Street, Twenty-First Floor, Denver, Colorado 80203, (303) 571-1400. **2. CLAIM FOR CHANGE OF WATER RIGHTS: 2.1 Decreed Name of Structures for which Change is Sought:** 2.1.1 The Barnes Ditch (The Barnes Ditch includes the Big Barnes Ditch and the Little Barnes Ditch): The headgate of the Barnes Ditch is located on the north bank of the Big Thompson River in the NW1/4 of the NE1/4 of Section 17, Township 5 North, Range 69 West of the 6th P.M. The Barnes Ditch has an alternate point of diversion in Section 15, Township 5 North, Range 69 West of the 6th P.M. Loveland owns 1,319.25 inches (or roughly 65 percent) of the Barnes Ditch. By this proceeding Loveland seeks to change 12.5 inches of the Barnes Ditch to the uses and places of use described in paragraph 2.3. 2.1.2 Big Thompson Ditch and Manufacturing Company's Ditch: The historic point of diversion for the Big Thompson Ditch and Manufacturing Company's Ditch is located in the SE1/4 of the NW1/4 of the SE1/4 of Section 15, Township 5 North, Range 69 West of the 6th P.M. By Decree dated September 30, 1981 in Case No. 81CW103, Water Division No. 1, the point of diversion was changed to a point on the south bank of the Big Thompson River approximately 1800 feet north of the south quarter

corner of the SW1/4 of Section 15, Township 5 North, Range 69 West of the 6th P.M. Loveland owns 5.728 of 21.521[1] total shares (26.6 percent) of the Big Thompson Ditch and Manufacturing Company's Ditch. Of these, 2.583 shares have previously been changed. By this proceeding, Loveland seeks to change 3.145 additional shares to the uses and places of use described in paragraph 2.3. 2.1.3 George Rist Ditch (also known as the Buckingham Ditch): The point of diversion for the George Rist Ditch is on the Big Thompson River in the SW1/4 of the NE1/4 of Section 12, Township 5 North, Range 70 West of the 6th P.M. Loveland owns 95.3 out of 200 shares (47.7 percent) of the George Rist Ditch. Of these, 6.05 have previously been transferred. By this proceeding, Loveland seeks to change 89.25 shares of the George Rist Ditch to the uses and places of use described in paragraph 2.3. 2.1.4 Chubbuck Ditch: The point of diversion for the Chubbuck Ditch is located on the Big Thompson River in the NE1/4 of the SW1/4 of Section 15, Township 5 North, Range 69 West of the 6th P.M. Loveland owns 1,252.324 inches (or roughly 78 percent) of the Chubbuck Ditch. By this proceeding, Loveland seeks to change 655.744 inches of the Chubbuck Ditch to the uses and places of use described in paragraph 2.3. 2.1.5 Louden Ditch**:** The point of diversion for the Louden Ditch is located on the Big Thompson River in the SW1/4 of the NW1/4 of Section 12, Township 5 North, Range 70 West of the 6th P.M. Loveland owns 230.959 out of 600 shares (38.5 percent) of the Louden Ditch. Of these, 191.537 shares have been previously changed. By this proceeding, Loveland seeks to change 39.422 shares of the Louden Ditch to the uses and places of use described in paragraph 2.3. 2.1.6 South Side Ditch: The point of diversion for the South Side Ditch is located on the Big Thompson River, in the SW1/4 of the NW1/4 of Section 12, Township 5 North, Range 70 West of the 6th P.M. Loveland owns 70.5 out of 265 shares (26.6 percent) of the South Side Ditch. Of these, 57.5 shares have been previously changed. By this proceeding, Loveland seeks to change 13 shares to the uses and places of use described in paragraph 2.3. 2.1.7 Farmers Irrigating Canal (Farmers Irrigating Ditch, or the Farmers Ditch): The point of diversion for the Farmers Ditch is located on the Big Thompson River, in the NW1/4 of the NE1/4 of Section 23, Township 5 North, Range 69 West of the 6th P.M. Loveland owns, or is in the process of acquiring, 2.5 out of 30 shares (8.3 percent) of the Farmers Ditch. Of these, no shares have been previously changed. By this proceeding, Loveland seeks to change 2.5 shares to the uses and places of use described in paragraph 2.3. **2.2 Prior Decrees:** 2.2.1 The Barnes Ditch: a. Original Adjudication. On May 28, 1883, in an original proceeding in the District Court of Boulder County, the Barnes Ditch was decreed for the following named priorities to divert water out of the Big Thompson River: i. Priority No. 6, dated October 20, 1865, for 18.56 cubic feet per second; ii. Priority No. 13 ½, dated June 1, 1867, for 12.06 cubic feet per second; and iii. Priority No. 21 ½, dated June 23, 1873, for 19.93 cubic feet per second. b. 82CW202A: On June 18, 1985, a decree was entered in Case No. 82CW202A, Water Division No. 1, changing the use and point of diversion of 958.4 inches held by Loveland in the Barnes Ditch. c. 87CW178: On August 16, 1988, a decree was entered in Case No. 87CW178, Water Division No. 1, changing the use and point of diversion of an additional 106.04 inches acquired by Loveland in the Barnes Ditch, within the parameters established in the previous decree in Case No. 82CW202A. d. 89CW090: On April 10, 1990, a decree was entered in Case No. 89CW090,

[1]Shares for which remaining water is diverted through the facility, from original 48 shares.

Water Division No. 1, changing the use and point of diversion of 132.2 additional inches held by Loveland in the Barnes Ditch, within the parameters established in the previous decree in Case No. 82CW202A. **e.** 89CW128: On September 30, 1994, a decree was entered in Case No. 89CW128, Water Division No. 1, adding the inlet to the Olympus Tunnel (at the outlet of Lake Estes at Olympus Dam) as an additional alternate point of diversion to those alternate points of diversion decreed in Case No. 82CW202A, subject to all of the terms and conditions set forth in the decree in Case No. 82CW202A. f. 92CW112: On April 26, 1994, a decree was entered in Case No. 92CW112, Water Division No. 1, changing the use and point of diversion of 88.0 additional inches held by Loveland in the Barnes Ditch, within the parameters established in the previous decree in Case No. 82CW202A, with the exception that the rights so transferred may not be diverted at the Olympus Dam without further order of the Water Court, Water Division No. 1. 2.2.2 Big Thompson Ditch and Manufacturing Company's Ditch: a. Original Adjudication: On May 28, 1883, in an original proceeding in the District Court for Boulder County, the Big Thompson Ditch and Manufacturing Company's Ditch was decreed for the following named priorities to divert water out of the Big Thompson River: i. Priority No. 2, with an appropriation date of April 1, 1863, for 34.02 cubic feet per second; ii. Priority No. 4, with an appropriation date of May 1, 1864, for 37.01 cubic feet per second; iii. Priority No. 10 ½, with a appropriation date of March 1, 1867, for 65.47 cubic feet per second; and iv. Priority No. 20, with an appropriation date of May 1, 1872, for 9.75 cubic feet per second. b. Case No. 259: On March 23, 1914, a decree was entered in Case No. 259, Boulder County District Court, transferring 6.0 cubic feet per second (2.0 shares) of the Big Thompson Ditch and Manufacturing Company's Ditch to the headgate of the South Side Irrigation and Reservoir Company ditch. c. Case No. 260: On March 23, 1914, a decree was entered in Case No. 260, Boulder County District Court, transferring 6.0 cubic feet per second (2.0 shares) of the Big Thompson Ditch and Manufacturing Company's Ditch to the headgate of the Handy Ditch. d. Case No. 261: On March 23, 1914, a decree was entered in Case No. 261, Boulder County District Court, transferring 3.0 cubic feet per second (1.0 share) of the Big Thompson Ditch and Manufacturing Company's Ditch to the headgate of the Farmers Irrigating Canal. e. Case No. 262: On March 23, 1914, a decree was entered in Case No. 262, Boulder County District Court, transferring 6.0 cubic feet per second (2.0 shares) of the Big Thompson Ditch and Manufacturing Company's Ditch to the headgate of the Home Supply Ditch. f. Case No. 265 (6094): On June 30, 1914, a decree was entered in Case No. 265 (also referred to as Case No. 6094), Boulder County District Court, transferring 2.66 cubic feet per second (7/8 share) of the Big Thompson Ditch and Manufacturing Company's Ditch to the headgate of the Farmers Irrigating Canal. g. Case No. 276: On June 8, 1915, a decree was entered in Case No. 276, Boulder County District Court, transferring 1.7 cubic feet per second (representing two-thirds (2/3) of a share, less 15% as a condition of transfer) of the Big Thompson Ditch and Manufacturing Company's Ditch to the headgate of the Farmers Irrigating Ditch and Reservoir Company ditch. h. Case No. 8445: On December 7, 1925, a decree was entered in Case No. 8445, Boulder County District Court, changing the point of diversion of 6.0 cubic feet per second (2.0 shares), held by Loveland in the Big Thompson Ditch and Manufacturing Company's Ditch. i. 82CW202A: On June 18, 1985, a decree was entered in Case No. 82CW202A, Water Division No. 1, changing the use and point of diversion of an additional 2.333 shares held by Loveland in the Big Thompson Ditch and Manufacturing Company's Ditch. j. 87CW178: On August 16, 1988, a decree was entered in

Case No. 87CW178, Water Division No. 1, changing the use and point of diversion of an additional 0.25 shares held by Loveland in the Big Thompson Ditch and Manufacturing Company's Ditch, within the parameters established in the previous decree in Case No. 82CW202A. k. 89CW128: On September 30, 1994, a decree was entered in Case No. 89CW128, Water Division No. 1, adding the inlet to the Olympus Tunnel (at the outlet of Lake Estes at Olympus Dam) as an additional alternate point of diversion to those alternate points of diversion decreed in Case No. 82CW202A, subject to all of the terms and conditions set forth in the decree in Case No. 82CW202A. 2.2.3 George Rist Ditch (Buckingham Ditch): a. Original Adjudication: On May 28, 1883, in an original proceeding in the District Court for Boulder County, the George Rist Ditch was decreed for the following named priority to divert water out of the Big Thompson River: Priority No. 21, with an appropriation date of May 1, 1873 for a total of 195.0 cubic feet per second. b. 84CW204: On February 3, 1988, a decree was entered in the Matter of the Division Engineer's Abandonment List For Water Division No. 1, Case No. 84CW204, declaring 122 cubic feet per second of the George Rist Ditch to be abandoned. This abandonment left a total of 73.0 cubic feet per second, with an appropriation date of May 1, 1873, decreed to the George Rist Ditch. c. 87CW178: On August 16, 1988, a decree was entered in Case No. 87CW178, Water Division No. 1, changing the use and point of diversion of 6.05 shares in the George Rist Ditch pursuant to terms and conditions established in Loveland's decree in Case No. 82CW202A. d. 89CW128: On September 30, 1994, a decree was entered in Case No. 89CW128, Water Division No. 1, adding the inlet to the Olympus Tunnel (at the outlet of Lake Estes at Olympus Dam) as an additional alternate point of diversion to those alternate points of diversion decreed in Case No. 82CW202A, subject to all of the terms and conditions set forth in the decree in Case No. 82CW202A. 2.2.4 Chubbuck Ditch: a. Original Adjudication: On May 28, 1883, in an original proceeding in the District Court of Boulder County, the Chubbuck Ditch was decreed for the following named priorities to divert water out of the Big Thompson River: i. Priority No. 7, dated November 1, 1865, for a portion of 8.36 cubic feet per second; ii. Priority No. 17, dated October 20, 1870, for a portion of 39.04 cubic feet per second; iii. Priority No. 23, dated October 25, 1873, for a portion of 35.5 cubic feet per second; and iv. Priority No. 42, dated November 1, 1878, for a portion of 15.2 cubic feet per second. b. 82CW202A: On June 18, 1985, a decree was entered in Case No. 82CW202A, Water Division No. 1, changing the use and point of diversion of 458 inches held by Loveland in the Chubbuck Ditch. c. 89CW128: On September 30, 1994, a decree was entered in Case No. 89CW128, Water Division No. 1, adding the inlet to the Olympus Tunnel (at the outlet of Lake Estes at Olympus Dam) as an additional alternate point of diversion to those alternate points of diversion decreed in Case No. 82CW202A, subject to all of the terms and conditions set forth in the decree in Case No. 82CW202A. 2.2.5. Louden Ditch: a. Original Adjudication: On May 28, 1883, in an original proceeding in the District Court for Boulder County, the Louden Ditch was decreed for the following named priorities to divert water out of the Big Thompson River: i. Priority No. 18, with an appropriation date of October 1, 1871, for 40.0 cubic feet per second; and ii. Priority No. 38, with an appropriation date of November 1, 1871, for 154.3 cubic feet per second. b. 82CW202A: On June 18, 1985, a decree was entered in Case No. 82CW202A, Water Division No. 1, changing the use and point of diversion of 177.287 shares of the Louden Ditch held by Loveland. c. 84CW204: On February 3, 1988, a decree was entered in the Matter of the Division Engineer's Abandonment List For Water Division No. 1, Case No. 84CW204, declaring

31.3 cubic feet per second of the Louden Ditch to be abandoned. d. 87CW178: On August 16, 1988, a decree was entered in Case No. 87CW178, Water Division No. 1, changing the use and point of diversion of an additional 14.25 shares of the Louden Ditch held by Loveland, within the parameters established in the previous decree in Case No. 82CW202A. e. 89CW128: On September 30, 1994, a decree was entered in Case No. 89CW128, Water Division No. 1, adding the inlet to the Olympus Tunnel (at the outlet of Lake Estes at Olympus Dam) as an additional alternate point of diversion to those alternate points of diversion decreed in Case No. 82CW202A, subject to all of the terms and conditions set forth in the decree in Case No. 82CW202A. 2.2.6 South Side Ditch: a. Original Adjudication: On May 28, 1883, in an original proceeding in the District Court for Boulder County, the South Side Ditch was decreed for the following named priority to divert water out of the Big Thompson River: Priority No. 47, with an appropriation date of November 7, 1880, for 50.3 cubic feet per second. b. Case No. 259: On March 23, 1914, a decree was entered in Case No. 259, Boulder County District Court, transferring 6.0 cubic feet per second (2.0 shares) of the Big Thompson Ditch and Manufacturing Company Ditch to the headgate of the South Side Irrigation and Reservoir Company ditch. c. 82CW202A: On June 18, 1985, a decree was entered in Case No. 82CW202A, Water Division No. 1, changing the use and point of diversion of 57.5 shares held by Loveland in the South Side Ditch. d. 89CW128: On September 30, 1994, a decree was entered in Case No. 89CW128, Water Division No. 1, adding the inlet to the Olympus Tunnel (at the outlet of Lake Estes at Olympus Dam) as an additional alternate point of diversion to those alternate points of diversion decreed in Case No. 82CW202A, subject to all of the terms and conditions set forth in the decree in Case No. 82CW202A. 2.2.7 Farmers Irrigating Canal (Farmers Irrigating Ditch, or the Farmers Ditch): a. Original Adjudication. On May 28, 1883, in an original proceeding in the District Court of Boulder County, the Farmers Irrigating Canal was decreed for the following named priorities to divert water out of the Big Thompson River: i Priority No. 4, with an appropriation date of May 1, 1864, for 5.72 cubic feet per second; ii. Priority No. 14 ½, with an appropriation date of June 1, 1868, for 2.6 cubic feet per second; and iii. Priority No. 41, with an appropriation date of August 1, 1878, for 54.08 cubic feet per second. b. Case No. 261: On March 23, 1914, a decree was entered in Case No. 261, Boulder County District Court, transferring 3.0 cubic feet per second (1.0 share) of the Big Thompson Ditch and Manufacturing Company's Ditch to the headgate of the Farmers Irrigating Canal. c. Case No. 265 (6904): On June 30, 1914, a decree was entered in Case No. 265 (also referred to as Case No. 6904), Boulder County District Court, transferring 2.66 cubic feet per second (7/8 share) of the Big Thompson Ditch and Manufacturing Company's Ditch to the headgate of the Farmers Irrigating Canal. d. Case No. 276: On June 8, 1915, a decree was entered in Case No. 276, Boulder County District Court, transferring 1.7 cubic feet per second (representing two-thirds (2/3) shares, less 15% as a condition of transfer) of the Big Thompson Ditch and Manufacturing Company's Ditch to the headgate of the Farmers Irrigating Canal. e. 89CW128: On September 30, 1994, a decree was entered in Case No. 89CW128, Water Division No. 1, adding the inlet to the Olympus Tunnel (at the outlet of Lake Estes at Olympus Dam) as an additional alternate point of diversion to those alternate points of diversion decreed in Case No. 82CW202A, subject to all of the terms and conditions set forth in the decree in Case No. 82CW202A. **2.3 Proposed Changes**: 2.3.1 Change in point of diversion. Through this application, Loveland seeks to change the points of diversion of Loveland's interest in the subject water rights to the following

alternate points of diversion: a. Loveland Pipeline: The decreed point of diversion for the Loveland Pipeline is defined in the Decree in Case No. 4862 in the District Court for Boulder County, Colorado, March 18, 1917, commencing at page 167. Diversion for the Loveland Pipeline has historically been made on the north side of the Big Thompson River at a point in the NW1/4 of the SW1/4 of the SW1/4 of Section 2, Township 5 North, Range 70 West of the 6th P.M. b. Dille Tunnel: The point of diversion for the Dille Tunnel is on the south side of the Big Thompson River in the NW1/4 of the NW1/4 of Section 9, Township 5 North, Range 70 West of the 6th P.M. c Loveland Electric Park: A point of diversion at the Viestenz-Smith Park (Loveland Electric Park) on either side of the Big Thompson River at a point in the NE1/4 of the NW1/4 of Section 7, Township 5 North, Range 70 West of the 6th P.M. d. Consolidated Home Supply Ditch (Home Supply Ditch): The point of diversion for the Home Supply Ditch is on the south side of the Big Thompson River in the SW1/4 of the SW1/4 of Section 2, Township 5 North, Range 70 West of the 6th P.M. e. Olympus Tunnel: The point of diversion for the Olympus Tunnel is at the outlet of Lake Estes at Olympus Dam located in the SE1/4 of the NW1/4 of Section 29, Township 5 North, Range 72 West of the 6th P.M. f. Green Ridge Glade Reservoir (also known as Loveland Municipal Reservoir). The east dam abutment of Green Ridge Glade Reservoir is located in the W 1/2 of the NW 1/4 of Section 2, Township 5 North, Range 70 West of the 6th P.M. g. Other Potential Storage Locations: Loveland reserves the right to store water decreed under this application at any other storage location legally available to Loveland, subject to such terms and conditions as the Court may decide are necessary and appropriate. h. All Points of Diversion Listed in Paragraph 2.1, Above. 2.3.2 Change in Place and Type of Use. Through this application, Loveland seeks to change the place and type of use of the subject water rights so Loveland's interests in the above-described water rights may be used directly or stored and subsequently used, not only for irrigation but for all municipal uses, including without limitation domestic, irrigation, watering of lawns, parks and grounds, commercial, industrial, mechanical, manufacturing, fire protection and suppression, sewage treatment, street sprinkling, recreational, aesthetic, piscatorial, wildlife preservation, maintenance of operating detention, replacement, and all other beneficial purposes related to, occurring or deriving from the operation of Loveland's municipal water and sewer system. 2.3.3 Right of reuse: Loveland seeks the right, once all return flow obligations have been met, to use, reuse, and successively use to extinction all water diverted under the subject water rights, including the right to use, reuse, and successively use the historic consumptive use credits associated with the subject water rights for all lawful purposes, including but not limited to use as a substitute source of supply for augmentation and/or exchange, and including uses outside of Loveland's service area by lease, trade, exchange, sale or such other arrangement entered into by the City of Loveland. 2.3.4 Quantification of Amount and Timing of Municipal Irrigation Return Flows: Loveland seeks to quantify the amount and timing of its return flows resulting from irrigation of lawns, parks, golf courses and other areas. Loveland seeks the right to reuse and successively use these irrigation return flows to extinction. **2.4 Res Judicata. The application of res judicata, including collateral estoppel, in cases involving a change of water rights has been held by the Colorado Supreme Court to be appropriate in certain circumstances. Loveland seeks to make the determinations of historical use including consumptive use of the subject water rights made in this adjudication res judicata and binding upon future adjudications involving the ditches and/or water rights that are the subject of this proceeding. 2.5**

Ownership Information 2.5.1 Barnes Ditch is owned by the Greeley and Loveland Irrigation Company, 808 23rd Avenue, Greeley, Colorado 80634. 2.5.2 Big Thompson Ditch & Manufacturing Company's Ditch is owned by the Big Thompson Ditch and Manufacturing Company, 150 East 29th Street, Suite 285, P.O. Box 642, Loveland, Colorado 80539-0642. 2.5.3 George Rist Ditch, upon information and belief, is owned by the Buckingham Irrigation Company, 1006 Hahn Court, Loveland Colorado 80537. 2.5.4 Chubbuck Ditch is owned by the Greeley and Loveland Irrigation Company, 808 23rd Avenue, Greeley, Colorado 80634. 2.5.5 Louden Ditch is owned by the Louden Irrigating Canal and Reservoir Company, 8029 South County Road 9, Fort Collins, Colorado 80528. 2.5.6 South Side Ditch is owned by the South Side Irrigation and Reservoir Company, 1612 West 1st Street, Loveland, Colorado 80537. 2.5.7 Farmers Ditch is owned by the Reorganized Farmers Irrigating Ditch Company, 26442 West County Road 15, Loveland, Colorado 80537. 2.5.8 Home Supply Ditch is owned by the Consolidated Home Supply Ditch and Reservoir Company, 1650 West 8th Street, Loveland, Colorado 80537. 2.5.9 Loveland Pipeline is owned by the City of Loveland, Department of Water and Power, 200 North Wilson Avenue, Loveland, Colorado 80537. 2.5.10 Dille Tunnel is owned by the United States Bureau of Reclamation, Eastern Colorado Projects Office, 11056 WCR 18 E, Loveland, Colorado 80537 (attn: Brian Person, Manager). 2.5.11 Loveland Electric Park (Viestenz-Smith Park) is owned by the City of Loveland, Department of Water and Power, 200 North Wilson Avenue, Loveland, Colorado 80537. 2.5.12 Olympus Tunnel is owned by United States Bureau of Reclamation, Eastern Colorado Projects Office, 11056 WCR 18 E, Loveland, Colorado 80537 (attn: Brian Person, Manager). 2.5.13 Green Ridge Glade Reservoir (Loveland Municipal Reservoir) is owned by the City of Loveland, Department of Water and Power, 200 North Wilson Avenue, Loveland, Colorado 80537. **2.6 Diversion Summaries and Maps**. Summaries of the actual diversions of the subject water rights are attached as Exhibit A. Maps showing the points of diversion and approximate location of the lands historically irrigated by the subject water rights are attached as Exhibits B and C. **2.7 Remarks** 2.7.1 Loveland seeks a decree of this Court determining the terms and conditions to be applied to the change of water rights described herein that are necessary to prevent injury to vested water rights and decreed conditional water rights. 2.7.2 Loveland shall be entitled to its pro rata interest in the water physically and legally available to the changed water rights described herein. Loveland shall divert the changed water rights described herein only during periods when the water rights are in priority and said diversions shall be limited to the historical season of use. 2.7.3 During periods of a valid priority call affecting the subject water rights on the Big Thompson River that is senior to 12/31/2002, Loveland will meet its return flow obligation resulting from the change of water rights sought by this application from any lawful source of water whether now owned or controlled or hereinafter acquired. Loveland will use its sources to pay its return flow obligation by direct use, releases from storage and, to the extent lawful, by return flows from initial uses, including discharges of treated effluent and municipal irrigation return flows. 2.7.4 Loveland seeks approval by the court that the water diverted under the changed water rights described herein for which the return flow obligation has been met shall be fully consumable and may be used, reused and successively used to extinction for the beneficial purposes described herein. WHEREFORE, Loveland requests the Court enter a decree (1) approving the changes of water rights sought by this application, and (2) determining that said changes will not injure the vested or decreed water rights of others. (Application and attachments 19 pages)

2002CW393 - THE CITY OF LOVELAND, IN LARIMER AND WELD COUNTIES. APPLICATION FOR APPROPRIATIVE RIGHTS OF EXCHANGE. 1. Name, Address and Telephone Number of Applicant: The City of Loveland, Colorado, 500 East Third Street, Loveland, Colorado 80537, Telephone: 970-962-3000. Direct all pleadings to**:** Brian M. Nazarenus, Esq., William H. Caile, Esq., Friedlob Sanderson Paulson & Tourtillott, LLC, 1775 Sherman Street, Twenty-First Floor, Denver, Colorado 80203, (303) 571-1400**. 2. CLAIM FOR APPROPRIATIVE RIGHTS OF EXCHANGE. 2.1 Structures involved in Exchanges:** 2.1.1 Exchange From Structures: a. Loveland Wastewater Treatment Plant. The outfall of the Loveland Wastewater Treatment Plant is a point located in the NW 1/4 of the NE 1/4 of the SW 1/4 of Section 19, Township 5 North, Range 68 West of the 6th P.M., Larimer County, Colorado. b. Gravel pits located adjacent to the Big Thompson River upstream from the Wastewater Treatment Plant outfall (located as described in paragraph 2.1.1(a), supra), and downstream from the point of diversion of the Loveland Pipeline (located as described in paragraph 2.1.2(b), infra). 2.1.2 Exchange To Structures: a. 82CW202A Ditches: Those irrigation ditches listed and described in Loveland's decree issued in Case No. 82CW202A, Water Division No. 1. Diversion by exchange at any of these ditches shall not occur without the express written consent of the ditch company that owns the subject ditch. Such ditches include: i. The Barnes Ditch (The Barnes Ditch includes the Big Barnes Ditch and the Little Barnes Ditch): The headgate of the Barnes Ditch is located on the north bank of the Big Thompson River in the NW1/4 of the NE1/4 of Section 17, Township 5 North, Range 69 West of the 6th P.M. The Barnes Ditch has an alternate point of diversion in Section 15, Township 5 North, Range 69 West of the 6th P.M. ii. Big Thompson Ditch and Manufacturing Company: The historic point of diversion for the Big Thompson Ditch and Manufacturing Company's ditch is located in the SE1/4 of the NW1/4 of the SW1/4 of Section 15, Township 5 North, Range 69 West of the 6th P.M. By Decree dated September 30, 1981 in Case No. 81CW103, Water Division No. 1, the point of diversion was changed to a point on the south bank of the Big Thompson River approximately 1800 feet north of the south quarter corner of the SW1/4 of Section 15, Township 5 North, Range 69 West of the 6th P.M. iii. George Rist Ditch (also known as the Buckingham Ditch): The point of diversion for the George Rist Ditch is on the Big Thompson River in the SW1/4 of the NE1/4 of Section 12, Township 5 North, Range 70 West of the 6th P.M. iv. Chubbuck Ditch: The historic point of diversion for the Chubbuck Ditch is located on the Big Thompson River in the NE1/4 of the SW1/4 of Section 15, Township 5 North, Range 69 West of the 6th P.M. v. Louden Ditch: The historic point of diversion for the Louden Ditch is located on the Big Thompson River in the SW1/4 of the NW1/4 of Section 12, Township 5 North, Range 70 West of the 6th P.M. vi. South Side Ditch: The historic point of diversion for the South Side Ditch is located on the Big Thompson River, in the SW1/4 of the NW1/4 of Section 12, Township 5 North, Range 70 West of the 6th P.M. vii. Farmers Irrigating Canal (Farmers Ditch): The point of diversion for the Farmers Ditch is located on the Big Thompson River, in the NW1/4 of the NE1/4 of Section 23, Township 5 North, Range 69 West of the 6th P.M. viii. Consolidated Home Supply Ditch (Home Supply Ditch): The point of diversion for the Home Supply Ditch is on the south side of the Big Thompson River in the SW1/4 of the SW1/4 of Section 2, Township 5 North, Range 70 West of the 6th P.M. b. Loveland Pipeline: The decreed point of diversion for the Loveland Pipeline is defined in the

Decree in Case No. 4862 in the District Court for Boulder County, Colorado, March 18, 1917 commencing at page 167. Diversion for the Loveland Pipeline has historically been made on the north side of the Big Thompson River at a point in the NW1/4 of the SW1/4 of the SW1/4 of Section 2, Township 5 North, Range 70 West of the 6th P.M. c. Dille Tunnel: The point of diversion for the Dille Tunnel is on the south side of the Big Thompson River in the NW1/4 of the NW1/4 of Section 9, Township 5 North, Range 70 West of the 6th P.M. d. Olympus Tunnel: The point of diversion for the Olympus Tunnel is at the outlet of Lake Estes at Olympus Dam located in the SE1/4 of the NW1/4 of Section 29, Township 5 North, Range 72 West of the 6th P.M. e. Loveland Electric Park: A point of diversion at the Viestenz-Smith Park (Loveland Electric Park) on either side of the Big Thompson River at a point in the NE1/4 of the NW1/4 of Section 7, Township 5 North, Range 70 West of the 6th P.M. f. Gravel pits located adjacent to the Big Thompson River upstream from the Wastewater Treatment Plant outfall (located as described in paragraph 2.1.1(a), supra), and downstream from the point of diversion of the Loveland Pipeline (as that point is described in paragraph 2.1.2(b), supra). **2.2 Description of Appropriative Right of Exchange:** 2.2.1. Exchange Reach: The claimed exchange is from the outfall of the Wastewater Treatment Plant to the intake of the Olympus Tunnel, including diversion by exchange at the intervening exchange-to points described at Section 2.1.2, supra. Within this exchange reach, water may also be exchanged from the gravel pits storage described in Paragraph 2.1.1(b), supra, to any of the diversion points described in Section 2.1.2. 2.2.2. Amount of Appropriative Right of Exchange: a. 7.0 cubic feet per second, ABSOLUTE. b. 11.5 cubic feet per second, CONDITIONAL. 2.2.3. Substitute Supply: a. Windy Gap Project water in which Loveland currently holds or hereafter acquires an interest, and reusable return flows attributable to such water. b. Colorado-Big Thompson Project water in which Loveland holds or hereafter acquires an interest. c. Fully consumable water and reusable return flows attributable to water rights Loveland is seeking to change in an application filed concurrently with this matter in the Water Court, Water Division No. 1. d. Return flows attributable to water stored under Loveland's decree in Case No. 82CW202A, Water Division No. 1, including those inclusory decrees entered in Case Nos. 87CW178, 89CW090, 92CW112, and 00CW108 (pending), to the extent that such water may be completely consumed by Loveland pursuant to Paragraph 7(e) of the 82CW202A decree. e. Such other reusable sources of water that Loveland now holds or may hereafter acquire an interest in. 2.2.4. Appropriation Date: August 20, 1988. 2.2.5. Uses of Exchanged Water: a. Loveland seeks the right to directly use, and also to store and subsequently use, water exchanged under these appropriative rights of exchange for irrigation and for all municipal uses, including without limitation domestic, irrigation, watering of lawns, parks and grounds, commercial, industrial, mechanical, manufacturing, fire protection and suppression, sewage treatment, street sprinkling, recreational, aesthetic, piscatorial, wildlife preservation, maintenance of operating detention, replacement, and all other beneficial purposes related to, occurring or deriving from the operation of Loveland's municipal water and sewer system. b. Loveland also claims the right to further reuse, and successively use to extinction consumable water exchanged under these appropriative rights of exchange for all lawful purposes, including but not limited to use as a substitute source of supply for further augmentation and/or exchange, and including use outside of Loveland's service area by lease, trade, exchange, sale or such other arrangement entered by the City of Loveland. **2.3. Ownership of Facilities and Structures:** 2.3.1. The Dille Tunnel is owned by the United States Bureau of Reclamation, Eastern Colorado

Projects Office, 11056 WCR 18 E, Loveland, Colorado 80537 (attn: Brian Person, Manager). 2.3.2. The Loveland Pipeline is owned by the City of Loveland, Department of Water and Power, 200 North Wilson Avenue, Loveland, Colorado 80537. 2.3.3. The Olympus Tunnel is owned by United States Bureau of Reclamation, Eastern Colorado Projects Office, 11056 WCR 18 E, Loveland, Colorado 80537 (attn: Brian Person, Manager). 2.3.4. Viestenz-Smith Park (Loveland Electric Park) is owned by the City of Loveland, Department of Water and Power, 200 North Wilson Avenue, Loveland, Colorado 80537. 2.3.5. The Barnes Ditch is owned by the Greeley and Loveland Irrigation Company, 808 23rd Avenue, Greeley, Colorado 80634. 2.3.6. The Big Thompson Ditch and Maunfacturing Company Ditch is owned by the Big Thompson Ditch and Manufacturing Company, 150 East 29th Street, Suite 285, P.O. Box 642, Loveland, Colorado 80539-0642. 2.3.7 The George Rist Ditch, upon information and belief, is owned by the Buckingham Irrigation Company, 1006 Hahn Court, Loveland Colorado 80537. 2.3.8. The Chubbuck Ditch is owned by the Greeley and Loveland Irrigation Company, 808 23rd Avenue, Greeley, Colorado 80634. 2.3.9. The Louden Ditch is owned by the Louden Irrigating Canal and Reservoir Company, 8029 South County Road 9, Fort Collins, Colorado 80528. 2.3.10. The South Side Ditch is owned by the South Side Irrigation and Reservoir Company, 1612 West 1st Street, Loveland, Colorado 80537. 2.3.11. The Farmers Ditch is owned by the Reorganized Farmers Ditch Company, 26442 West County Road 15, Loveland, Colorado 80537. 2.3.12. The Home Supply Ditch is owned by the Consolidated Home Supply Ditch and Reservoir Company, 1650 West 8th Street, Loveland, Colorado 80537. 2.3.13. The Wastewater Treatment Plant is owned by the City of Loveland, Department of Water and Power, 200 North Wilson Avenue, Loveland, Colorado 80537. **2.4 Attached Map.** A general location map depicting the structures and reaches of the claimed exchange is attached as Exhibit A and incorporated by reference. **3. PRAYER FOR RELIEF**. WHEREFORE, Loveland respectfully requests the Court enter a decree granting the claims made by Loveland herein, along with such other relief that the Court deems appropriate. (Application and attachment 9 pages)

2002CW394 - THE CITY OF LOVELAND, IN LARIMER AND WELD COUNTIES. APPLICATION FOR APPROPRIATIVE RIGHTS OF EXCHANGE. 1. Name, Address and Telephone Number of Applicant: The City of Loveland, Colorado, 500 East Third Street, Loveland, Colorado 80537, Telephone: 970-962-3000. Direct all pleadings to**:** Brian M. Nazarenus, Esq., William H. Caile, Esq., Friedlob Sanderson Paulson & Tourtillott, LLC, 1775 Sherman Street, Twenty-First Floor, Denver, Colorado 80203, (303) 571-1400**. 2. CLAIM FOR APPROPRIATIVE RIGHTS OF EXCHANGE. 2.1 Structures involved in Exchanges:** 2.1.1 Exchange From Structures: a. Gravel pit storage on lands adjacent to the Big Thompson River located in Sections 16, 17, 20 and 21, Township 5 North, Range 68 West of the 6th P.M., Larimer County, Colorado ("Great Western Ponds"). It is anticipated that the point at which water will be released to the stream from the gravel pit storage will be located in approximately the NW1/4 of the SW1/4 of Section 21, Township 5 North, Range 68 West of the 6th P.M., Larimer County, Colorado ("Great Western Ponds Outlet"). b. Loveland Wastewater Treatment Plant. The outfall of the Loveland Wastewater Treatment Plant is at a point located in the NW 1/4 of the NE 1/4 of the SW 1/4 of Section 19, Township 5 North, Range 68 West of the 6th P.M., Larimer County, Colorado. 2.1.2 Exchange To Structures: a. 82CW202A Ditches: Those irrigation ditches listed and described in Loveland's decree issued in Case No. 82CW202A,

Water Division No. 1. Diversion by exchange at any of these ditches shall not occur without the express written consent of the ditch company that owns the subject ditch. Such ditches include: i. The Barnes Ditch (The Barnes Ditch includes the Big Barnes Ditch and the Little Barnes Ditch): The headgate of the Barnes Ditch is located on the north bank of the Big Thompson River in the NW1/4 of the NE1/4 of Section 17, Township 5 North, Range 69 West of the 6th P.M. The Barnes Ditch has an alternate point of diversion in Section 15, Township 5 North, Range 69 West of the 6th P.M. ii. Big Thompson Ditch and Manufacturing Company: The historic point of diversion for the Big Thompson Ditch and Manufacturing Company's ditch is located in the SE1/4 of the NW1/4 of the SW1/4 of Section 15, Township 5 North, Range 69 West of the 6th P.M. By Decree dated September 30, 1981 in Case No. 81CW103, Water Division No. 1, the point of diversion was changed to a point on the south bank of the Big Thompson River approximately 1800 feet north of the south quarter corner of the SW1/4 of Section 15, Township 5 North, Range 69 West of the 6th P.M. iii. George Rist Ditch (also known as the Buckingham Ditch): The point of diversion for the George Rist Ditch is on the Big Thompson River in the SW1/4 of the NE1/4 of Section 12, Township 5 North, Range 70 West of the 6th P.M. iv. Chubbuck Ditch: The historic point of diversion for the Chubbuck Ditch is located on the Big Thompson River in the NE1/4 of the SW1/4 of Section 15, Township 5 North, Range 69 West of the 6th P.M. v. Louden Ditch: The historic point of diversion for the Louden Ditch is located on the Big Thompson River in the SW1/4 of the NW1/4 of Section 12, Township 5 North, Range 70 West of the 6th P.M. vi. South Side Ditch: The historic point of diversion for the South Side Ditch is located on the Big Thompson River, in the SW1/4 of the NW1/4 of Section 12, Township 5 North, Range 70 West of the 6th P.M. vii. Farmers Irrigating Canal (Farmers Ditch): The point of diversion for the Farmers Ditch is located on the Big Thompson River, in the NW1/4 of the NE1/4 of Section 23, Township 5 North, Range 69 West of the 6th P.M. viii. Consolidated Home Supply Ditch (Home Supply Ditch): The point of diversion for the Home Supply Ditch is on the south side of the Big Thompson River in the SW1/4 of the SW1/4 of Section 2, Township 5 North, Range 70 West of the 6th P.M. b. Loveland Pipeline: The decreed point of diversion for the Loveland Pipeline is defined in the Decree in Case No. 4862 in the District Court for Boulder County, Colorado, dated March 18, 1917 commencing at page 167. Diversion for the Loveland Pipeline has historically been made on the north side of the Big Thompson River at a point in the NW1/4 of the SW1/4 of the SW1/4 of Section 2, Township 5 North, Range 70 West of the 6th P.M. c. Dille Tunnel: The point of diversion for the Dille Tunnel is on the south side of the Big Thompson River in the NW1/4 of the NW1/4 of Section 9, Township 5 North, Range 70 West of the 6th P.M. d. Olympus Tunnel: The point of diversion for the Olympus Tunnel is at the outlet of Lake Estes at Olympus Dam located in the SE1/4 of the NW1/4 of Section 29, Township 5 North, Range 72 West of the 6th P.M. e. Loveland Electric Park: A point of diversion at the Viestenz-Smith Park (Loveland Electric Park) on either side of the Big Thompson River at a point in the NE1/4 of the NW1/4 of Section 7, Township 5 North, Range 70 West of the 6th P.M. f. Gravel pits located adjacent to the Big Thompson River upstream from Loveland's Wastewater Treatment Plant outfall, which is located in the NW1/4 of the NE1/4 of the SW1/4 of Section 19, Township 5 North, Range 68 West of the 6th P.M., and downstream from the point of diversion of the Loveland Pipeline (as that point is described in paragraph 2.1.2(b), supra). **2.2 Description of Appropriative Right of Exchange:** 2.2.1. Exchange Reach: The claimed exchange is from the Great Western Ponds

Outlet to the intake of the Olympus Tunnel, including diversion by exchange at the intervening exchange-to points described at Section 2.1.2, above. Within this exchange reach, water may also be exchanged from the Wastewater Treatment Plant described in Section 2.1.1(b) to any of the exchange-to points described in Section 2.1.2, above. 2.2.2. Amount of Appropriative Right of Exchange: 75 cubic feet per second, CONDITIONAL. 2.2.3. Substitute Supply: a. Windy Gap Project water, in which Loveland currently holds or hereafter acquires an interest, and reusable return flows attributable to such water. b. Colorado-Big Thompson Project water in which Loveland holds or hereafter acquires an interest. c. Fully consumable water and reusable return flows attributable to water rights Loveland is seeking to change in an application filed concurrently with this matter in the Water Court, Water Division No. 1. d. Return flows attributable to water stored under Loveland's decree in Case No. 82CW202A, Water Division No. 1, including those inclusory decrees entered in Case Nos. 87CW178, 89CW090, 92CW112, and 00CW108 (pending), to the extent that such water may be completely consumed by Loveland pursuant to Paragraph 7(e) of the 82CW202A decree. e. Such other reusable sources of water that Loveland now holds or may hereafter acquire an interest in. 2.2.4. Appropriation Date: December 31, 2002. 2.2.5. Uses of Exchanged Water: a. Loveland seeks the right to directly use, and also to store and subsequently use, water exchanged under these appropriative rights of exchange for irrigation and for all municipal uses, including without limitation domestic, irrigation, watering of lawns, parks and grounds, commercial, industrial, mechanical, manufacturing, fire protection and suppression, sewage treatment, street sprinkling, recreational, aesthetic, piscatorial, wildlife preservation, maintenance of operating detention, replacement, and all other beneficial purposes related to, occurring or deriving from the operation of Loveland's municipal water and sewer system. b. Loveland also claims the right to further reuse, and successively use to extinction consumable water exchanged under these appropriative rights of exchange for all lawful purposes, including but not limited to use as a substitute source of supply for further augmentation and/or exchange, and including use outside of Loveland's service area by lease, trade, exchange, sale or such other arrangement entered by the City of Loveland. **2.3. Ownership of Facilities and Structures:** 2.3.1. Great Western Ponds: The land underlying the area Loveland intends to develop into gravel pit storage in Sections 16, 17, 20 and 21, Township 5 North, Range 68 West of the 6th P.M., Larimer County, Colorado**,** is owned by Jake Kauffman & Son, Inc., 808 South County Road 9, Loveland, Colorado 80537. 2.3.2. Loveland Wastewater Treatment Plant is owned by the City of Loveland, Department of Water and Power, 200 North Wilson Avenue, Loveland, Colorado 80537. 2.3.3. The Dille Tunnel is owned by the United States Bureau of Reclamation, Eastern Colorado Projects Office, 11056 WCR 18 E, Loveland, Colorado 80537 (attn: Brian Person, Manager). 2.3.4. The Loveland Pipeline is owned by the City of Loveland, Department of Water and Power, 200 North Wilson Avenue, Loveland, Colorado 80537. 2.3.5. The Olympus Tunnel is owned by United States Bureau of Reclamation, Eastern Colorado Projects Office, 11056 WCR 18 E, Loveland, Colorado 80537 (attn: Brian Person, Manager). 2.3.6. The Barnes Ditch is owned by the Greeley and Loveland Irrigation Company, 808 23rd Avenue, Greeley, Colorado 80634. 2.3.7. The Big Thompson Ditch and Maunfacturing Company's Ditch isowned by the Big Thompson Ditch and Manufacturing Company, 150 East 29th Street, Suite 285, P.O. Box 642, Loveland, Colorado 80539-0642. 2.3.8. The George Rist Ditch, upon information and belief, is owned by the Buckingham Irrigation Company, 1006 Hahn Court, Loveland Colorado 80537. 2.3.9. The Chubbuck Ditch is

owned by the Greeley and Loveland Irrigation Company, 808 23rd Avenue, Greeley, Colorado 80634. 2.3.10. The Louden Ditch is owned by the Louden Irrigating Canal and Reservoir Company, 8029 South County Road 9, Fort Collins, Colorado 80528. 2.3.11. The South Side Ditch is owned by the South Side Irrigation and Reservoir Company, 1612 West 1st Street, Loveland, Colorado 80537. 2.3.12. The Farmers Ditch is owned by the Reorganized Farmers Ditch Company, 26442 West County Road 15, Loveland, Colorado 80537. 2.3.13. The Home Supply Ditch is owned by the Consolidated Home Supply Ditch and Reservoir Company, 1650 West 8th Street, Loveland, Colorado 80537. 2.3.14. Viestenz-Smith Park (Loveland Electric Park) is owned by the City of Loveland, Department of Water and Power, 200 North Wilson Avenue, Loveland, Colorado 80537. **2.4. Attached Map**. A general location map depicting the structures and reaches of the claimed exchange is attached as Exhibit A and incorporated by reference. **3. PRAYER FOR RELIEF.** WHEREFORE, Loveland respectfully requests the Court enter a decree granting the claims made by Loveland herein, along with such other relief that the Court deems appropriate. (Application and attachment 9 pages)

2002CW395 GARY A. AND DOROTHY VAN DYK, RICKY L. AND CHRISTIE L. VAN DYK, AND NEIL H. AND JULIE A. McKAY, IN ADAMS AND ARAPAHOE COUNTIES. APPLICATION FOR DETERMINATION OF UNDERGROUND WATER RIGHTS. 1. Name, address, and telephone number of Applicants: Gary A. and Dorothy Van Dyk, 920 Antelope Drive West, Bennett, CO 80102, Telephone: 303-644-5777, Ricky L. and Christie L. Van Dyk, 900 Antelope Drive West, Bennett, CO 80102, Telephone: 303-644-5505, and Neil H. and Julie A. McKay, 8184 Jewel Lane, Maple Grove, MN 55311, Telephone: 763-420-5967. All correspondence should be addressed to: William B. Tourtillott, William H. Caile, Friedlob Sanderson Paulson & Tourtillott, LLC, 1775 Sherman Street, Twenty-First Floor, Denver, Colorado 80203, Telephone: (303) 571-1400.

2. Introduction: Applicants seek to appropriate, perfect and obtain vested rights for any and all nontributary and not nontributary ground water legally available to Applicants that has not been previously permitted or decreed. This Court has jurisdiction to determine the water rights requested herein pursuant to C.R.S. § 37-90-137(6). **3. Well Permits:** Concerning the water rights that are being requested in this application, none of the wells that are the subject of this application currently exist, and the Applicants have not applied for permits to drill any of the wells. Applicants claim the right to drill and to complete such wells as may be needed or desired anywhere on Parcels A, B, C-1 and C-2 to recover and to use all physically and legally available water from the aquifers under each parcel as claimed herein. Prior to constructing any well, Applicants will apply to the Division of Water Resources (the "State Engineer") for a permit to construct such wells. The Applicants request that the Court require the State Engineer to issue well permits for any such wells in accordance with the decree to be entered herein. Applicants seek the right to locate the future wells at any suitable location within those parts of Adams and Arapahoe Counties as more fully described in Exhibits A, B, C-1 and C-2 which are attached hereto and incorporated herein by this reference. Applicants waive any 600 foot spacing rule as described in C.R.S. § 37-90-137(2) for wells located on Parcels A, B, C-1 and C-2. **4. Legal Description of Applicants' Properties and Ownership Information:** Applicants seek a determination of its right to perfect its ownership, appropriate and withdraw all of the legally available nontributary ground water in the Upper Arapahoe, Lower Arapahoe and Laramie-Fox Hills Aquifers and the legally available not nontributary ground water in the Denver Aquifer underlying the parcels as described below: **Parcel A:** 80 acres located in the NW ¼ Section 34, Township 3 South, Range 64 West of the 6th P.M. and 12 acres in the SW ¼ of Section 27, Township 3 South, Range 64 West of the 6th P.M., Adams County, Colorado. **Owners**: Applicants, Gary A. and Dorothy Van Dyk, see paragraph 1 above for address. **Parcel B:** 127.01 acres located in the NW ¼, Section 14, Township 4 South, Range 65 West of the 6th P.M., Arapahoe County, Colorado. **Owners:** Applicants, Gary A. and Dorothy Van Dyk, see paragraph 1 above for address. **Parcel C-1:** 171.67 acres located in the SW 1/4, Section 6, Township 4 South, Range 64 West of the 6th P.M., Arapahoe County, Colorado. **Owners:** Applicants, Gary A. and Dorothy Van Dyk, see paragraph 1 above for address. **Parcel C-2:** 160.71 acres located in the SE ¼ of Section 6, Township 4 South, Range 64 West of the 6th P.M., Arapahoe County, Colorado. Total acreage for Parcels C-1 and C-2 is 332.38 acres. **Owners:** Applicants, Ricky L. and Christie L. VanDyk own an

undivided ½ interest and Neil H. and Julia A. McKay, own an undivided ½ interest. See paragraph 1 above for addresses. Applicants' Parcels A and B are non-contiguous with each other, and Applicants' Parcels C-1 and C-2 are contiguous which each other and are more particularly described in the attached Exhibits A, B, C-1 and C-2. A map showing the locations of said parcels is attached as Exhibit D. **5. Source of Water:** The ground water to be withdrawn by Applicants from the Denver Aquifer on Parcels A, B, C-1 and C-2 is not nontributary ground water as defined in C.R.S. § 37-90-103(10.7). Applicants will obtain a plan for augmentation that replaces depletions prior to using this not nontributary water. The ground water to be withdrawn by Applicants from the Upper Arapahoe, Lower Arapahoe and Laramie-Fox Hills Aquifers on Parcels A, B , C-1 and C-2 is nontributary ground water as defined in C.R.S. § 37-90-103(10.5). Applicants will comply with the requirement to relinquish to the surface stream system two percent of all such nontributary ground water withdrawn on an annual basis. Otherwise, said water may be fully consumed to extinction for all beneficial uses. Estimated Depth: Wells will be completed to the bottom of each of the aquifers, which Applicants estimate to be as follows: Denver Aquifer: 744 feet; Upper Arapahoe Aquifer: 968 feet; Lower Arapahoe Aquifer: 1,247 feet; Laramie-Fox Hills Aquifer: 1,821 feet; The above depths are approximate and are based on information from the Colorado State Engineer's office. Actual well depths may vary from this estimate based on the actual conditions below the overlying land. **6. Estimated Amount and Rates of Withdrawal:**

Applicants claim herein the right to perfect their ownership, appropriate and withdraw all of the nontributary ground water which is legally available from the Upper Arapahoe, Lower Arapahoe, and Laramie-Fox Hills Aquifers along with the not nontributary Denver Aquifer ground water underlying Parcels A, B, C-1 and C-2, and to withdraw said amounts at whatever rate is required in order to do so and as and when the water is needed during the course of any year. The Applicants' wells will withdraw ground water at a rate of flow necessary to efficiently withdraw the entire decreed amount in each aquifer. The estimated average annual amounts of ground water available for withdrawal by the Applicants are based upon information contained in the Denver Basin Rules, 2 C.C.R. 402-6. Applicants estimate the following values and average annual amounts are representative of the subject aquifers underlying Parcels A, B, C-1 and C-2:

Parcel A (92 acres):

Aquifer	Saturated Thickness	Annual Average Specific Yield (%)	Withdrawal (Acre Feet)
Upper Arapahoe	150 feet	17%	23.46 a.f.
Lower Arapahoe	50 feet	17%	7.8 a.f.
Laramie-Fox Hills	150 feet	15%	20.7 a.f.
Denver	150 feet	17%	23.46 a.f.

Parcel B (127.01 acres):

Aquifer	Saturated Thickness	Annual Average Specific Yield (%)	Withdrawal (Acre Feet)
Upper Arapahoe	125 ft.	17%	26.99 a.f.
Lower Arapahoe	100 ft.	17%	21.59 a.f.
Laramie-Fox Hills	175 ft.	15%	33.34 a.f.
Denver	250 ft.	17%	53.98 a.f.

Parcels C-1 and C-2 (collectively, 332.38 acres):

Aquifer	Saturated Thickness	Annual Average Specific Yield (%)	Withdrawal (Acre Feet)
Upper Arapahoe	125 ft.	17%	70.63 a.f.
Lower Arapahoe	75 ft.	17%	42.4 a.f.
Laramie-Fox Hills	75.ft.	15%	37.4 a.f.
Denver	250 ft.	17%	141.26 a.f.

7. Well Fields: This application pertains to three well fields. Parcels A and B are non-contiguous to any of the other parcels and each form their own "well field." Parcels C-1 and C-2 are contiguous to each other and form a third "well field." Applicants request that this Court determine that Applicants have the right to withdraw all of the legally available ground water lying below Parcels A, B, C-1 and C-2 through the wells requested herein, which may be located anywhere on these parcels, and any additional wells which may be completed in the future, as part of

Applicants' three well fields. Applicants will file applications with the State Engineer pursuant to C.R.S. § 37-90-137(10), prior to construction of any wells. **8. Proposed Uses:** Applicants will use all water withdrawn from the subject aquifers in a water system to be used, reused, and successively used, leased, sold or otherwise disposed of to extinction for the following beneficial purposes: municipal, domestic, industrial, commercial, irrigation, stock watering, recreational, fish and wildlife propagation, fire protection, and maintenance of adequate storage reserves, and any and all other beneficial uses on or off Parcels A, B, C-1 and C-2. Said water will be produced for immediate application to said uses, for storage and subsequent application to said uses, for exchange purposes, and for replacement of depletions resulting from the use of water from other sources. **9. Remarks: A.** Applicants claim the right to withdraw more than the average annual amounts estimated in paragraph 7 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. **B.** Although Applicants have estimated the amounts of water available for withdrawal from the subject aquifers based on estimates of relative values for specific yield and saturated thickness, Applicants request the right to revise the estimates upward or downward, based on better or revised data, without the necessity of amending this application or republishing the same. **C.** Applicants will withdraw the not nontributary Denver Aquifer ground water only upon approval of a plan for augmentation which may be filed in the future pursuant to C.R.S. § 37-90-137(9)(c). **WHEREFORE**, Applicants pray that this Court enter a Decree: **1.** Granting the application 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. **2.** Specifically determining that: **A.** Applicants have complied with C.R.S. § 37-90-137(4), 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 Applicants' property, pursuant to C.R.S. § 37-92-305(11), and Denver Basin Rule 9.A. **B.** The ground water in the Denver Aquifer is not nontributary, and the ground water in the Upper and Lower Arapahoe, and Laramie-Fox Hills Aquifers is nontributary. **C.** Vested or conditionally decreed water rights of others will not be materially injured by the withdrawals of ground water. **D.** No findings of diligence are required to maintain these water rights. **Further**, Applicants pray that this Court grant such other and further relief as this Court deems just and proper. (Application and attachments 14 pages)

2002CW396 B**ROMLEY DISTRICT WATER PROVIDERS, LLC**, 9145 East Kenyon Avenue, Suite 100, Denver, Colorado 80237, (303) 773-1005 and **UNITED WATER AND SANITATION DISTRICT**, 9145 East Kenyon Avenue, Suite 100, Denver, Colorado 80237, (303) 773-1005. Application for Conditional Water Rights, **IN ADAMS COUNTY**. Direct all pleadings to: William B. Tourtillott, Esq., Carolyn F. Burr, Esq., Friedlob Sanderson Paulson & Tourtillott, LLC, 1775 Sherman Street, Twenty-First Floor, Denver, Colorado 80203, (303) 571-1400. 2. Claim for Conditional Direct Flow Right: Applicant claims the following points as alternate points of diversion, which may, in combination with one or more of the other alternate points of diversion, be used to divert Applicant's claimed direct flow right of up to 850 cfs: a. Brantner Ditch Headgate: i. Legal Description: A headgate of the Brantner Ditch on the South Platte River at the diversion dam of the Brantner Ditch in the NE1/4 of the SW1/4 of Section 4, Township 2 South, Range 67 West of the 6th P.M., Adams County, Colorado. ii. Source: South Platte River. iii. Amount Claimed: 200 cfs CONDITIONAL. b. Fulton Ditch Headgate: i. Legal Description: The headgate of the Fulton Ditch is located on the South Platte River in the NE1/4 of the SE1/4 of Section 17, Township 2 South, Range 67 West of the 6th P.M., Adams County, Colorado. ii. Source: South Platte River iii. Amount Claimed: 150 cfs, CONDITIONAL c. Burlington - O'Brian Canal: i. Legal Description: Water is diverted into the Burlington - O'Brian Canal through: (1) The Burlington Canal Headgate, which is located on the east side of the South Platte River in the SW1/4 of the NE1/4 of Section 14, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado, at a point approximately 2,300 feet South and 2,200 feet West of the Northeast corner of said section. (2) Metro Pump Station,

which is located adjacent to the outfall of the Metro Wastewater Reclamation District to the South Platte River located in the NW1/4 of the NW1/4, Section 12, Township 3 South, Range 68 West of the 6th P.M., Denver County, Colorado. ii. Source: South Platte River iii. Amount Claimed: 350 cfs, CONDITIONAL d. South Platte Well Field: The wells in the well field described in this section are shallow, alluvial wells to be located within 100 feet of the South Platte River. Accordingly, the wells will not caused delayed depletions to the South Platte River and shall be administered in the same manner as a surface diversion. i. Legal Description: The well field will be located on the east side of the South Platte River in Sections 3, 4, and 9, Township 2 South, Range 67 West of the 6th P.M., and Sections 26, 34 and 35, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. ii. Source: South Platte River

iii. Amount Claimed: 150 cfs, CONDITIONAL For each of the points of diversion listed above, the Applicants claim the following appropriation date and uses: iv. Appropriation Date: December 31, 2002. v. Uses: Applicants intend to use, reuse, and successively use the water to extinction for the following beneficial purposes: municipal, domestic, industrial, commercial, irrigation, stock watering, recreational, fish and wildlife propagation, fire protection, and maintenance of adequate storage reserves, and any and all other beneficial uses. Said water will be produced for immediate application to said uses, for storage and subsequent application to said uses, for exchange purposes, and or replacement of depletions resulting from the use of water from other sources. 3. Claim for Conditional Storage Rights a. Brannan Gravel Pit Storage Reservoir: The Brannan Gravel Reservoir will be a lined gravel pit water storage structure. i. Legal Description: The reservoir will be located in the N1/2 of Section 35 and the S1/2 of Section 26, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. ii. Source: South Platte River. iii. Amount Claimed: 8500 acre feet, CONDITIONAL 4. Name and address of owner of land on which the structures are located: a. The Brantner Ditch is owned by the Brantner Ditch Company, c/o Bryce Steele, Esq., 25 South 4th Avenue, Brighton, Colorado 80601. The Applicants do not presently have the right to divert into the Brantner Ditch, though they anticipate they will obtain such right by agreement with the Brantner Ditch Company. b. The Fulton Ditch is owned by the Fulton Irrigating Ditch Company, 25 South 4th Avenue, Brighton, Colorado 80601. The Applicants do not presently have the right to divert into the Fulton Ditch, though they anticipate they will obtain such right by agreement with the Fulton Irrigating Ditch Company. c. The Burlington - O'Brian Canal is owned by the Farmers Reservoir and Irrigation Company ("FRICO"), 80 South 27th Avenue, Brighton, Colorado 80601. The Applicants do not presently have the right to divert into the Burlington - O'Brian Canal, though they anticipate they will obtain such right by agreement with FRICO. d. The Metro Pump Station is located on land owned by the Metropolitan Wastewater Reclamation District, 6450 York Street, Denver, Colorado 80229. e. Wells associated with the South Platte Well Field may be located on those portions of the following properties lying east of the South Platte River and west of the right of way of the Fulton Ditch. No claim to any present right of use of the following properties are made pursuant to this application. All rights of use of any of the following properties would be obtained after negotiation with the land owners:

Section 26, Township 1 South, Range 67 West

Adams County
450 S. 4th Avenue
Brighton, Colorado 80601-3137

Camas Colorado, Inc.
3605 S. Teller Street
Lakewood, Colorado 80235

Kenneth M. Bromley, Sr. Trust
12801 Brighton Rd.
Brighton, Colorado 80601-7341

Rick, Gary and Terry Wagner
8808 Behrens Mile Road
Byers, Colorado 80103

BS&G Acquisition, LLC
4800 Brighton Blvd.
Denver, Colorado 80216

Jack Worthing & Susan Flow
12685 Quince Street
Brighton, Colorado 80602

Russell Grace
13185 Brighton Rd.
Brighton, Colorado 80601-7341

Dennis and Debra Deardorff
13293 Brighton Rd.
Brighton, Colorado 80601-7333

Henderson Aggregate, Ltd.
11521 Brighton Rd.
Henderson, Colorado 80640

Albert and Joseph Frei
13305 Brighton Rd.
Brighton, Colorado 80601

Jane and Stuart Tashiro, Diane Dible, Judy Aaragon, and Sandra Brookman
13393 Brighton Blvd.
Brighton, Colorado 80602

Section 34, Township 1 South, Ranch 67 West

Asphalt Specialties Co., Inc.
7321 E. 88th Avenue
Henderson, Colorado 80640

Aneda Marquez
P.O. Box 65
Henderson, Colorado 80640

Aneda Marquez & Antonio Wong
12001 Brighton Rd.
Henderson, Colorado 80640

F.A. & Elsie Trunkenbolz
609 1st Avenue
Brighton, Colorado 80601

Alex & Bennie Muniz
12010 Brighton Rd.
Henderson, Colorado 80640

Alfredo & Adelina Garcia
P.O. Box 128
10321 E. 123rd Ave.
Henderson, Colorado 80640

Anne Nelson & Richard Stinsen
10400 Henderson Rd.
Brighton, Colorado 80601

Ronald & Patricia Lindgren
10485 Henderson Rd.
Brighton, Colorado 80601

Clark and Deborah Adams
12290 Brighton Rd.
Henderson, Colorado 80640

Don & Jeanne Off
P.O. Box 550
Henderson, Colorado 80640

Melvin M. Clark
8683 W. 86th Place
Arvada, Colorado 80005

Geraldine H. Frost
P.O. Box 23
Henderson, Colorado 80640

Michael John
P.O. Box 639
Henderson, Colorado 80640

Kirk Kirby
P.O. Box 430
Henderson, Colorado 80640

Herman Russell Roubidoux
12320 E. 116th Circle
Henderson, Colorado 80640

Section 35, Township 1 South, Range 67 West

Henad Company
c/o Eugene F. Corrigan
200 P Street, #B-23
Sacramento, CA 95814-6232

124th Street Investments, LLC
2323 S. Troy Street, #1-100
Aurora, Colorado 80014

Henderson Water Ski Club, LLC
c/o Scott Olson
7630 S. Dunkirk Street
Centennial, CO 80016

Western Paving Construction Co.
c/o tax department
P.O. Box 21588
Denver, CO 80221

Larry & Sharon Arnold
12700 Brighton Rd.
Brighton, CO 80601

Kenneth Jr. & Lou Ellen Bromley
12600 Brighton Rd., Rt. 3
Brighton, CO 80601

Ronald & Marcus Holstine
3655 Otis Street
Wheat Ridge, Colorad80033

Theodore Zigan
5828 S. Dry Creek Ct.
Littleton, CO 80121

Wilbert & Sharon Bostrom
12550 Brighton Rd.
Brighton, CO 80601

Matthew & Nathalie Pawlak
12500 Brighton Rd.
Brighton, CO 80601

Zigan Homeowners Ass'n.
5828 S. Dry Creek Ct.
Littleton, CO 80121

Kenneth J. Vanlerberghe
11221 E. 124th Ave.
Brighton, CO 80601

Thomas Jody Coughlin Irrevocable Trust
12440 Brighton Rd.
P.O. Box 377
Henderson, CO 80640

Steven & Joni Zigan
10900 E. 126th Avenue
Brighton, CO 80601
Michael & Sandra Montoya
401 E. 99th Avenue
Denver, CO 80229

BS & G Acquisition, LLC
4800 Brighton Blvd.
Denver, CO 80216

Norman & Charlene Einspahr
12840 Brighton Rd.
Brighton, CO 80601
Robert & Dawn Heinz
8280 Simms Street
Arvada, CO 80005

Mary Lee Coughlin Qualified Personal
Residence Trust
P.O. Box 377
Henderson, CO 80640

Mary Lee Coughlin
P.O. Box 377
Henderson, CO 80640

Section 3, Township 2 South, Range 67 West

Suburban Sand & Gravel Co.
5400 Fenton Street
Arvada, CO 80002

South Adams County Water & Sanitation
District and City and County of Denver
1600 W. 12th Avenue
Denver, CO 80204

John S. Kemp et al. Trustee
c/o Industry Consulting Group
P.O. Box 810490
Dallas, TX 75381

Kevin & Jolene Sweetman
11481 Brighton Rd.
Henderson, CO 80640

Amy Tokunaga, Sam Jr. & Sam Sr. Sasaki,
Judy Sata & Kathy Yoshimoto
13515 E. 132nd Avenue
Brighton, CO 80601

Henderson Investments, LLC
7238 Meadowdale Dr.
Longmont, CO 80503

Clayton De Vault
15653 S. Furrow Rd.
Larkspur, CO 80118

William Matthews
10250 E. 120th Avenue
Henderson, CO 80640

Albert Frei & Sons, Inc.
11521 Brighton Rd.
Henderson, CO 80640

Pete Zarlengo
P.O. Box 121
Henderson, CO 80640
Andrew, Brian & Jackie Wilhelm

11651 Brighton Rd.
Henderson, CO 80640

C. D. & Mabel Gentry
11591 Brighton Rd.
Henderson, CO 80640

Robert Doerksen
11299 Brighton Rd.
Henderson, CO 80640

William & Lisa Byrd
10495 E. 112th Avenue
Henderson, CO 80640

Dunes Investment Partners, LLC
7108 S. Alton Way, Bldg. M
Englewood, CO 80112

Section 4, Township 2 South, Range 67 West

December, 2002 Resume

McIntosh Farm Co.
11910 Riverdale Rd.
Brighton, CO 80601

Albert & Shirley Foos
11981 Riverdale Rd.
Brighton, CO 80602

Dorothy Winfry, Helen Champion
& Joseph R. Novak, III
11395 Riverdale Rd.
Northglenn, CO 80233

Section 9, Township 2 South, Range 67 West

Camas Colorado, Inc.
3605 S. Teller St.
Lakewood, CO 80235

Claude & Dixie Frick
8025 E. 104th AvenueHenderson, CO 80640

Rolf Tveitan
P.O. Box 250
Henderson,
80640

Linearl Trotter
7695 E. 104th Avenue
Henderson, CO 80640

f. Brannan Gravel Pit Storage Reservoir: The right to store water in the Brannan gravel pit has been acquired by Bromley Metropolitan District No. 1 and Silver Peaks Metropolitan District No. 1. The Districts' address is 9145 East Kenyon Avenue, Suite 100, Denver, Colorado 80237.

g. Barr Lake: Barr Lake is owned by FRICO, 80 South 27th Avenue, Brighton, Colorado 80601.

2002CW397 JACKSON CREEK PROPERTIES, LLC, CILIBERTO & ASSOCIATES, LLC, Carrie L. Ciliberto, Sheela S. Parameswar, 1660 Lincoln Street, Suite 1700, Denver, Colorado 80264. Telephone: (303) 861-4300. APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NOT NONTRIBUTARY SOURCES IN THE LOWER DAWSON, DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS, **IN DOUGLAS COUNTY.**

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

Jackson Creek Properties, LLC
5680 West Jackson Creek Road
Sedalia, CO 80134
(303) 814-0603

Please send all correspondence to:

Carrie L. Ciliberto, Esq.
Ciliberto & Associates, LLC
1660 Lincoln Street, Suite 1700
Denver, Colorado 80264

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

3. Legal description subject property: The property which is the subject of this application is approximately 105 acres of land located in Section 16, 17, 20, and 21, T8S, R68W of the 6th P.M., as more particularly described and shown on Attachment A hereto.

4. Source of water rights: The source of the groundwater to be withdrawn from the Lower Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers underlying the Subject Property is not nontributary as described in Section 37-90-137(9)(c), C.R.S.

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

Aquifer	Saturated Thickness	Estimated Annual Amount
Lower Dawson	50 feet	6 acre-feet
Denver	100 feet	13.6 acre-feet
Arapahoe	190 feet	25.8 acre-feet
Laramie-Fox Hills	70 feet	20.4 acre-feet

The average annual amounts available for withdrawal from the subject aquifers will depend on the hydrogeology and the legal entitlement of the Applicant and represents a claim to all not nontributary groundwater underlying the Subject Property.

6. Legal description of wells and well fields: 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. Applicant waives any 600-foot spacing rule for any of its wells. Applicant requests that this Court determine that Applicant has the right to withdraw all of the legally available groundwater underlying the Subject Property, as well as the not nontributary Denver, Arapahoe and Laramie-Fox Hills aquifers underlying approximately 919 acres of the Sinclaire Property located in parts of Section 27, 28 and 33, Township 8 South, Range 68 West aquifers decreed in Case No. 99CW196, and the not nontributary Denver, Arapahoe and Laramie-Fox Hills aquifers underlying approximately 1,320 acres of the Jackson Creek Property located in parts of Section 20, 21, 22, 27, 28 and 29, Township 8 South, Range 68 West of the 6th P.M., decreed in Case No. 97CW076, through the wells requested herein and any additional wells which may be completed in the future as Applicant's well fields. As additional wells are constructed, applications will be filed in accordance with Section 37-90-137(10), C.R.S. Applicant further requests that this Court determine that Applicant has the right to withdraw all of the water associated with the 105-acre parcel, which is the subject of this application, through well(s) located or to be located on the approximately 919-acre Sinclaire Property and the approximately 1,320-acre Jackson Creek Property referenced above, in addition to the well(s) requested herein. Therefore, Applicant requests that this Court determine that Applicant has the right to withdraw all legally available groundwater associated with the three parcels described herein (approximately 105-acres, 919-acres and 1,320 acres) from any well or combination of wells located on any of said three parcels.

7. Proposed use: The water will be used, reused, successively used, leased, sold and/or otherwise disposed of for the following beneficial purposes: municipal, domestic, 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. Storage structures are either decreed or pending a final decree as follows:

A. Pond A: The pond will be located in the NE ¼ of Section 21, Township 8 South, Range 68 West, of the 6th P.M., with the westerly dam abutment when looking downstream being at a point 1,510 feet west of the east line of said section and 50 feet south of the north line of said section. The amount claimed to be stored is 53.7 acre-feet and refill (conditional), and the surface area of the pond is estimated to be approximately 3.3 acres.

B. Pond B: The pond will be located in the NW ¼ of Section 22, Township 8 South, Range 68 West, of the 6th P.M., with the westerly dam abutment when looking downstream being at a point approximately 660 feet east of the west line of said section and approximately 570 feet south of the north line of said section. The amount claimed to be stored is 139.9 acre-feet and refill (conditional), and the surface area of the pond is estimated to be approximately 7.1 acres.

C. Pond C: The pond will be located in the SW ¼ of Section 22, Township 8 South, Range 68 West, of the 6th P.M., with the westerly dam abutment when looking downstream being at a point approximately 470 feet east of the west line of said section and approximately 3,000 feet south of the north line of said section. The amount claimed to be stored is 133.5 acre-feet and refill (conditional), and the surface area of the pond is estimated to be approximately 5.9 acres.

D. Pond D: The pond will be located in the NW ¼ of Section 27, Township 8 South, Range 68 West, of the 6th P.M., with the westerly dam abutment when looking downstream being at a point approximately 980 feet east of the west line of said section and approximately 270 feet south of the north line of said section. The amount claimed to be stored is 723.6 acre-feet and refill (conditional), and the surface area of the pond is estimated to be approximately 19.8 acres.

E. Pond E: The pond will be located in the NE ¼ of Section 28, Township 8 South, Range 68 West, of the 6th P.M., with the westerly dam abutment when looking downstream being at a point approximately 1,360 feet west of the east line of said section and approximately 960 feet south of the north line of said section. The amount claimed to be stored is 125.1 acre-feet and refill (conditional), and the surface area of the pond is estimated to be 6.6 acres.

F. Pond F: The pond will be located in the NE ¼ and the SE1/4 of Section 28, Township 8 South, Range 68 West, of the 6th P.M., with the westerly dam abutment when looking downstream being at a point approximately 1,330 feet west of the east line of said section and approximately 2,500 feet south of the north line of said section. The amount claimed to be stored is 622.9 acre-feet and refill (conditional), and the surface area of the pond is estimated to be 18.2 acres.

G. Pond G: The pond will be located in the NE ¼ of Section 29, Township 8 South, Range 68 West, of the 6th P.M., with the westerly dam abutment when looking downstream being at a point approximately 240 feet west of east line of said section and approximately 1,720 feet south of the north line of said section. The amount claimed to be stored is 16.3 acre-feet and refill (conditional), and the surface area of the pond is estimated to be approximately 1.7 acres.

H. Pond H: The pond will be located in the NE ¼ of Section 29, and the NW ¼ of Section 28, Township 8 South, Range 68 West, of the 6th P.M., with the westerly dam abutment when looking downstream being at a point approximately on the east line of said Section 29, and 1,560 feet south of the north line of said Section 29. The amount claimed to be stored is 12.1 acre-feet and refill (conditional), and the surface area of the pond is estimated to be approximately 1.7 acres.

I. Pond I: The pond will be located in the NW ¼ of Section 28, Township 8 South, Range 68 West, of the 6th P.M., with the westerly dam abutment when looking downstream being at a point approximately 470 feet east of the west line of said section and 1,310 feet south of the north line of said section. The amount claimed to be stored is 23.3 acre-feet and refill (conditional), and the surface area of the pond is estimated to be approximately 2.2 acres.

J. Pond J: The pond will be located in the SE ¼ of Section 21, Township 8 South, Range 68 West, of the 6th P.M., with the westerly dam abutment when looking downstream being at a point approximately 640 feet west of the east

line of said section and approximately 3,010 feet south of the north section line of said section. The amount claimed to be stored is 72.4 acre-feet and refill (conditional), and the surface area of the pond is estimated to be approximately 5.5 acres.

8. Jurisdiction: The Water Court has jurisdiction over the subject matter of this application pursuant to Sections 37-92-302(2) and 37-90-137(6), C.R.S.

9. Remarks:

A. Applicant claims 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 Applicant has estimated the amounts of water available for withdrawal from the subject aquifers based on estimates of relative values for specific yield and saturated thicknesses, Applicant requests 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, Applicant prays 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. Applicant has 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 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 Section 37-92-305(11), C.R.S. and Denver Basin Rule 9.A.;

B. The groundwater in the Lower Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers is not nontributary groundwater, and that water will not be withdrawn until a plan for augmentation is approved by the Court; and

C. 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, Applicant prays that this Court grant such other relief as it deems proper in the premises.

2002 CW 398. APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT NONTRIBUTARY SOURCES IN THE NONTRIBUTARY AND NOT NONTRIBUTARY LOWER DAWSON, THE NOT NONTRIBUTARY DENVER AQUIFER, AND THE NONTRIBUTARY ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS, IN DOUGLAS COUNTY. Herb & Betty Meyer, and The Meyer Family Trust,6 Heir Lane,CastleRock,CO80109,(303)688-4460.Sendcorrespondenceto:Petrock&Fendel, P.C.,700St.,Ste.1800,Denver,Colorado80202-4162(303)534-0702. WellPermits:Well permits will be applied for prior to construction of the wells. LegalDescriptionofWellsandSubjectProperty: The wells which will withdraw groundwater from the not nontributary Upper Dawson and nontributary Lower Dawson will be located at any location on approximately 113 acres of land being generally located as approximately 80 acres in the NE1/4 of

Section 16, Township 8 South, Range 67 West of the 6th P.M., and approximately 33 acres in part of the W1/2 of the SE1/4 of Section 9, Township 8 South, Range 67 West of the 6th P.M., more particularly described and shown in Attachment A, attached hereto ("Subject Property"). Source of Water Rights: The source of the groundwater to be withdrawn from the Denver aquifer under the entire Subject Property and the portion of groundwater to be withdrawn from the Lower Dawson aquifer underlying Section 9 is not nontributary as described in37-90-103(10.7) and37-90-137(9)(c),C.R.S. The groundwater to be withdrawn from the Arapahoe aquifer and the portion of the groundwater to be withdrawn from the Lower Dawson aquifer underlying Section 16 and the groundwater to be withdrawn from the Laramie-Fox Hills aquifer is nontributary groundwater as described in 37-90-103(10.5),C.R.S. Estimated Amounts and Rates of Withdrawal: The wells will withdraw the subject amounts of groundwater at rates of flow necessary to efficiently withdraw the entire decreed amounts. Applicants will withdraw the subject groundwater through wells to be located at any location on the Subject Property. Applicants waive any 600 foot spacing rule as described in Section 37-90-137(2), C.R.S. for wells located on the Subject 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. Applicants estimate the following annual amounts are representative of the Lower Dawson aquifer, the Denver aquifer, Arapahoe aquifer and the Laramie-Fox Hills aquifer underlying the Subject Property:

Aquifer	Saturated Thickness	Annual Amount	Status
Lower Dawson	131 feet	8.6 af	NNT
Lower Dawson	131 feet	21 af	NT
Denver	365 feet	71 af	NNT
Upper Arapahoe	272 feet	52 af	NT
Laramie-Fox Hills	170 feet	28 af	NT

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 Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifer groundwater underlying the Subject Property. Well Fields: Applicants request that this Court determine that Applicants have the right to withdraw all of the legally available groundwater lying below the Subject Property, through the wells requested herein, which may be located anywhere on the Subject Property, and any additional wells which may be completed in the future as Applicants' well fields. As additional wells are constructed, applications will be filed in accordance with 37-90-137(10), C.R.S. Proposed Use: Applicants will use all water withdrawn from the subject aquifers in a water system to be used, reused, successively used, leased, sold, or otherwise disposed of for the following beneficial purposes: municipal, domestic, industrial, commercial, irrigation, livestock watering, recreational, fish and wildlife, and fire protection uses. Said water will be produced for immediate application to said uses, both on and off the property, for storage and subsequent application to said uses, for exchange purposes, for replacement of depletions resulting from the use of water from other sources, and for augmentation purposes. Jurisdiction: The Water Court has jurisdiction over the subject matter of this application pursuant to 37-92-302(2), and 37-90-137(6), C.R.S. Remarks: 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 thickness, Applicants request the right to revise the estimates upward or downward, based on better or revised data, without the necessity of amending this application or republishing the same. Applicants will not withdraw the not nontributary Dawson and Denver aquifer groundwater requested herein until a plan of augmentation to be requested pursuant to 37-90-137(9)(c),C.R.S. has been approved by the Court. 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. WHEREFORE,Applicants pray that this Court enter a Decree: 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; Specifically determining that: Applicants have complied with 37-90-137(4), C.R.S., and water is legally available for withdrawal by the wells stated or 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 Applicants' property, pursuant to 37-92-305(11), C.R.S. and Denver Basin Rule 9.A.;The

groundwater in the Denver aquifer under the entire Subject Property and the portion of groundwater to be withdrawn from the Lower Dawson aquifer underlying Section 9 is not nontributary as described in 37-90-103(10.7) and 37-90-137(9)(c), C.R.S. The groundwater to be withdrawn from the Arapahoe aquifer and the portion of the groundwater to be withdrawn from the Lower Dawson aquifer underlying Section 16 and the groundwater to be withdrawn from the Laramie-Fox Hills aquifer is nontributary groundwater as described in 37-90-103(10.5), C.R.S.; Vested or conditionally decreed water rights of others will not be materially injured by the withdrawals of groundwater proposed herein; No findings of diligence are required to maintain these water rights.

2002CW399, Concerning the Application for Water Rights of Clyde E. Foiles Trust and Ruth M. Foiles Trust , c/o Larry B. Foiles, Trustee, 1209 Twin Peaks Circle, Longmont, Colorado 80503, Telephone: (303) 702-9000(c/o Stephen T. Williamson, Law Office of Stephen T. Williamson, P.O. Box 850, 813 Main Street Louisville, Colorado 80027 303-666-4060) **APPLICATION FOR APPROVAL OF CHANGES OF WATER RIGHTS INCLUDING ALTERNATE POINTS OF DIVERSION AND APPROVAL OF A PLAN FOR AUGMENTATION IN WELD COUNTY**. FIRST CLAIM FOR RELIEF (ADJUDICATION OF ALTERNATE POINTS OF DIVERSION) 2. Description of Stevens Wells: A. Stevens Well No. 1, Permit No. 6203-F, is located in the SW1/4 of the SW1/4 of Section 19, Township 1 North, Range 64 West of the 6th P.M., Weld County, Colorado, at a point 1,008 feet North and 587 feet East of the Southwest Corner of said Section 19. B. Stevens Well No. 2, Permit No. 14293-F, is located in the SW1/4 of the SW1/4 of Section 19, Township 1 North, Range 64 West of the 6th P.M., Weld County, Colorado, at a point 1,012 feet North and 187 feet East of the Southwest Corner of said Section 19. C. Stevens Well No. 3, Permit No. 1428-F, is located in the SW1/4 of the SW1/4 of Section 19, Township 1 North, Range 64 West of the 6th P.M., Weld County, Colorado, at a point 479 feet North and 371 feet East of the Southwest Corner of said Section 19. Prior adjudication: A. The three Stevens Wells appropriate water from the tributary alluvium of the South Platte River and were decreed for irrigation purposes in Case No. W-3618, Water Division No. 1, by decree dated August 1, 1974. B. The decreed amounts are as follows: 1. Stevens Well No. 1: 1.56 cubic fee per second 2. Stevens Well No. 2: 1.78 cubic fee per second 3. Stevens Well No. 3: 0.67 cubic feet per second C. Priority dates: 1. Stevens Well No. 1: September 30, 1964 2. Stevens Well No. 2: May 27, 1944 3. Stevens Well No. 3: July 28, 1955 D. Use of the water: 1. Stevens Wells No. 1 and 2 are decreed for irrigation of 100 acres in the SW1/4 of Section 19, Township 1 North, Range 64 West of the 6th P.M., Weld County, Colorado. 2. Stevens Well No. 3 is decreed for irrigation of 40 acres in the SW1/4 of Section 19, Township 1 North, Range 64 West of the 6th P.M., Weld County, Colorado. E. Request for approval of alternate points of diversion: The three wells have historically been piped together and used for the irrigation of 140 acres in the SW1/4 of Section 19, by the use of gated pipe. More recently, the land has been irrigated by means of center pivot sprinklers, using water produced from all three wells. Applicant requests that the three wells be decreed as alternate points of diversion for each other and for use on all of applicant's land, to conform to the actual historic use. F. Historical pumping records: The Stevens wells did not have meters until the 2001 irrigation season and no records of diversions prior to that time are available. The combined use of the alluvial wells together with applicant's Henrylyn Irrigation District water is reported as follows: 2001 275.00 acre feet; 2002 314.34 acre feet SECOND CLAIM FOR RELIEF (APPROVAL OF PLAN FOR AUGMENTATION) 4. First structure to be augmented: Foiles Pond, located in the NW1/4 of the SE1/4 of Section 19, Township 1 North, Range 64 West of the 6th P.M., Weld County, Colorado. The pond intercepts groundwater

tributary to Box Elder Creek. The applicant has entered into an agreement with the Division Engineer's office to augment the evaporative depletions from the pond, estimated to average 2.94 acre feet per year. 5. Sources of augmentation water: Applicant now has pending Case No. 2002CW215, Water Division No. 1, the purpose of which is to adjudicate all the Denver Basin Groundwater underlying applicant's property, consisting of 239.85 acres located in portions of the South half of Section 19, Township 1 North, Range 64 West of the 6th P.M., Weld County, Colorado. The application is unopposed and the time for filing Statements of Opposition has expired. The State Engineer's Office has issued Determination of Fact reports for the nontributary Lower Arapahoe aquifer and the nontributary Laramie-Fox Hills aquifer underlying applicant's property. Said reports confirm the following average annual amounts available to applicant: Lower Arapahoe aquifer 28.56 acre feet; Laramie-Fox Hills aquifer: 55.80 acre feet. Applicant currently has one nontributary Lower Arapahoe aquifer well existing on the property (Permit No. 235337). Applicant proposes to use nontributary water from either or both aquifers to replace any out-of-priority evaporation losses from the Foiles Pond. Replacement will be made by pumping the water into the pond to prevent evaporation of any tributary groundwater and/or to create recharge credit to the aquifer, delivering the water to Box Elder Creek which is immediately East of applicant's property, or otherwise as directed by the Division Engineer. 6. Second structure to be augmented: The three Stevens Wells described above currently irrigate approximately 180 acres using two center pivot sprinklers, one of which is a wiper sprinkler. Applicant proposes to cover any out-of-priority depletions from the use of tributary groundwater by means of this plan. 7. Sources of augmentation water. A. The nontributary water sources described above. B. Applicant's property is the subject of an augmentation contract with the Central Colorado Water Conservancy District pursuant to which the District provides up to 367 acre feet per year of depletion credit (assuming the irrigated crop is alfalfa, which is currently the case). The District plan is being filed for adjudication in Water Division No. 1 this month. Applicant proposes: (1) to limit annual pumping so that District augmentation is adequate, using the presumptive 75% efficiency for sprinkler irrigation pursuant to the Amended Rules and Regulations Governing the Diversion and Use of Tributary Groundwater in the South Platte River Basin; and/or, to supplement the annual irrigation supply by use of the nontributary groundwater described above.

2002CW400. APPLICATION FOR A WATER STORAGE RIGHT, FOR A CHANGE OF WATER RIGHTS, AND AMENDED APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION AND APPROPRIATIVE RIGHT OF EXCHANGE, IN BOULDER AND GILPIN COUNTIES.

1. Name and address of applicant: Eldora Enterprises, LLC, c/o Brian Mahon, P.O. Box 1697, 2861 Eldora Ski Road, Nederland, Colorado 80466. Copies of all pleadings to: Richard A. Johnson, Johnson & Repucci LLP, 1401 Walnut Street, Suite 500, Boulder, Colorado 80302, (303) 442-1900. 2. Introduction: Applicant, Eldora Enterprises, LLC ("Eldora"), operates Eldora Mountain Resort (the "Resort"), which is located in the Middle Boulder Creek Basin west of the Town of Nederland in southern Boulder County, Colorado. See the General Location Map attached hereto as Figure 1. Approval for this augmentation plan is sought for the purpose of replacing out-of-priority depletions that may occur from snowmaking, municipal uses and evaporative losses at the Resort. Peterson Lake is Eldora's primary source of snowmaking water. Peterson Lake is a natural lake that is filled via run off in the Peterson Creek drainage. Eldora owns a water storage right for the 221 acre-feet natural lake level, plus an additional 38 acre-feet that may be captured and impounded above the natural lake level, for a total decreed capacity of 259 acre-feet. Peterson Lake is decreed for all municipal uses, including domestic, industrial, fire protection, recreation and snowmaking. Snowmaking is 20% consumptive. When Peterson Lake is used for snowmaking, a portion of the return flows accrue directly back to the Lake, partially filling the Lake each spring. Eldora will account for these return flows and use them to offset depletions under its plan for augmentation. A portion of the return flows from snowmaking accrue directly to Middle Boulder Creek. This water would not enter Middle Boulder Creek, but for snowmaking diversions out of Peterson Lake. Eldora seeks to exchange the portion of the return flows accruing to Middle Boulder Creek, up Peterson Creek to Peterson Lake during the spring runoff, thereby using these return flows to offset depletions under the plan for augmentation in a manner similar to the snowmaking return flows that accrue directly to Peterson Lake. Snowmaking capacity has also been developed at the Kettle Pond site, as to which Eldora herein seeks a water storage right as set forth below. Eldora's municipal water is provided by the Jenny Creek Pipeline which is decreed for 0.2 c.f.s. out of Jenny Creek, a tributary to South Boulder Creek. The Jenny Creek Pipeline is decreed for all municipal, domestic, industrial and recreational uses. The return flows from the municipal use of this Jenny Creek Pipeline water returns to Peterson Lake through the Lake Eldora Water and Sanitation District treatment system. Eldora will also account for these return flows and use them to offset depletions as a part of this augmentation plan. Eldora owns 22.95 acre-feet of Howard Ditch consumptive use credits, which Eldora changed to the Jenny Creek Pipeline in Case No. W-7786-74, for all municipal uses, including domestic, industrial, recreation and snowmaking uses. Pursuant to the decree for the changed Howard Ditch rights, Eldora may store its Howard Ditch consumptive use credits in Peterson Lake, Kettle Pond, or other storage facilities. Eldora also has acquired the right to use additional Howard Ditch water rights, as represented by one share in the ditch company. Eldora herein seeks to change the point of diversion for these additional Howard Ditch water rights upstream to the Jenny Creek Pipeline, to quantify the consumptive use associated with these water rights, to store the consumptive use credits in Peterson Lake, Kettle Pond, or other storage facility, and to change the use thereof from irrigation to all municipal uses, snowmaking, domestic, irrigation, stockwatering, wildlife, piscatorial, industrial, recreation, storage augmentation, replacement and exchange. The consumptive use quantified for one share of Howard Ditch water rights in similar cases in this Water Court is 18.73 acre-feet per year. Eldora will use its consumptive use credits in the Howard Ditch, along with other fully consumable water, to augment its snowmaking depletions from Peterson Lake, its municipal depletions from the Jenny Creek Pipeline and certain evaporative losses. Since Peterson Lake's first 221 acre-feet of storage constitutes a natural lake, any out-of-priority evaporative losses requiring augmentation are limited to evaporation of the water impounded above the natural lake level. Eldora has filed a substitute water supply plan with the State Engineer in connection with the augmentation plan described herein. **I. APPLICATION FOR A WATER STORAGE RIGHT.** 1. Name of structure: Kettle Pond. 2. Legal description: The centerpoint of the pond is located approximately 2,300 feet East of the West Section line and 2,300 feet North of the South section line, Section 29, Township 1 South, Range 73 West of the 6th P.M., County of Gilpin, Colorado. 3. Amount claimed: 40 acre-feet, conditional, with the right to fill and refill. 4. Source: South Boulder Creek via Jenny Creek Pipeline and natural run off. 5. Uses: Municipal, domestic, snowmaking, recreation, irrigation, stock watering, wildlife, piscatorial, fire protection, augmentation, replacement and exchange. 6. Date of appropriation: December 31, 2002. 7. Name of owner of land upon which structure is located: Applicant owns the land upon which Kettle Pond is located. 8. Remarks: Applicant intends to fully consume such water, use, reuse and successively use this water to extinction, including via recapture of snowmaking return flows. **II. APPLICATION TO CHANGE WATER RIGHTS**. 9. Water rights to be changed. Eldora has acquired one additional share of the common stock of the Howard Ditch Company and seeks to change the water rights associated with such share in this case. 10. Prior

Decrees. The Howard Ditch water rights were originally adjudicated in the Boulder County District Court, Case No. 1282, on June 2, 1882, in the original amount of 36 c.f.s, from South Boulder Creek, a tributary of Boulder Creek, in Boulder County, Colorado, with an appropriation date of April 1, 1860, and an original diversion point located on the West bank of South Boulder Creek in the SW¼ of Section 3, Township 1 South, Range 70 West of the 6th P.M. The water right associated with the subject one share in the Howard Ditch Company was changed to an alternate point of diversion at the Marshallville Ditch located in the SW¼ of Section 16, Township 1 South, Range 70 West of the 6th P.M., which is upstream on South Boulder Creek of the original Howard Ditch diversion point described above. The terms and conditions associated with this change of the subject Howard Ditch water rights are set forth in the Findings of Fact, Conclusions of Law, and Decree of the Water Court entered in Case No. 90CW051, in the District Court in and for Water Division No. 1, on September 14, 1992. 11.Proposed change. Eldora herein seeks to change the point of diversion for these Howard Ditch water rights in the Jenny Creek Pipeline, quantify the consumptive use associated with them, store the consumptive use credits in Peterson Lake, Kettle Pond or other storage facilities on Applicant's property and to change the use thereof. 12. Changed point of diversion. Eldora seeks to change the points of diversion described above in paragraph 9, upstream to the Jenny Creek Pipeline, which is located in the SE1/4 SE1/4 of Section 30, Township 1 South, Range 73 West of the 6th P.M., at a point being N 11° 17' 29" W, 761.94 feet from the Southeast corner of Section 30. 13. Amount: This change relates to all of the water rights associated with the subject share of Howard Ditch Company stock. The consumptive use quantified for one share of Howard Ditch water rights in similar cases in this Water Court is 18.73 acre-feet per year. 14. Changed uses: Eldora seeks to change the use of the subject Howard Ditch water rights from irrigation to all municipal uses, snowmaking, domestic, irrigation, stockwatering, wildlife piscatorial, industrial, recreation, storage, augmentation, replacement and exchange. Storage use shall be in Peterson Lake, Kettle Pond or other storage facility on Applicant's property. **III. AMENDED APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION**. 15.Name and description of structures to be augmented: A. Peterson Lake. Peterson Lake is located at a point that bears N 82° 15' 44" E a distance of 1,322.04 feet from the Southwest corner of Section 21, Township 1 South, Range 73 West of the 6th P.M., as more particularly set forth in its decree referenced below. Eldora was granted a water storage right in Peterson Lake in the amount of 259 a.f. for all municipal uses, including domestic, industrial, fire protection, recreation and snowmaking, in Case No. 82CW239 by the Water Court in and for Water Division No. 1 (the "Water Court") on January 14, 1983. B. Kettle Pond. The centerpoint of the pond is located approximately 2,300 feet East of the West Section line and 2,300 feet North of the South section line, Section 29, Township 1 South, Range 73 West of the 6th P.M., County of Gilpin, Colorado. C. Jenny Creek Pipeline. The Jenny Creek Pipeline diverts out of Jenny Creek, a tributary to South Boulder Creek, at a point located in the SE1/4 SE1/4 of Section 30, Township 1 South, Range 73 West of the 6th P.M., at a point being N 11° 17' 29" W, 761.94 feet from the Southeast corner of Section 30. Eldora was granted a direct flow right of 0.2 c.f.s. in the Jenny Creek Pipeline for all municipal, domestic, industrial and recreational uses in Case No. W-324 by the Water Court on April 20, 1972. 16. Water rights to be used for augmentation: A.Original Howard Ditch Right. Eldora owns 22.95 acre-feet per year of consumptive use credits from the Howard Ditch, as quantified and changed to the Jenny Creek Pipeline for use on a direct flow or storage basis for all municipal uses, including domestic, industrial, recreation and snowmaking, by decree of the Water Court in Case No. W-7786-74 on February 1, 1977. The Howard Ditch diverts out of South Boulder Creek in the SW1/4 of Section 3, Township 1 South, Range 70 West of the 6th P.M. in Boulder County, Colorado. Pursuant to the decree in Case No. W-7786-74, the Howard Ditch water will be diverted during April 1 through October 31 each year, at a rate not to exceed 0.3294 c.f.s. B. Additional Howard Ditch rights. Eldora has acquired an additional share of Howard Ditch Company stock and the associated water rights described above in paragraph 9. Eldora anticipates that, consistent with other similar change cases involving the Howard Ditch, that 18.73 acre-feet per year of additional Howard Ditch consumptive use credits will be available to augment depletions under this plan, bringing the total consumptive use credits to 41.68 acre-feet per year. 17. Project demands and depletions: A. Demands. Eldora currently diverts between 185 to 245 acre-feet for snowmaking each season. Total diversions for future snowmaking are expected to be up to 275 acre-feet per year. Total municipal and domestic demands for the Jenny Creek Pipeline direct flow rights at the Resort are expected to be up to 2.0 a.f./yr. In addition, storage in Peterson Lake above the natural lake level is expected to result in an annual evaporative loss of 1.9 a.f./yr., based upon the additional 1.4 exposed surface acres resulting from the impoundment of water above the natural lake level of 221

acre-feet. B. Consumptive Use. Total consumptive use, is expected to be up to 57.1 acre-feet per year, based upon a consumptive use of 10% (0.2 acre-feet) for the Jenny Creek Pipeline municipal diversions; 1.9 acre-feet of evaporation above the natural lake level of Peterson Lake; and 20% consumptive use (up to 55 acre-feet) for snowmaking, based on a diversion of 275 a.f. 18. Statement of plan for augmentation: Eldora shall replace all out-of-priority depletions from uses made from the augmented structures described in paragraphs 15.A., 15.B. and 15.C. above, with the Howard Ditch consumptive use credits described in paragraphs 16.A and 16 B. above, plus additional fully consumable water to be acquired by Eldora. Eldora claims the right to recapture its snowmaking return flows and to account for them as an offset to future depletions. Eldora also claims the right to recapture the return flows from its Jenny Creek Pipeline municipal diversions and to account for them as an offset to future depletions. Out of priority depletions resulting from Eldora's snowmaking, municipal uses and evaporative losses hereunder will not exceed the amount capable of being replaced with available augmentation water. Applicant will install measuring devices and implement such accounting procedures as may be reasonably required by the Division Engineer to ensure that depletions are fully replaced in amount, timing and location under this plan. **IV. AMENDED APPLICATION FOR APPROPRIATIVE RIGHT OF EXCHANGE**. 19. Plan for exchange. Eldora seeks an appropriative right of exchange for up to 132 a.f. of snowmaking return flows, which accrue to Middle Boulder Creek and will be exchanged back up Peterson Creek to storage in Peterson Lake. Of the 132 a.f. total exchange amount, 88.8 a.f. is absolute and 43.2 a.f. is conditional. 20. Exchange reach. The exchange reach for the exchange of snowmaking return flows which accrue to Middle Boulder Creek shall be from the confluence of Peterson Creek and Middle Boulder Creek located in the NW1/4 SW1/4 of Section 22, Township 1 South, Range 73 West of the 6th P.M., up Peterson Creek to Peterson Lake, described in paragraph 15.A. above. 21. Maximum rate of exchange. An exchange rate of 4 c.f.s. is claimed for the subject snowmaking return flow exchange. 22. Uses. Applicant intends to store the exchanged water in Peterson Lake to be used for snowmaking the following fall/winter season. 23. Appropriation date for exchange. A. Date of Initiation of Appropriation: July 31, 2002, the date the application was filed with the Water Court. B. How Appropriation Was Initiated: Formation of requisite intent coupled with actions manifesting such intent sufficient to put third parties on notice, including the filing of the Water Court application. 24. Remarks: The following terms and conditions shall apply to this Application: A. After Denver's Power Conduit No. 1 is constructed and becomes operational, Eldora will pay a power interference charge to Denver of $10.00 for each acre-foot of water diverted at the Jenny Creek pipeline under the changed additional Howard Ditch Shares. The power interference charge shall be adjusted annually based on the Consumer Price Index using the year 2002 as the base year. B. Eldora agrees to divert no more than a total of 50 acre-feet per year under the changed additional Howard Ditch Shares and to limit its diversions to the April 1 to October 31 time period. Eldora shall not divert any changed additional Howard Ditch Shares if such diversions would cause a reduction in the amount of water otherwise divertable under Denver's water rights decree in C.A. 12111. Eldora shall limit its diversions under the changed additional Howard Ditch Shares to the quantity of water that would otherwise bypass Denver's South Boulder Creek Diversion dam to meet downstream rights senior to those decreed in C.A. 12111. C. The cumulative total of the amount of water diverted under the changed additional Howard Ditch Shares shall not exceed 50 acre-feet of water per year on an average annual basis, using a ten-year running average. WHEREFORE, Eldora requests that this Court enter a judgment and decree which provides as follows: (i) Grants the water storage right described in Section I above; (ii) Grants the change of water right described in Section II above; (iii) Approves the plan for augmentation described in Section III above; (iv) Grants the appropriative right of exchange sought in Section IV, above; and (v) Finds that as a result of Eldora's water storage right, change of water rights, plan for augmentation and appropriative right of exchange there will be no injury to any owner of, or person entitled to use water under, a vested water right or a decreed conditional water right.

2002CW401 UPPER PLATTE AND BEAVER CANAL COMPANY. (Mary Mead Hammond, Karl D. Ohlsen, CARLSON, HAMMOND & PADDOCK, L.L.C., 1700 Lincoln Street, Suite 3900, Denver, CO 80203-4539. E-mail: chp@chp-law.com.) Application for Approval of Amendment to Plan for Augmentation of the Upper Platte and Beaver Canal Company, **IN MORGAN COUNTY.**

1. Name, address and telephone number of Applicant: Upper Platte and Beaver Canal Company, Philip Mortensen, Director, 18633 Road 26, Brush, Colorado 80723, Ph: (970) 842-2016. Direct all pleadings to: Mary Mead Hammond, Carlson, Hammond & Paddock LLC, 1700

Lincoln Street, Suite 3900, Denver, Colorado 80203, Phone: (303) 861-9000. 2. Structures to be augmented: 93 wells of stockholders in the Upper Platte and Beaver Canal Company, comprising the wells adjudicated in the Amended Findings, Ruling, and Consent Decree entered by Water Referee Thomas J. Aron, Jr. on February 17, 1978; Correction of Amended Findings, Ruling and Consent Decree in Case No. W-2968 (regarding W-2968-A-1) entered by Water Judge Donald A. Carpenter on June 20, 1978; Correction of Amended Findings, Ruling and Consent Decree in Case No. W-2968 (regarding W-2968-A-29); entered by Water Judge Donald A. Carpenter on September 10, 1978; Correction of Amended Findings, Ruling and Consent Decree in Case No. W-2968 (regarding W-2968-A-39) entered by Water Judge Donald A. Carpenter on September 10, 1978; and Decree in Case No. W-2968 entered by Water Judge Donald A. Carpenter on September 22, 1978; Decree in Case No. W-1466, entered on December 29, 1977; Decree in Case No. W-4310, entered on July 12, 1977, and Decree in Case No. W-4311, entered on July 12, 1977. 3. Water rights to be used for augmentation: Upper Platte and Beaver Canal Company recharge right. Previous Decrees: a Date entered: November 22, 1983; February 8, 1989. b. Case No.: W-2968; 87CW242. c. District Court: District Court in and for Water Division No.1. d. Type of water right: surface diversions for recharge. e. Point of diversion: the point of diversion from South Platte River is the headgate of the Upper Platte and Beaver Canal, which is located at a point whence the SE 3 of Section 35, Township 4N, Range 58 West of the 6th P.M., Morgan County Colorado veer south 13E, 57 minutes east, 5020.2 feet. f. Source: South Platte River. g. Amount: 234.17 c.f.s., with average annual diversions over any ten year period not to exceed 12,000 acre feet. h. Appropriation date: June 12, 1972. i. Decreed use: recharge for augmentation of wells augmented pursuant to Upper Platte and Beaver Canal Company plan for augmentation. 4. Proposed amendment to Plan for Augmentation. a.Prior Proceedings. On June 12, 1972, the Upper Platte and Beaver Canal Company filed the Application in Case No. W-2968. That Application stated three causes of action: (1) adjudication of individual wells of stockholders in the Upper Platte and Beaver Canal System that are used to supplement surface water supplies from the canal for irrigation of lands under the canals as alternate points of diversion for the surface decrees of the Upper Platte and Beaver Canal Company; (First Cause of Action) (2) adjudication of the individual stockholders= wells as groundwater rights; (Second Cause of Action); (3) adjudication of a Plan for Augmentation for the wells operated by the Stockholders of the Upper Platte and Beaver Canal Company (Third Cause of Action). On February 17, 1978 Water Referee Thomas J. Aron, Jr. entered Amended Findings, Ruling and Consent Decree in Case No. W-2968, adjudicating 88 individual wells used on or under the Upper Platte and Beaver Canal System. Corrections to the amended Findings, Ruling and Consent Decree regarding certain individual wells were entered by Water Judge Donald A. Carpenter on June 20, 1978, May 12, 1978, and September 10, 1978. On September 22, 1978 the Amended Findings, Ruling and Consent Decree previously entered by the Water Referee, as corrected and amended, was entered as the Decree of the Water Court adjudicating the second cause of action in Case No. W-2968. On November 22, 1983, the Water Court adjudicated the Third Cause of Action by entering Findings of Fact, Conclusions of Law, Judgment and Decree adjudicating a Plan for Augmentation, including the right to divert water from the South Platte River for recharge and augmentation purposes. On April 17, 1992 the Plan was amended by the entry of Findings of Fact, Conclusions of Law, Judgment and Decree Amending Augmentation Plan, adding

additional recharge sites and augmentation sources to the decreed Plan. b. Proposed Amendments to Augmentation Plan. 1. Background: The structure of the Augmentation Plan as decreed. The Augmentation Plan decreed herein in 1983, as amended in 1992, provided for augmentation of 93 wells used to provide supplemental water supply for stockholders in the Upper Platte and Beaver Canal Company. At the time of entry of the original decree in 1983, approximately 11,500 acres were irrigated under the Canal system. The Augmentation Plan as decreed in 1983, and amended in 1992, determined the augmentation requirement for the wells by employing the Penman Equation to calculate the crop water requirement for the full 11,500 acres of land, subtracting the amounts of water available to satisfy that requirement from surface waters available from the Canal pursuant to the surface water decrees of the Company (including both direct flow and storage rights), assuming that the balance of the crop water requirement was supplied by well pumping, and determining the resulting out-of priority well depletions. The Augmentation Plan also adjudicated a recharge water right diverted through the headgate of the Upper Platte and Beaver Canal, and then recharged to the South Platte through various reaches of the Canal and through recharge ponds, as the source of augmentation to balance out-of-priority well depletions. The Plan included recharge accretion factors based on the Glover Formula for determining recharge to the river. 2. Proposed amendments. A. In the two decades since entry of the original Decree in this matter, significant acreage previously irrigated under the canal system has been removed from irrigation. In view of this changed circumstance, Applicant now seeks to amend the Augmentation Plan so as to allow it to take into account the reduced acreage under irrigation, and the reduced out-of-priority depletions required to be augmented pursuant to the Augmentation Plan. Applicant proposes to amend the Plan to require each stockholder to report the acreage irrigated annually, and to revise the calculations used to determine out-of-priority depletions to account annually for the actual irrigated acreage under the system. B. Applicant also seeks to incorporate the following additional Recharge Site into the Plan: a. Name: The JW Recharge Ponds b. Pond location: Two ponds adjacent (north) of the Upper Platte and Beaver Canal as it bisects the S 2 of Section 36, Township 4 North, Range 57 West of the 6th P.M. c. Size of ponds: Each pond will be up to 30 surface acres in size. d. Maximum depth of ponds:10 feet. e. Owners of land upon which ponds will be located: Jeff and Wendy Kroskob, 8601 Morgan County Road 24, Brush, CO, 80723. f. Method and Source of Recharge: Under an agreement between Applicant and the landowners, water will be diverted from the South Platte River through the headgate of the Upper Platte and Beaver Canal pursuant to Applicant=s decreed recharge right and thence into the Recharge Ponds, from which the water will recharge to the South Platte River. g. Recharge credit will be determined based on the amounts recharged into the ponds, less evaporation losses, and using recharge accretion factors to determine travel time for the recharge to the South Platte River. C. In addition, Applicant seeks an amendment to the Augmentation Plan to allow it to incorporate terms and conditions for adding new recharge sites under and adjacent to the Upper Platte and Beaver Canal in future without the necessity of amendment to the Decree. D. In the two decades since approval of the original Augmentation Plan, irrigation practices under the Canal system have changed, with sprinkler irrigation replacing the flood irrigation that was most common at the time of entry of the prior decrees. Accordingly, Applicant also seeks by this Amendment to the Augmentation Plan to require stockholders to report their methods of irrigation annually, and to incorporate into the calculation

of well depletions differing irrigation efficiency factors for the differing methods (sprinkler versus flood) of irrigation used on the acreage actually irrigated under the system. E. Finally, in recognition that there may at times be stream accretions resulting from operation of the recharge right decreed in the Augmentation Plan that exceed the out-of-priority depletions from the 93 wells augmented under the Plan, Applicant seeks to amend the Plan to allow the sale, lease, or other disposition by the Company of excess recharge accretions or credits to any third party for that third party=s use to augment out-of-priority depletions during the same month as the excess recharge credits accrue to the South Platte River, provided that such use is made pursuant to a Temporary Substitute Supply Plan approved by the State Engineer in accordance with statute, a Replacement Plan approved by the State Engineer in accordance with Rules and Regulations that have been approved by the Water Court, or a Plan for Augmentation approved by the Water Court. WHEREFORE, Applicant respectfully requests the Court to approve and enter the Amendments to its Augmentation Plan set forth herein.

CASE NO. 93CW93 – WESTERN WATER COMPANY, 102 WASHINGTON AVENUE, POINT RICHMOND, CALIFORNIA 94801 (Robert V. Trout, Trout, Witwer & Freeman, P.C., Attorneys for Applicant, 1120 Lincoln Street, Suite 1600, Denver, CO 80203).

Motion to Amend Decree
Douglas County

Western Water Company ("Western") moves to amend the decree entered herein on October 13, 1995, (the "Decree") to allow Western to withdraw Arapahoe Aquifer groundwater adjudicated for the Newton Parcel from a well or wells located on a) lands contiguous to the Newton Parcel, with the approval of the owner of such contiguous lands, b) the Shafroth Parcel, and c) lands owned by Schmidt Construction Company. As grounds therefore, Western states as follows:

1. The Decree adjudicated nontributary groundwater underlying various lands owned by Western, including lands located in portions of Sections 13, 14, 15, 23 and 24, Township 8 South, Range 66 West, 6th P.M., known as the Newton Parcel, which lands are described in Exhibit A (attached to the Motion to Amend).
2. Paragraph 19 of the Decree provides that 381 acre-feet of water per year are available in the Arapahoe Aquifer under the Newton Parcel. In addition, paragraph 22 describes proposed well locations on the Newton Parcel from which Western initially intended to withdraw the Arapahoe Aquifer water.
3. Western is now in the process of developing its nontributary groundwater resources. Due to the high cost of Arapahoe Aquifer wells, and to minimize surface disturbances, it is most efficient to withdraw water adjudicated to several parcels of land from one well.
4. Western owns the right to withdraw nontributary groundwater underlying the Shafroth Parcel, which is located in portions of Sections 18, 19, 20 and 30, Township 8 South, Range 65 West, 6th P.M., and Sections 13, 24, and 25, Township 8 South, Range 66 West, 6th P.M., which lands are described in Exhibit B (attached to the Motion to Amend). The nontributary groundwater underlying the Shafroth Parcel was adjudicated in Case No. 89CW046, Water Division No. 1, and in the Decree.
5. Western owns the nontributary groundwater underlying Castlewood Canyon State Park, although Western cannot construct wells on the Park lands to withdraw this groundwater. Under the decree entered in Case No. 94CW65, Water Division No. 1, Western can withdraw this groundwater from under any lands that are contiguous to the Castlewood Canyon State Park lands, which includes the Newton Parcel and the Shafroth Parcel.
6. Western has entered into an agreement with Edw. C. Levy Company, d/b/a Schmidt Construction Company, under which Western is constructing a well in the Arapahoe Aquifer on lands owned by Schmidt described on Exhibit C (attached to the Motion to Amend) (the "Schmidt Parcel"). This well is intended to initially withdraw nontributary groundwater water adjudicated by Schmidt in Case No. 95CW040, Water Division No. 1, and water owned by Western adjudicated in Case No. 94CW65. The well is being constructed under Well Permit No. 055500-

F in the SE ¼ of the SE1/4 of Section 3, Township 8 South, Range 66 West, 6th P.M., 50 feet from the South section line, and 730 feet from the East section line ("Well 055500").

7. The Schmidt Parcel is contiguous to Castlewood Canyon State Park, which is contiguous to the Newton Parcel. In addition, the Shafroth Parcel is contiguous to Castlewood Canyon State Park. Thus, Western owns and controls the nontributary groundwater under one large parcel, consisting of the Newton Parcel, the Shafroth Parcel and Castlewood Canyon State Park, which is contiguous to the Schmidt Parcel.

8. Western desires to withdraw the Arapahoe Aquifer water adjudicated for the Newton Parcel in the Decree a) from Well 055500, b) from wells located on lands contiguous to the Newton Parcel, but only with the permission of the owner of such lands, and c) from wells located on the Shafroth Parcel.

9. In addition, Western desires judicial approval of a well field under which all of its rights to withdraw Arapahoe Aquifer nontributary groundwater attributable to the Newton Parcel may be withdrawn from a minimum number of wells with maximum flexibility as to well locations and pumping rates from under the Newton Parcel, the Shafroth Parcel, other contiguous parcels and the Schmidt Parcel.

10. In order to provide for these additional rights, Western desires to amend the Decree by the addition of the following new paragraph:

"42A. Applicant owns the nontributary groundwater underlying the Newton parcel, the Shafroth parcel and Castlewood Canyon State Park. These three contiguous parcels together constitute one large parcel of land under which Applicant owns the nontributary groundwater, and which is also contiguous to the Schmidt parcel described in Exhibit G attached. In addition to the well locations set out in paragraph 22 above, Applicant may construct wells to withdraw water from the Arapahoe Aquifer attributable to the Newton parcel from a) wells located on lands contiguous to the Newton parcel, but only with the permission of the owner of such contiguous lands, b) from wells located on the Shafroth parcel, and c) from the well constructed on the Schmidt parcel under Well Permit No. 055500-F and any replacement well for Well Permit No. 055500-F, subject to the terms and conditions of the Water Well Construction and Operation Easement Agreement between Applicant and the owner of the Schmidt parcel. The group of wells constructed by Applicant under the preceding sentence shall be considered a "well field" as that term is defined in Rule 4.A.13 of the Statewide Nontributary Ground Water Rules, 2 C.C.R. 402-7, and may be operated with all of the rights and flexibility of a well field. For purposes of applying the provisions of paragraph 30 of this Decree, all of these lands shall be included in the Property. Applicant is entitled to permits to construct the wells described in this paragraph which will withdraw only nontributary groundwater from the Arapahoe Aquifer, C.R.S. § 37-90-137(4), and such additional wells as may be required in the future to withdraw such water. C.R.S. § 37-90-137(10)."

3. 11. Because this amendment seeks to add additional well locations, this Verified Motion to Amend Decree should be published pursuant to Uniform Water Court Rule 4(b).

1996CW1034 North Sterling Irrigation District, c/o James T. Yahn, Manager, P.O. Box 103, Sterling, Colorado 80751, Telephone: (970) 522-2025. (Timothy R. Buchanan, **Timothy R. Buchanan, P.C.,** 7703 Ralston Road, Arvada, Colorado 80002, Telephone Number: (303) 431-9141. Second Amendment to Application, Including, Application for Determination of Groundwater Rights, Application for Change of Water Rights, and Application for Approval of Plan for Augmentation, **IN LOGAN, MORGAN AND WASHINTON COUNTIES. APPLICATION FOR DETERMINATION OF GROUNDWATER RIGHTS. 3. Amendment to Application for Determination of Groundwater Rights.** By a First Amendment to Application, Including, Application For Determination of Groundwater Rights, and Application for Approval of Plan for Augmentation, filed on July 31, 2002, and published in the Resume for the District Court in and for Water Division No. 1 for the month of July, 2002, water rights were claimed for Domestic Wells described in the First Amendment. This Second Amended Application seeks, among other things, a determination of water rights associated with the following described structures. **4. Description of Groundwater Rights:** The following structures and water rights associated with the structures withdraw water from the surface flow or alluvium of the South Platte River, or its tributaries: **a**. NAME: Carl Summers, ADDRESS: Crook, Colorado 80726, WELL PERMIT NO.: 10154-F, WELL PERMIT DATE: July 22, 1965, STRUCTURE NAME: CP-10154, STRUCTURE LEGAL DESCRIPTION: Located In the Northeast 1/4 of the Northwest 1/4 of Section 25, Township 11 North,

Range 50 West of the 6th P.M., Logan County, Colorado, IRRIGATED LAND DESCRIPTION: Irrigation of approximately 320 acres located in the North ½ of Section 25, Township 11 North, Range 50 West of the 6th P.M., Logan County, Colorado, CFS: 1.0 c.f.s., absolute, APPROPRIATION DATE: November 3, 1965, STREAM DEPLETION FACTOR: 4000, **b.** NAME: John A. Monheiser, ADDRESS: Crook, CO 80726, WELL PERMIT NO.: 5148-F, WELL PERMIT DATE: February 18, 1964, STRUCTURE NAME: Monheiser Well No. 5148F, STRUCTURE LEGAL DESCRIPTION: Located in the Northeast 1/4 of the Northeast 1/4 of Section 31, Township 11 North, Range 49 West of the 6th P.M., Logan County, CO, IRRIGATED LAND DESCRIPTION: Irrigation of approximately 320 acres located on the Northeast 1/4 of the Northeast 1/4 of Section 31, Township 11 North, Range 49 West of the 6th P.M., Logan County, CO, CFS: 2.0, absolute, APPROPRIATION DATE: February 14, 1964, **c.** NAME: Eldor E. & Marian C. Kuster, ADDRESS: Rt. 1, Crook, CO 80726, WELL PERMIT NO.: 054386-F, STRUCTURE NAME: Kuster Dairy Well, STRUCTURE LEGAL DESCRIPTION: Northwest 1/4 of the Northwest 1/4 of Section 24, Township 11 North, Range 49 West of the 6th P.M., Logan County, CO, at a point 70 ft. from the North Section line and 300 ft. from the West Section Line, IRRIGATED LAND DESCRIPTION: Commercial dairy operation consisting of 100 replacement cattle and 150 milking cattle on approximately 160 acres located in the Northwest 1/4 of Section 24, Township 11 North, Range 49 West of the 6th P.M., Logan County, CO, CFS: .9, absolute, APPROPRIATION DATE: July 23, 2001, STREAM DEPLETION FACTOR: 4000, **d.** NAME: Eldor E. & Marian C. Kuster, ADDRESS: Rt. 1, Crook, CO 80726, WELL PERMIT NO.: 054386-F, STRUCTURE NAME: Kuster Dairy Well, STRUCTURE LEGAL DESCRIPTION: Northwest 1/4 of the Northwest 1/4 of Section 24, Township 11 North, Range 49 West of the 6th P.M., Logan County, CO, at a point 70 ft. from the North Section line and 300 ft. from the West Section Line, IRRIGATED LAND DESCRIPTION: Commercial dairy operation consisting of 100 replacement cattle and 150 milking cattle on approximately 160 acres located in the Northwest 1/4 of Section 24, Township 11 North, Range 49 West of the 6th P.M., Logan County, CO, CFS: .9, absolute, APPROPRIATION DATE: July 23, 2001, STREAM DEPLETION FACTOR: 4000, **e.** NAME: William J. and Kathleen Daiker, ADDRESS: 419 Park Circle Drive, Sterling, CO 80751, WELL PERMIT NO.: 79955, WELL PERMIT DATE: July 15, 1975, STRUCTURE NAME: Daiker Well No. 1, STRUCTURE LEGAL DESCRIPTION: Located in the Northwest 1/4 of the Northeast 1/4 of Section 36, Township 8 North, Range 53 West of the 6th P.M., Logan County, CO, at a point 870 ft. from the North Section line and 2360 ft. from the East Section line, IRRIGATED LAND DESCRIPTION: Lot 10, Block 2, Highland Park Addition located in the Northwest 1/4 of the Northeast 1/4 of Section 36, Township 8 North, Range 53 West of the 6th P.M., Logan County, CO, CFS: 0.03, APPROPRIATION DATE: July 15, 1975, STREAM DEPLETION FACTOR: 1080, **f.** STRUCTURE NAME: Windy Hills Well No. 1, STRUCTURE LEGAL DESCRIPTION: In Section 1, Township 3 North, Range 56 West of the 6th P.M., at a location to be determined, CFS: 4.5 cubic ft. of water per second of time, conditional, APPROPRIATION DATE: September 15, 2000, STREAM DEPLETION FACTOR: 1470. The foregoing Windy Hills Well may consist of more than one well, and are hereinafter referred to as the "Windy Hills Wells." The Windy Hills Wells will be used for construction of and operation of a gas storage facility. All water withdrawn from the Windy Hills Wells will be fully consumed. **5.** The District and the respective owners of the structures described above request the Court enter a decree finding and determining water rights for each of the structures. **APPLICATION FOR CHANGE OF WATER RIGHT, 6.** The District is the owner of the following water rights: **a. Name of Structure:** North Sterling Reservoir, also known as Point of Rocks Reservoir, **b. Decrees:** District Court in and for Weld County, Case No. 2142, including Decree entered on January 5, 1922 and subsequent decrees, **c. Decreed Point of Diversion for North Sterling Reservoir Inlet Ditch:** The headgate of the North Sterling Reservoir Inlet Ditch is located at a point whence the corner common to Sections 28, 29, 32 and 33, in Township 5 North, Range 55 West of the 6th P.M. bears north 4077 ft., Morgan County, **d.**

Decreed Location of North Sterling Reservoir: North Sterling Reservoir is located on parts of Sections 2, 3, 4, 5, 6, 8, 9, 10, 15, 16, and 17, all in Township 9 North, Range 53 West of the 6th P.M., and Sections 27, 28, 29, 33, 34, and 35, all in Township 10 North Range 53 West of the 6th P.M., Logan County, CO, **e. Source:** South Platte River, Springdale Creek, Pawnee Creek, and Cedar Creek, **f. Amount:** 69,446 acre ft., Priority No. 53 A, diverted at a rate of 300 cfs, from the South Platte River, and 11,954 acre ft., Priority No. 79, diverted at an additional rate of 411 cfs, from the South Platte River; 84,000 acre ft., Priority No. 11, diverted at a rate of 540 cfs, from Pawnee Creek, 2,000 acre ft., Priority No. 12, from Cedar Creek, **g. Appropriation Date:** South Platte River Priority No. 53 A, June 15, 1908, Pawnee Creek Priority No. 11, June 15, 1908, Cedar Creek Priority No. 12, June 15, 1908, South Platte River Priority No. 79, August 1, 1915, **h. Decreed Use:** Irrigation, recreation, wildlife and piscatorial purposes, **7. Historical Use:** The water stored in North Sterling Reservoir has historically been used for irrigation, recreation, wildlife and piscatorial purposes. Pursuant to the Findings and Ruling of the Referee and Decree of the Water Court in and for Water Division No. 1 in Case No. 88CW234, dated June 29, 1989, the recreation, wildlife and piscatorial uses occur while the water is in storage in North Sterling Reservoir and are non-consumptive uses. The water stored in North Sterling Reservoir is released from storage into the North Sterling Reservoir Outlet Canal and delivered to several irrigation laterals for irrigation of approximately 40,000 acres. **8. Proposed Change:** In addition to the use of the water stored in North Sterling Reservoir for irrigation, recreation, wildlife and piscatorial purposes, the District requests the Court approve a change of use of the water stored in North Sterling Reservoir for domestic, industrial, commercial, irrigation, stockwatering, recreation, fish and wildlife purposes and fire protection and all other beneficial uses. The water will be used for immediate application to beneficial use, for storage and subsequent application to beneficial use, for substitution and exchange, for replacement of depletions, for recharge of the aquifer, and for augmentation purposes. The water will be fully consumed during the first use of the water, or recaptured and reused until the water is fully consumed. The water stored in North Sterling Reservoir will be delivered for irrigation on historically irrigated lands or delivered (1) to groundwater recharge facilities described in the augmentation plan portion of this application, and (2) direct delivery of water to the South Platte River, or its tributaries, for replacement of out-of-priority depletions or diversions. Since the water stored in North Sterling Reservoir has historically been delivered through the North Sterling Reservoir Outlet Canal and several irrigation laterals, the historical ditch losses will be maintained by the delivery of water to the groundwater recharge facilities and direct delivery of water to the South Platte River. The quantity of water delivered to the groundwater recharge facilities and the South Platte River will be measured. The water stored in North Sterling Reservoir has historically been used for flood irrigation and sprinkler irrigation. The District asserts that seventy-five percent (75%) of the water delivered to the groundwater recharge facilities and directly delivered to the South Platte River is fully consumable and may be used for the changed purposes, **9.** The District requests that the Court approve the change of use of the water stored in North Sterling Reservoir proposed herein, **APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION, 10. Description of Structures to be Augmented:** The following structures withdraw water from the alluvium of the South Platter River, or its tributaries, and will be augmented by operation of the plan for augmentation: NAME: Jack E. and Patricia LeBlanc, ADDRESS: Crook, CO 80726, WELL PERMIT NO.: 14055-R, DECREE NO.: W-800, DECREE DATE: October 18, 1971, STRUCTURE NAME: Guerrero/Gaims Well No. 14055, STRUCTURE LEGAL DESCRIPTION: Located in the NE1/4 of the NW1/4 of Section 16, Township 11 North, Range 49 West of the 6th P.M., Logan County, CO, 60 ft. from north line and 2340 ft. from west line of said Section 16, IRRIGATED LAND DESCRIPTION: Irrigation of land located in the NE1/4 of the NW1/4 of Section 16, Township 11 North, Range 49 West of the 6th P.M., Logan County, CO, CFS: 2.005, APPROPRIATION DATE: May, 1956, STREAM DEPLETION FACTOR: 750, NAME: Robert LeBlanc, ADDRESS: Crook, CO 80726, WELL PERMIT NO.: 4528-R, DECREE

NO.: W-949, DECREE DATE: May 18, 1972, STRUCTURE NAME: Leblanc Well No. 4528, STRUCTURE LEGAL DESCRIPTION: Located at a point from which the SW corner of Section 17, Township 11 North, Range 49 West of the 6th P.M., Logan County, CO bears South 3 degrees 8 minutes West, a distance of 967.45 ft., IRRIGATED LAND DESCRIPTION: Irrigation of land located in the SW1/4 of the SW1/4 of Section 17, Township 11 North, Range 49 West of the 6th P.M, CFS: 2.660, APPROPRIATION DATE: April 4, 1957, STREAM DEPLETION FACTOR: 750, NAME: James H and Twila F Brompton (Walter F. Gall) ADDRESS: 33254 Highway 285, Jefferson, CO 80456, WELL PERMIT NO.: 10770-R, DECREE NO.: W-843, DECREE DATE: August 30, 1971, STRUCTURE NAME: Gall Well 1-10770, STRUCTURE LEGAL DESCRIPTION: Located in the NW1/4 of the NW1/4 of Section 27, Township 11 North, Range 49 West of the 6th P.M., Logan County, CO, 789 ft. from the North section line and 651 ft. from the West section line of said section, IRRIGATED LAND DESCRIPTION: Irrigation of land located in the NW1/4 of the NW1/4 of Section 27, Township 11 North, Range 49 West of the 6th P.M., Logan County, CO, CFS: 2.250, APPROPRIATION DATE: June, 1956, STREAM DEPLETION FACTOR: 750, NAME: Six (6) D Farms, ADDRESS: 26819 C.R. 67, Illiff, CO 80736, WELL PERMIT NO.: 10178-R (RF-37), DECREE NO.: W-8193-76, DECREE DATE: January 31, 1978, STRUCTURE NAME: Dawkins Well No. 10178, STRUCTURE LEGAL DESCRIPTION: In the SE1/4 of the NE1/4 of Section 28, Township 11 North, Range 49 West of the 6th P.M., Logan County, CO at a point 30 ft. North and 1200 ft. West of the East 1/4 Corner of said Section 28, IRRIGATED LAND DESCRIPTION: Irrigation of 320 acres located in the East 1/2 of Section 28, Township 11 North, Range 49 West of the 6th P.M., Logan County, CO, CFS: 1.7825, APPROPRIATION DATE: April 30, 1957, STREAM DEPLETION FACTOR: 750, NAME: Jim Aranci, ADDRESS: Crook, CO 80726, WELL PERMIT NO.: 4904-F, DECREE NO.: W-711, DECREE DATE: April 12, 1972, STRUCTURE NAME: Taylor Well No. 1-4904-F, STRUCTURE LEGAL DESCRIPTION: Located at a point 1320 ft. West of the East line and 40 ft. South of the North Line of Section 30, Township 11 North, Range 49 West of the 6th P.M., Logan County, CO, IRRIGATED LAND DESCRIPTION: Irrigation of land located in the NE1/4 of the NE1/4 of Section 30, Township 11 North, Range 49 West of the 6th P.M., Logan County, CO, CFS: 1.33, APPROPRIATION DATE: July 10, 1963. STREAM DEPLETION FACTOR: 750, NAME: Jim Aranci, ADDRESS: Crook, CO 80726, WELL PERMIT NO.: 5149-F, WELL PERMIT DATE: February 18, 1964, DECREE DATE: April 12, 1972, STRUCTURE NAME: Taylor Well 2-5149-F, STRUCTURE LEGAL DESCRIPTION: Located at a point 765 ft. West of the East line and 310 ft. North of the South line of Section 30, Township 11 North, Range 49 West of the 6th P.M., Logan County, CO, IRRIGATED LAND DESCRIPTION: Irrigation of land located in the SE1/4 of the SE1/4 of Section 30, Township 11 North, Range 49 West of the 6th P.M., Logan County, CO, CFS: 1.0, APPROPRIATION DATE: February 26, 1964, STREAM DEPLETION FACTOR: 750, NAME: Woodrow F. Jankovsky, ADDRESS: 315 E. 6th Street, Julesburg, CO 80737, WELL PERMIT NO.: 7039-R, DECREE NO.: W-2658, DECREE DATE: June 4, 1973, STRUCTURE NAME: Jankovsky Well No. 1-7039, STRUCTURE LEGAL DESCRIPTION: Located 110 ft. South and 750 ft. East of the NW Corner of Section 32, Township 11 North, Range 49 West of the 6th P.M., Logan County, CO, IRRIGATED LAND DESCRIPTION: Irrigation of approximately 200 acres of land located in the NW1/4 plus the East ½ of the NE1/4 of Section 32, Township 11 North, Range 49 West of the 6th P.M., Logan County, CO, CFS: 2.011, APPROPRIATION DATE: May 1, 1956, STREAM DEPLETION FACTOR: 750, NAME: Donald D. & Patricia A. Ament, ADDRESS: 28819 C.R. 65, Iliff, CO 80736, WELL PERMIT NO.: 6895-F, DECREE NO.: W-5814, DECREE DATE: March 12, 1976, STRUCTURE NAME: Ament Well 2-6895-F, STRUCTURE LEGAL DESCRIPTION: In the NE1/4 of the NW1/4 of Section 8, Township 10 North, Range 50 West of the 6th P.M., Logan County, CO at a point 83.1 ft. South and 1441.5 ft. East of the NW Corner of said Section 8, IRRIGATED LAND DESCRIPTION: Irrigation of 160 acres located in the North ½ of Section 8, and the SW1/4 of Section 8,

Township 10 North, Range 50 West of the 6th P.M., Logan County, CO, CFS: 1.330, APPROPRIATION DATE: February 26, 1965, STREAM DEPLETION FACTOR: 480, NAME: Donald D. & Patricia A. Ament, ADDRESS: 28819 C.R. 65, Iliff, CO 80736, WELL PERMIT NO.: 1937-R, DECREE NO.: W-5814, DECREE DATE: March 12, 1976, STRUCTURE NAME: Amen Well 1-1937, STRUCTURE LEGAL DESCRIPTION: In the NE1/4 of the NW1/4 of Section 8, Township 10 North, Range 50 West of the 6th P.M., Logan County, CO at a point 27.7 ft. South and 1994 ft. East of the NW Corner of said Section 8, IRRIGATED LAND DESCRIPTION: Irrigation of 200 acres of land located in the North ½ of Section 8, Township 10 North, Range 50 West of the 6th P.M., Logan County, CO, CFS: 1.40 c.f.s., APPROPRIATION DATE: November 13, 1956, STREAM DEPLETION FACTOR: 480, NAME: Reinhold and Alfrieda F Nein, ADDRESS: Iliff, CO 80736, WELL PERMIT NO.: 5150-F, DECREE NO.: W-2698, DECREE DATE: June 1, 1973, STRUCTURE NAME: Nein Well 1-5150-F, STRUCTURE LEGAL DESCRIPTION: Located 2610 ft. North and 1980 ft. West of the SE Corner of Section 18, Township 10 North, Range 50 West of the 6th P.M., Logan County, CO, IRRIGATED LAND DESCRIPTION: Irrigation on the SE1/4 of Section 18, Township 10 North, Range 50 West of the 6th P.M., Logan County, CO, being 160 acres, CFS: 1.70, APPROPRIATION DATE: February 19, 1964, STREAM DEPLETION FACTOR: 480, NAME: Darold W and Karen S Stark, ADDRESS: 24167 County Road 61, Iliff, CO 80736, WELL PERMIT NO.: 5140-F, DECREE NO.: W-2785, DECREE DATE: July 5, 1973, STRUCTURE NAME: Groves Well No. 1-5140-F, STRUCTURE LEGAL DESCRIPTION: Located 228 ft. South and 63 ft. East of the NW Corner of Section 19, Township 10 North, Range 50 West of the 6th P.M., Logan County, CO, IRRIGATED LAND DESCRIPTION: Irrigation of approximately 160 acres in the North ½ of the NW1/4 of Section 19, Township 10 North, Range 50 West, Logan County, CO, plus North ½ of Section 24, Township 10 North, Range 51 West of the 6th P.M., Logan County, CO, CFS: 0.298, APPROPRIATION DATE: February 12, 1964, STREAM DEPLETION FACTOR: 1920, NAME: Darold W. and Karen Stark, ADDRESS: 24167 County Road 61, Iliff, CO 80736, WELL PERMIT NO.: 6635-F, DECREE NO.: W-2785, DECREE DATE: July 5, 1973, STRUCTURE NAME: Groves Well No. 2-6635-F, STRUCTURE LEGAL DESCRIPTION: Located 156 ft. South and 936 ft. East of the NW Corner of Section 19, Township 10 North, Range 50 West of the 6th P.M., Logan County, CO, IRRIGATED LAND DESCRIPTION: Irrigation of approximately 160 acres in the North ½ of the NW1/4 of Section 19, Township 10 North, Range 50 West, Logan County, CO, plus North ½ of Section 24, Township 10 North, Range 51 West of the 6th P.M., Logan County, CO, CFS: 0.689, APPROPRIATION DATE: March 1, 1964, STREAM DEPLETION FACTOR: 1920, NAME: Jim Aranci, ADDRESS: Crook, CO 80726, WELL PERMIT NO.: 4532-R, DECREE NO.: W-712, DECREE DATE: October 22, 1972, STRUCTURE NAME: Taylor Well 1-4532, STRUCTURE LEGAL DESCRIPTION: Located at a point 530 ft. of the West line and 2640 ft. South of the North line of Section 23, Township 11 North, Range 50 West of the 6th P.M., Logan County, Colorado. IRRIGATED LAND DESCRIPTION: Irrigation of land located in Section 23, Township 11 North, Range 50 West of the 6th P.M., Logan County, CO, CFS: 2.780, APPROPRIATION DATE: October 1, 1956, STREAM DEPLETION FACTOR: 480, NAME: Jim Aranci, ADDRESS: Crook, CO 80726, WELL PERMIT NO.: 4473-F, DECREE NO.: W-712, DECREE DATE: October 22, 1972, STRUCTURE NAME: Taylor Well No. 2-4473-F, STRUCTURE LEGAL DESCRIPTION: Located at a point 785 ft. East of the West line and 1755 ft. South of the North line of Section 23, Township 11 North, Range 50 West of the 6th P.M., Logan County, CO, IRRIGATED LAND DESCRIPTION: Irrigation of land located in Section 23, Township 11 North, Range 50 West of the 6th P.M., Logan County, CO, CFS: 2.220, APPROPRIATION DATE: July 17, 1963, STREAM DEPLETION FACTOR: 480, NAME: Laverne D Wagner, ADDRESS: Iliff, CO 80736, WELL PERMIT NO.: 8360-R, DECREE NO.: W-5733, DECREE DATE: November 30, 1977, STRUCTURE NAME: Wagner Well No. 8360, STRUCTURE LEGAL DESCRIPTION: Located in the SW1/4 of the SW1/4 of Section 7, Township 9 North, Range 51 West of the 6th P.M.,

Logan County, CO, at a point 1200 ft. North and 10 ft. East of the SW Corner of said Section 7, IRRIGATED LAND DESCRIPTION: Irrigation of 40 acres of land located in the SW1/4 of Section 7, Township 9 North, Range 51 West of the 6th P.M., Logan County, CO, CFS: 1.002, APPROPRIATION DATE: April 30, 1955, STREAM DEPLETION FACTOR: 750, NAME: Pedroni and Giacomini Inc., ADDRESS: P.O. Box 1013, Sterling, CO 80751, WELL PERMIT NO.: 20784-R, DECREE NO.: W-6772, DECREE DATE: March 15, 1976, STRUCTURE NAME: Pedroni & Giacomini Well No. 1-20784, STRUCTURE LEGAL DESCRIPTION: Located in the NW1/4 of the NW1/4 of Section 18, Township 9 North, Range 51 West of the 6th P.M., Logan County, CO, at a point from whence the NW Corner of said Section 18 bears North 87 degrees 30 minutes West 1066.4 ft., IRRIGATED LAND DESCRIPTION: Irrigation of 140 acres of land located in the NW1/4 of Section 18, Township 8 North, Range 51 West of the 6th P.M., Logan County, CO, CFS: 1.00, APPROPRIATION DATE: May 8, 1956, STREAM DEPLETION FACTOR: 750, NAME: Raymond J and Elaine J Nieslanik, ADDRESS: 720 West 6th, Yuma, CO 80759, WELL PERMIT NO.: 6558-F, DECREE NO.: W-8466-77, DECREE DATE: December 29, 1977, STRUCTURE NAME: Scott Well No. 6558-F, STRUCTURE LEGAL DESCRIPTION: Located in the NW1/4 of the NE1/4 of Section 14, Township 10 North, Range 51 West of the 6th P.M, Logan County, CO, at a point 1310 ft. South and 1650 ft. West of the NE Corner of said Section 14, IRRIGATED LAND DESCRIPTION: Irrigation of 80 acres of land located in the North ½ of the NE1/4 of Section 14, Township 10 North, Range 51 West of the 6th P.M., Logan County, CO, CFS: 1.560, APPROPRIATION DATE: December 20, 1963, STREAM DEPLETION FACTOR: 480, NAME: Thomas J and Brenda S Huss, ADDRESS: 26781 County Road 59, Iliff, CO 80736, WELL PERMIT NO.: 9681-F, DECREE NO.: W-1988, DECREE DATE: December 19, 1972, STRUCTURE NAME: Propp Well No. 9681-F, STRUCTURE LEGAL DESCRIPTION: Located in the NW1/4 of the NE1/4 of Section 23, Township 10 North, Range 51 West of the 6th P.M., Logan County, CO, at a point 45 ft. from north section line and 1670 ft. from east section line, said Section 23, IRRIGATED LAND DESCRIPTION: Irrigation of 80 acres of land located in the NE1/4 of Section 23, Township 10 North, Range 51 West of the 6th P.M., Logan County, CO, CFS: 1.110, APPROPRIATION DATE: July 29, 1955, STREAM DEPLETION FACTOR: 480, NAME: Jeffrey J. & Yvonne Kielian, ADDRESS: 27502 C.R. 56, Illiff, CO 80736 WELL PERMIT NO.: 6557-F, DECREE NO.: W-3754, DECREE DATE: January 31, 1974, STRUCTURE NAME: Zima Well No. 1-06557, STRUCTURE LEGAL DESCRIPTION: Located In the NW1/4 of the NW1/4 of Section 23, Township 10 North, Range 51 West of the 6th P.M., Logan County, CO, at a point 40 ft. South and 400 ft. East of the NW Corner of said Section 23, IRRIGATED LAND DESCRIPTION: Irrigation of 160 acres located in the NW1/4 of Section 23, Township 10 North, Range 51 West of the 6th P.M., Logan County, CO, CFS: 0.780, APPROPRIATION DATE: August 2, 1963, STREAM DEPLETION FACTOR: 1200, NAME: Lewis F. Morrison, et. al., ADDRESS: 614 Del Mar, Sterling, CO 80751, WELL PERMIT NO.: 6643-R, DECREE NO.: W-6766, DECREE DATE: March 12, 1976, STRUCTURE NAME: Lively Well 1-RD-6643, STRUCTURE LEGAL DESCRIPTION: Located in the NW1/4 of the NE1/4 of Section 3, Township 9 North, Range 52 West of the 6th P.M., Logan County, CO, at a point 143 ft. South and 2282 ft. West of the NE Corner of said Section 3, IRRIGATED LAND DESCRIPTION: Irrigation of 100 acres located in the North ½ of Section 3, Township 9 North, Range 52 West of the 6th P.M., Logan County, CO, CFS: 2.00, APPROPRIATION DATE: April 15, 1957, STREAM DEPLETION FACTOR: 750, NAME: Lewis Ramey, ADDRESS: P.O. Box 568, Sterling, CO 80751, WELL PERMIT NO.: 37612-F-R, DECREE NO.: W-762, DECREE DATE: October 31, 1972, STRUCTURE NAME: Well No. 3 Unregistered, STRUCTURE LEGAL DESCRIPTION: Located in the NW1/4 of the NE1/4 of Section 11, Township 9 North, Range 52 West of the 6th P.M., Logan County, CO, 700 ft. from the North Section line and 3,580 ft. from the West Section line, IRRIGATED LAND DESCRIPTION: Irrigation of land located in Sections 2 and 11,Township 9 North, Range 52 West of the 6th P.M., Logan County, CO, CFS: 1.33,

APPROPRIATION DATE: December 31, 1936, STREAM DEPLETION FACTOR: 750, NAME: Lewis Ramey, ADDRESS: Sterling, CO 80751, WELL PERMIT NO.: 9614-F, DECREE NO.: W-762, DECREE DATE: October 31, 1972, STRUCTURE NAME: Ramey Well 5-9614-F, STRUCTURE LEGAL DESCRIPTION: Located at a point 20 ft. south and 2820 ft. east of the NW corner of Section 11, Township 9 North, Range 52 West of the 6th P.M., IRRIGATED LAND DESCRIPTION: Irrigation of land located in Sections 2 and 11,Township 9 North, Range 52 West of the 6th P.M., Logan County, CO, CFS: 1.110, APPROPRIATION DATE: May 14, 1965, STREAM DEPLETION FACTOR: 3000, NAME: T J Crowder, ADDRESS: Route 1, Iliff, CO 80736, WELL PERMIT NO.: 41539-F, DECREE NO.: 92CW102, DECREE DATE: February 15, 1995, STRUCTURE NAME: Crowder Well No. 3-041539-F, STRUCTURE LEGAL DESCRIPTION: Located In the SW1/4 of the NW1/4 of Section 21, Township 10 North, Range 50 West of the 6th P.M., at a point 2093 South and 610 ft. East of the NW Corner of said Section, IRRIGATED LAND DESCRIPTION: Commercial feedlot and stock watering on land located in the NW1/4 of the NW1/4 of Section 21, Township 10 North, Range 50 West of the 6th P.M., Logan County, CO,CFS: 0.111, APPROPRIATION DATE: December 31, 1959, STREAM DEPLETION FACTOR: 480, NAME: T J Crowder, ADDRESS: Route 1, Iliff, CO 80736, WELL PERMIT NO.: 43100-F, DECREE NO.: 92CW102, DECREE DATE: February 15, 1995, STRUCTURE NAME: Crowder Well No. 4-43100-F, STRUCTURE LEGAL DESCRIPTION: Located In the SW1/4 of the NW1/4 of Section 21, Township 10 North, Range 50 West of the 6th P.M., Logan County, CO, 2093 ft. South and 60 ft. East of the NW Corner of said Section, IRRIGATED LAND DESCRIPTION: Commercial feedlot and stock watering in the SW1/4 of the NW1/4 of Section 21, Township 10 North, Range 50 West of the 6th P.M., Logan County, CO, CFS: 0.111, APPROPRIATION DATE: December 31,1959, STREAM DEPLETION FACTOR: 480, NAME: Allen Mitchek, ADDRESS: P.O. Box 512, Sterling, CO 80751, WELL PERMIT NO.: 42451-F, DECREE NO.: 93CW065, DECREE DATE: June 30, 1995, STRUCTURE NAME: Von Seggern Well No. 2-042451-F, STRUCTURE LEGAL DESCRIPTION: Located in the NE1/4 of the SW1/4 of Section 12, Township 9 North, Range 52 West of the 6th P.M., Logan County, CO, at a point 2578 ft. from the North and 2590 ft. from the East of the SW Corner of said Section, IRRIGATED LAND DESCRIPTION: Commercial feedlot and fire protection in the NE1/4 of the SW1/4 of Section 12, Township 9 North, Range 52 West of the 6th P.M, Logan County, CO, CFS: 0.446, APPROPRIATION DATE: December 31, 1950, STREAM DEPLETION FACTOR: 750, NAME: Allen Mitchek, ADDRESS: P.O. Box 512, Sterling, CO 80751, WELL PERMIT NO.: 42452-F, DECREE NO.: 93CW065, DECREE DATE: June 30, 1995, STRUCTURE NAME: Von Seggern Well No. 1-042452-F, STRUCTURE LEGAL DESCRIPTION: Located In the NE1/4 of the SW1/4 of Section 12, Township 9 North, Range 52 West of the 6th P.M, Logan County, CO, at a point 1653 ft. North and 516 ft. West of the SE Corner of said section, IRRIGATED LAND DESCRIPTION: Commercial feedlot and fire protection located in the NE1/4 of the SW1/4 of Section 12, Township 9 North, Range 52 West of the 6th P.M, Logan County, CO, CFS: 0.312, APPROPRIATION DATE: December 31,1950, STREAM DEPLETION FACTOR: 750, NAME: Jeffrey J. & Yvonne K. Kielian, ADDRESS: 27502 County Road 56, Iliff, CO 80736, WELL PERMIT NO.: 6082-F, DECREE NO.: W-4131, DECREE DATE: March 25, 1974, STRUCTURE NAME: Fehringer Well No. 2-6082, STRUCTURE LEGAL DESCRIPTION: Located In the NW1/4 of the NE1/4 of Section 22, Township 10 North, Range 51 West of the 6th P.M., Logan County, CO, at a point 1190 ft. South and 2345 ft. West of the NE Corner of said Section 22, IRRIGATED LAND DESCRIPTION: Irrigation of 160 acres located in the NE1/4 of Section 22, Township 10 North, Range 51 West of the 6th P.M., Logan County, CO, CFS: 0.667, APPROPRIATION DATE: July 30, 1964, STREAM DEPLETION FACTOR: 3000, NAME: Jeffrey J. & Yvonne K. Kielian, ADDRESS: 27502 County Road 56, Iliff, CO 80736, WELL PERMIT NO.: 5962-F, DECREE NO.: W-4131, DECREE DATE: March 25, 1974, STRUCTURE NAME: Fehringer Well 1-5962, STRUCTURE LEGAL DESCRIPTION: In the NW1/4 of the NE1/4 of

Section 22, Township 10 North, Range 51 West of the 6th P.M., IRRIGATED LAND DESCRIPTION: Irrigation of 160 acres located in the NE1/4 of Section 22, Township 10 North, Range 51 West of the 6th P.M., Logan County, Colorado, CFS: 0.667, APPROPRIATION DATE: July 30, 1964, STREAM DEPLETION FACTOR 3000, NAME: Paul Zink, ADDRESS: Iliff, CO 80736, WELL PERMIT NO.: 2661-F, DECREE NO.: W-552, DECREE DATE: September 22, 1971, STRUCTURE NAME: Zink Well No. 1-2661F, STRUCTURE LEGAL DESCRIPTION: Located 660 ft. South from the North section line and 2600 ft. West from the East section line in Section 15, Township 10 North, Range 51 West of the 6th P.M., Logan County, CO, IRRIGATED LAND DESCRIPTION: Irrigation on the SW 1/4 of the NE 1/4 of Section 15, Township 10 North, Range 51 West of the 6th P.M., Logan County, CO, CFS: 0.890, APPROPRIATION DATE: July 19, 1960, STREAM DEPLETION FACTOR: 4300, NAME: Carl E Summers Sr., ADDRESS: Crook, CO 80726, WELL PERMIT NO.: 19708-F, DECREE NO.: W-1389, DECREE DATE: March 31, 1975, STRUCTURE NAME: Summers Well No. 1-19708F, STRUCTURE LEGAL DESCRIPTION: Located In the NE1/4 of the NW1/4 of Section 25 Township 11 North, Range 50 West of the 6th P.M., at a point 1000 ft. South and 2140 ft. East of the Northwest Corner of said Section 25, IRRIGATED LAND DESCRIPTION: Stock watering and irrigation of 162 acres in the North ½ of Section 25, Township 11 North, Range 50 West of the 6th P.M., Logan County, CO, CFS: 1.336, APPROPRIATION DATE: April 30, 1967, STREAM DEPLETION FACTOR: 4000, NAME: Donald D. & Patricia A. Ament, ADDRESS: 28819 County Road 65, Iliff CO 80736, WELL PERMIT NO.: 9094-F, DECREE NO.: W-2012, DECREE DATE: October 14, 1975, STRUCTURE NAME: Amen Well 2-9094-F, STRUCTURE LEGAL DESCRIPTION: Located in the NW1/4 of the SE1/4 of Section 8, Township 10 North, Range 50 West of the 6th P.M., Logan County, CO, at a point 2395 ft. North and 2593 ft. West of the SE Corner of said Section 8, IRRIGATED LAND DESCRIPTION: In Section 8, Township 10 North, Range 50 West of the 6th P.M., CFS: 0.445, APPROPRIATION DATE: April 2, 1965, STREAM DEPLETION FACTOR 1920, NAME: Donald D. & Patricia A. Ament, ADDRESS: 28819 County Road 65, Iliff CO 80736, WELL PERMIT NO.: 6894-F, DECREE NO.: W-2012, DECREE DATE: October 14, 1975, STRUCTURE NAME: Amen Well No. 1-6894-F, STRUCTURE LEGAL DESCRIPTION: Located in the NE1/4 of the NW1/4 of Section 17, Township 10 North, Range 50 West of the 6th P.M., Logan County, CO, at a point 808 ft. South and 1740 ft. East of the NW Corner of said Section 17, IRRIGATED LAND DESCRIPTION: Irrigation of 80 acres located in the North ½ of the NE 1/4 of Section 17, Township 10 North, Range 50 West of the 6th P.M., Logan County, CO, CFS: 3.00, APPROPRIATION DATE: February 25, 1965, STREAM DEPLETION FACTOR: 1470, NAME: Lillian and Fred W Kautz, ADDRESS: Iliff, CO 80736, WELL PERMIT NO.: 9615-F, DECREE NO.: W-5457, DECREE DATE: February 19, 1975, STRUCTURE NAME: Kautz Well #9615-F, STRUCTURE LEGAL DESCRIPTION: Located In the NE1/4 of the SE1/4 of Section 11, Township 10 North, Range 50 West of the 6th P.M., Logan County, CO, at a point 2570 ft. North and 240 ft. West of the SE Corner of said Section 11, IRRIGATED LAND DESCRIPTION: Irrigation of 160 acres located in the SE1/4 of Section 11, Township 10 North, Range 50 West of the 6th P.M., Logan County, CO, CFS: 1.550, APPROPRIATION DATE: June 10, 1965, STREAM DEPLETION FACTOR: 1920, NAME: Mark Johnson, ADDRESS: Crook, CO 80726, WELL PERMIT NO.: 10155-F, DECREE NO.: W-1090, DECREE DATE: February 28, 1972, STRUCTURE NAME: Davis Well No. 1-CP10155, STRUCTURE LEGAL DESCRIPTION: Located 2270 ft. West and 40 ft. South of the NE Corner of Section 25, Township 11 North, Range 49 West of the 6th P.M., Logan County, CO, IRRIGATED LAND DESCRIPTION: Irrigation on the North ½ of Section 25, Township 11 North, Range 49 West of the 6th P.M., Logan County, CO, irrigating approximately 200 acres, CFS: 1.220, APPROPRIATION DATE: November 10, 1965, STREAM DEPLETION FACTOR: 750, NAME: Hein Family, LP, ADDRESS: P.O. Box 63, Road 70, Crook, CO 80726, WELL PERMIT NO.: 14337-R, DECREE NO.: W-1578, DECREE DATE: December 9, 1976, STRUCTURE NAME: Hein Well No. 14337 STRUCTURE LEGAL

DESCRIPTION: Located in the NE1/4 of the SW1/4 of Section 12, Township 11 North, Range 49 West of the 6th P.M., Logan County, CO at point 2470 ft. North and 2267 East of the SW Corner of said Section 12, IRRIGATED LAND DESCRIPTION: Irrigation of 308 acres in part of the South ½ of Section 13 Township 11 North, Range 49 West of the 6th P.M., Logan County, CO, CFS: 1.336, APPROPRIATION DATE: August 31, 1957, STREAM DEPLETION FACTOR: 750, NAME: Danny and Shireen L Hockensmith, ADDRESS: 33514 County Road 77, Crook, CO 80726, WELL PERMIT NO.: 4732-F, DECREE NO.: W-4641, DECREE DATE: June 10, 1974, STRUCTURE NAME: Kokes Well 1-4732-F, STRUCTURE LEGAL DESCRIPTION: Located in the NW1/4 of the SW1/4 of Section 16, Township 11 North, Range 49 West of the 6th P.M., Logan County, CO, at a point 2632 ft. North and 440 East of the SW Corner of said Section 16, IRRIGATED LAND DESCRIPTION: Irrigation of 80 acres in the West ½ of the SW1/4 of Section 16, Township 11 North, Range 49 West of the 6th P.M., Logan County, CO, CFS: 4.450, APPROPRIATION DATE: October 1, 1963, STREAM DEPLETION FACTOR: 750, NAME: Scott Harms, ADDRESS: Crook, CO 80726, WELL PERMIT NO.: 10152-F, DECREE NO.: W-850, DECREE DATE: August 30, 1971, STRUCTURE NAME: Roberts Well 1-CP10152, STRUCTURE LEGAL DESCRIPTION: Located in the NE1/4 of the NE1/4 of Section 14, Township 11 North, Range 49 West of the 6th P.M., Logan County, CO, 40 ft. from North section line and 968 ft. from East section line of said section, IRRIGATED LAND DESCRIPTION: Irrigation of 160 acres in the NE1/4 of the NE1/4 of Section 14, Township 11 North, Range 49 West of the 6th P.M., Logan County, CO, CFS:1.336, APPROPRIATION DATE: November 5,1965, STREAM DEPLETION FACTOR: 920, NAME: Rachel Schuppe, ADDRESS: 26785 Co. Rd. 63, Iliff, CO 80736, WELL PERMIT NO.: Unregistered, DECREE NO.: W-2264, DECREE DATE: May 9, 1973, STRUCTURE NAME: Schuppe Well 1, STRUCTURE LEGAL DESCRIPTION: Located 53 ft. South and 2262 ft. West of the NE Corner of Section 19, Township 10 North, Range 50 West of the 6th P.M., Logan County, CO, IRRIGATED LAND DESCRIPTION: Irrigation of approximately 160 acres in the NE1/4 of Section 19, Township 10 North, Range 50 West of the 6th P.M., Logan County, CO, CFS: 1.670, APPROPRIATION DATE: September 3, 1964, STREAM DEPLETION FACTOR: 1080, NAME: Lewis Morrison, ADDRESS: 614 Delmar, Sterling, CO 80751, WELL PERMIT NO.: N/A, DECREE NO.: W-5897, DECREE DATE: October 28, 1975, STRUCTURE NAME: Lei Well No. 1, STRUCTURE LEGAL DESCRIPTION: Located in the NW1/4 of the NW1/4 of Section 12, Township 9 North, Range 52 West of the 6th P.M., Logan County, CO, at a point 540 ft. South and 650 ft. East of the NW Corner of said Section 12, IRRIGATED LAND DESCRIPTION: Irrigation of 37 acres in the NW 1/4 of Section 12, Township 9 North, Range 52 West of the 6th P.M., Logan County, CO, CFS: 0.933, APPROPRIATION DATE: August 1, 1964, STREAM DEPLETION FACTOR: 1920, NAME: Jim L. and Margaret F. Lueck, ADDRESS: 32850 Co. Rd. 58, Iliff, CO 80736, WELL PERMIT NO.: N/A, DECREE NO.: W-6848, DECREE DATE: May 20, 1976, STRUCTURE NAME: Lueck Well No. 1, STRUCTURE LEGAL DESCRIPTION: Located in the NE1/4 of the NE1/4 of Section 16, Township 10 North, Range 50 West of the 6th P.M., Logan County, CO, at a point 215 ft. South and 490 ft. West of the NE Corner of said Section 16, IRRIGATED LAND DESCRIPTION: Irrigation of 10 acres in the NE1/4 of Section 16, Township 10 North, Range 50 West of the 6th P.M., Logan County, CO, CFS: 0.54, APPROPRIATION DATE: May 26, 1959, STREAM DEPLETION FACTOR: 3000, NAME: Ken and Peggy Koester, ADDRESS: 15303 Highway 14, Sterling, CO 80751, WELL PERMIT NO.: 26726F, DECREE NO.: 82CW298 (W-7563), DECREE DATE: March 14, 1983, STRUCTURE NAME: Smyth Commercial Well No. 1-26726F, STRUCTURE LEGAL DESCRIPTION: Located in the NE 1/4 of the SE 1/4 of Section 10, Township 11 North, Range 49 West of the 6th P.M., Logan County, CO, IRRIGATED LAND DESCRIPTION: Livestock feed lot, commercial, and irrigation of the SW1/4 of Section 11, the SE1/4 of Section 10, and the East 60 acres of the SW1/4 of Section 10, Township 11 North, Range 49 West of the 6th P.M., Logan County, CO, CFS: 0.56, APPROPRIATION DATE: July 30, 1973, STREAM

DEPLETION FACTOR: 4000, NAME: Ken and Peggy Koester, ADDRESS: 15303 Highway 14, Sterling, CO 80751, WELL PERMIT NO.: 26727-F, DECREE NO.: 82CW298 (W-7563), DECREE DATE: March 14, 1983, STRUCTURE NAME: Smyth Commercial Well 2-26727, STRUCTURE LEGAL DESCRIPTION: Located in the NE1/4 of the SE1/4 of Section 10, Township 11 North, Range 49 West of the 6th P.M., Logan County, CO, IRRIGATED LAND DESCRIPTION: Livestock feed lot, commercial, and irrigation of the SW1/4 of Section 11, the SE1/4 of Section 10, and the East 60 acres of the SW1/4 of Section 10, Township 11 North, Range 49 West of the 6th P.M., Logan County, CO, CFS: 0.56, APPROPRIATION DATE: July 30, 1973, STREAM DEPLETION FACTOR: 4000. The foregoing structures are hereinafter referred to as the "Irrigation Wells." **b.** PAWNEE WELL FIELD which is comprised of five lift pumps or their replacements (sometimes identified as Pawnee Wells A, B, C, D, and E); located in Section 29, T4N, R56W, 6th P.M., Morgan County, being more particularly described as follows: **A.** Pawnee Well A-24258-F: 3,730 ft. from the South section line and 280 ft. from the West section line of Section 29, **B.** Pawnee Well B-24259-F: 4,210 ft. from the South section line and 1,240 ft. from the West section line of Section 29, **C.** Pawnee Well C-24260-F: 4,490 ft. from the South section line and 2,200 ft. from the West section line of Section 29, **D.** Pawnee Well D-24261-F: 4,470 ft. from the South section line and 3,150 ft. from the West section line of Section 29, **E.** Pawnee Well E-24262-F: 5,060 ft. from the South section line and 4,100 ft. from the West section line of Section 29, F. Any necessary replacement structure or structures for the existing wells identified above, The Pawnee Well Field is owned by Xcel Energy, 4653 Table Mountain Drive, Golden, CO 80403, **c.** The Windy Hills Wells described above will be augmented pursuant to the plan for augmentation described herein, **d.** The Domestic Wells described in the First Amended Application published in the Resume for the District Court in and for Water Division No. 1 for the month of July, 2002 will be augmented pursuant to the plan for augmentation described herein, **e.** The wells described in Paragraph 3 of this application will be augmented pursuant to the plan for augmentation described herein. **11. Water Rights to be Used for Augmentation Pursuant to the Plan for Augmentation:** The water rights to be used for augmentation include (1) the water right described in the original application filed in this case, hereinafter referred to as the "North Sterling Recharge Water Right," and (2) the North Sterling Reservoir Water Right, as changed pursuant to this application. The Applicant may seek to add additional water rights to this application or incorporate additional water rights in other plans for augmentation, **12.** The application filed in this Court on December 31, 1996 sought a conditional water right for 600 cfs, in a total amount of 40,000 acre ft. per year, with an appropriation date of 1996, for the North Sterling Recharge Water Right. In addition to the storage of the North Sterling Recharge Water Right as described in the original application, the water will be delivered to, stored in and used to recharge the groundwater alluvium of the South Platte River, or its tributaries, or direct delivery of water to the South Platte River, or its tributaries, by use of the following structures: **1. Inlet Reach No. 1 1. Location:** Beginning at the North Sterling Headgate located on the north bank of the South Platte River, its center being a point whence the corner common to Sections 28, 29, 32 and 33, Township 5 North, Range 55 West of the 6th P.M., Morgan County continuing along the North Sterling Canal to where the canal crosses the North section line of Section 14, Township 6 North, Range 54 West of the 6th P.M., Logan County, CO, **2. SDF:** 120 Days, **Inlet Reach No. 2 1. Location:** Beginning at the point where Inlet Reach No. 1 ends continuing to where the canal crosses the North section line of Section 33, Township 8 North, Range 54 West of the 6th P.M., Logan County, CO, **2. SDF:** 120 Days, **3. Inlet Reach No. 3: 1. Location:** Beginning at the point where Inlet Reach No. 2 ends continuing to where the canal connects with the North Sterling Reservoir, that point being approximately located in Section 10, Township 11 North, Range 49 West of the 6th P.M., Logan County, CO, **2. SDF:** 3500 Days +, **4. Outlet Reach No. 1: 1. Location:** Beginning at the outlet at the North Sterling Reservoir, approximately located in Section 10, Township 11 North, Range 49 West of the 6th P.M., Logan County, CO continuing to the East section line of Section 5, Township 9 North, Range 52 West of

the 6th P.M., Logan County, CO, **2. SDF:** 4320 Days, **5. Outlet Reach No. 2: 1. Location:** Beginning at the point where Outlet Reach No. 1 ends continuing to where the canal crosses the North section line of Section 25, Township 10 North, Range 52 West of the 6th P.M., Logan County, CO, **2. SDF:** 3000 Days, **6. Outlet Reach No. 3: 1. Location:** Beginning at the point where Outlet Reach No. 2 ends continuing to where the canal crosses the East section line of Section 5, Township 10 North, Range 51 West of the 6th P.M., Logan County, CO, **2. SDF:** 3630 Days, **7. Duncan Pond: 1. Location:** Located in the SE1/4 of the SW1/4, Section 2, Township 8 North, Range 53 West of the 6th P.M., **2. SDF:** 3200 Days, **3. Land Owner:** North Sterling Irrigation District, P.O. Box 103, Sterling, CO 80751, **8. Jackson Pond: 1. Location:** Located in the North½ of the NE½, Section 11, Township 8 North, Range 53 West of the 6th P.M., **2. SDF:** 2830 Days, **3. Land Owners:** Richard & Mary Jackson, 18005 CR 33, Sterling, CO 80751, **9. Mitchek Pond No. 1 (Sand Creek) 1.: Location:** Located in the North½ of the NE1/4, Section 27, Township 8 North, Range 53 West of the 6th P.M., **2. SDF:** 3500 Days, **3. Land Owner:** Allen Mitchek, 12456 CR 37, Sterling, CO 80751, **10. Mitchek Ponds Nos. 2,3,4,5,6: 1. Location:** Located in the SW1/4 of Section 4, the SE1/4 of Section 5, the North ½ of Section 8, and the East ½ of Section 8, all in Township 7 North, Range 53 West of the 6th P.M., **2. SDF:** 3000 Days, **3. Land Owner:** American Farms Partnership, 12456 CR 37, Sterling, CO 80751, **11. Guenzi Ponds Nos. 1 and 2: 1. Location:** Located in the West ½, Section 33, Township 8 North, Range 53 West of the 6th P.M., **2. SDF:** 3980 Days, **3. Land Owners:** John S. & David Guenzi, 11079 CR 250, Sterling, CO 80751, **12. Guenzi Ponds Nos. 3 and 4: 1. Location:** Located in the South ½, Section 2, Township 7 North, Range 54 West of the 6th P.M., **2. SDF:** 6390 Days, **3. Land Owner:** Kenneth J. Guenzi, 11079 CR 250, Sterling, CO 80751, **13. Guenzi Pond No. 5: 1. Location:** Located in the South ½, Section 2, Township 7 North, Range 54 West of the 6th P.M., **2. SDF:** 6050 Days, **3. Land Owner:** Kenneth J. Guenzi, 11079 CR 250, Sterling, CO 80751, **14. Guenzi Ponds Nos. 6 and 7: 1. Location:** Located in the SW1/4, Section 19, Township 7 North, Range 53 West of the 6th P.M., **2. SDF:** 7000 Days, **3. Land Owner**: Eva M. Guenzi, 11079 CR 250, Sterling, CO 80751, **15. Guenzi Ponds Nos. 8 and 9: 1. Location:** Located in the SW1/4, Section 13, Township 7 North, Range 54 West of the 6th P.M., **2. SDF:** 4300 Days, **3. Land Owner:** John S. Guenzi, 16898 CR 39, Sterling, CO 80751, **16. Ladd Pond No. 1: 1. Location:** Located in the NW1/4 of Section 12, the SW1/4 of Section 1, the SE1/4 of Section 2, and the NE1/4 of Section 11, all in Township 6 North, Range 54 West of the 6th P.M., **2. SDF:** 1480 Days, **3. Land Owners:** Sharon A. Ladd, 11237 CR 8.5, Merino, CO 80741, Don E. Garrison, 6931 CR 19, Merino, CO 80741, **17. Ladd Pond No. 2: 1. Location:** Located in the NW1/4 of Section 14, and the NE1/4 of Section 15, all in Township 6 North, Range 54 West of the 6th P.M., **2. SDF:** 1040 Days, **3. Land Owners:** Keith Bennett Ladd, 10426 CR 10, Merino, CO 80741, Don & Norma Ladd, 9732 CR 10, Merino, CO 80741, **18. Hettinger Ponds Nos. 1,2,3,4: 1. Location:** Located in the SW1/4 of Section 14, the SE1/4 of Section 15, the NW1/4 of Section 23, and the NE1/4 of Section 22, all in Township 6 North, Range 54 West of the 6th P.M., **2. SDF:** 520 Days, **3. Land Owner:** Howard Hettinger, 13341 CR 8, Merino, CO 80741, **19. Stephens Ponds Nos. 1 and 2: 1. Location:** Located in the SE1/4, Section 14, Township 6 North, Range 54 West of the 6th P.M., **2. SDF:** 610 Days, **3. Land Owners:** James H. & Jean G. Stephens, 3219 CR 23, Merino, CO 80741, **20. Fritzler Ponds Nos. 1 and 2: 1. Location:** Located in the NE1/4, Section 23, Township 6 North, Range 54 West of the 6th P.M., **2. SDF:** 250 Days, **3. Land Owners:** Wilhelm & Lydia Fritzler, 10959 US Hwy 6, Merino, CO 80741, **21. Fritzler Ponds Nos. 3 and 4: 1. Location:** Located in the SE1/4, Section 22, Township 6 North, Range 54 West of the 6th P.M., **2. SDF:** 120 Days, **3. Land Owners:** William & Donna Fritzler, 9799 CR 6, Merino, CO 80741, **22. Shino Pond: 1. Location:** Located in the East ½ of the SW1/4, Section 23, Township 6 North, Range 54 West of the 6th P.M., **2. SDF:** 45 Days, **3. Land Owner:** Garry & Lori Shino, 10517 CR 6, Merino, CO 80741, **23. State Pond: 1. Location:** Located in all of Section 36, Township 7 North, Range 54 West of the 6th P.M., **2. SDF:** 1200 Days, **3. Land Owner:** State Board of Land Commission, **24. Peterson Ponds: 1. Location:** Located in the NE1/4 of

Section 27, the SE1/4 of Section 22, all of Section 22, all of Section 23, and all of Section 14, all in Township 5 North, Range 55 West of the 6th P.M., **2. SDF:** 40 Days, **3. Land Owner:** Gene B. Peterson, 33035 MCR W.7, Hillrose, CO 80733, **25. McNear Pond No. 1: 1. Location:** Located in the SE1/4 of the NW1/4, Section 7, Township 9 North, Range 52 West of the 6th P.M., **2. SDF:** 3900 Days, **3. Land Owner:** Phyllis McNear, 18503 CR 46, Sterling, CO 80751, **26. McNear Pond No. 2: 1. Location:** Located in the NW1/4 of the SW1/4, Section 8, Township 9 North, Range 52 West of the 6th P.M., **2. SDF:** 3300 Days, **3. Land Owner:** Phyllis McNear, 18503 CR 46, Sterling, CO 80751, **27. McNear Pond No. 3: 1. Location:** Located in the North ½ of the NE1/4, Section 18, Township 9 North, Range 52 West of the 6th P.M., **2. SDF:** 3840 Days, **3. Land Owner:** Phyllis McNear, 18503 CR 46, Sterling, CO 80751, **28. Trap Draw Reservoir: 1. Location:** Located in the East ½ and SW1/4 of the SW1/4 of the SE1/4, Section 36, Township 10 North, Range 52 West of the 6th P.M., **2. SDF:** 5710 Days, **3. Land Owners:** State Board of Land Commission, Michael Ursich, P.O. Box 200, Iliff, CO 80736, **29. Trupp Pond No. 1: 1. Location:** Located in the SE1/4 of the SW1/4, Section 13, Township 10 North, Range 52 West of the 6th P.M., **2. SDF:** 2470 Days, **3. Land Owners:** David & Jack Breidenbach, P.O. Box 218, Iliff, CO 80736, **30. Trupp Pond No. 2: 1. Location:** Located in the SE1/4 of Section 11, Township 10 North, Range 52 West of the 6th P.M., **2. SDF:** 3710 Days, **3. Land Owners:** David & Jack Breidenbach, P.O. Box 218, Iliff, CO 80736, **31. D & J Breidenbach Pond No. 1: 1. Location:** Located in the NE1/4 of, Section 30, Township 10 North, Range 51 West of the 6th P.M., **2. SDF:** 1790 Days, **3. Land Owners:** David & Jack Breidenbach, P.O. Box 218, Iliff, CO 80736, **32. D& J Breidenbach Pond No. 2: 1. Location:** Located in the NE1/4 of Section 7, Township 10 North, Range 51 West of the 6th P.M., **2. SDF:** 2750 Days, **3. Land Owners:** David & Jack Breidenbach, P.O. Box 218, Iliff, CO 80736, **33. Kautz Pit No. 1: 1. Location:** Located in the NW1/4 of the NW1/4, Section 17, Township 9 North, Range 51 West of the 6th P.M., **2. SDF:** 1000 Days, **3. Land Owner:** David & Jack Breidenbach, P.O. Box 218, Iliff, CO 80736, **34. S. Breidenbach Pond No. 1: 1. Location:** Located in the SW1/4 of the NE1/4, Section 19, Township 10 North, Range 51 West of the 6th P.M., **2. SDF:** 2110 Days, **3. Land Owner:** Stephen J. Breidenbach, 23994 CR 50, Iliff, CO 80736, **35. S. Breidenbach Pond No. 2: 1. Location:** Located in the NE1/4 of Section 32, Township 10 North, Range 51 West of the 6th P.M., **2. SDF:** 1190 Days, **3. Land Owner:** Stephen J. Breidenbach, 23994 CR 50, Iliff, CO 80736, **36. Kautz Pit No. 2: 1. Location:** Located in the SW1/4 of Section 8, Township 9 North, Range 51 West of the 6th P.M., **2. SDF:** 1050 Days, **3. Land Owner:** Stephen J. Breidenbach, 23994 CR 50, Iliff, CO 80736, **37. E. Breidenbach Pond No. 1: 1. Location:** Located in the NE1/4 of Section 31, Township 10 North, Range 51 West of the 6th P.M., **2. SDF:** 1510 Days, **3. Land Owner:** Edward A. Breidenbach, 24557 CR 50, Iliff, CO 80736, **38. Grauberger Pond: 1. Location:** Located in the NW1/4 of the SE1/4, Section 29, Township 10 North, Range 51 West of the 6th P.M., **2. SDF:** 1430 Days, **3. Land Owners:** Michael & Kristina Grauberger, 329 Elwood, Sterling, CO 80751, **39. Naugle Lateral Ditch: 1. Location:** Located in the East ½ of Section 9, SW1/4 of Section 10, all of Section 15, the SW1/4 of Section 14, all of Section 23, the SW1/4 of Section 24, and the NW1/4 of Section 25, all in Township 10 North, Range 51 West of the 6th P.M. , **2. SDF:** 1350 Days, **3. Land Owners:** Virginia Yahn, 112 Highland Ave, Sterling, CO 80751, Paul Zink, 25767 CR 57, Iliff, CO 80736, Jeffrey & Yvonne Kielian, 27502 CR 56, Iliff, CO 80736, Donald J. & Patricia K. Kippes, P.O. Box 1650, Iliff, CO 80736, Eugene V. Hadachek, 6371 S Pebble Beach, Chandler, AZ 85249, Leonard C. Hadachek, 1022 King, Wray, CO 80758, **40. Zink Pond: 1. Location:** Located in the SW1/4 of the SW1/4, Section 14, Township 10 North, Range 51 West of the 6th P.M., **2. SDF:** 1300 Days, **3. Land Owner:** Paul Zink, 25767 CR 57, Iliff, CO 80736, **41. Bell Pond: 1. Location:** Located in the South ½, Section 11, Township 10 North, Range 51 West of the 6th P.M., **2. SDF:** 1710 Days, **3. Land Owners:** Leonard Bell, 28092 CR 58, Iliff, CO, 80736, Herman C. Sommerfeld, 30271 CR 58, Iliff, CO 80736, **42. Kielian Pond No. 1: 1. Location:** Located in the NE1/4 of the NW1/4, Section 23, Township 10 North, Range 51 West of the 6th P.M., **2. SDF:** 1150 Days, **3.**

Land Owners: Jeffrey and Yvonne Kielian, 27502 CR 56, Iliff, CO 80736, **43. Kielian Pond No. 2: 1. Location:** Located in the NW1/4, Section 24, Township 10 North, Range 51 West of the 6th P.M., **2. SDF:** 1070 Days, **3. Land Owners:** Kielian Family Trust, 11777 E Hwy 30, Sidney NE 69162, **44. Kielian Pond No. 3: 1. Location:** Located in the NE1/4 of the NE1/4, Section 25, Township 10 North, Range 51 West of the 6th P.M., **2. SDF:** 810 Days, **3. Land Owner:** Kielian Family Trust, 11777 E Hwy 30, Sidney NE 69162, **45. Nein Pond: 1. Location:** Located in the SW1/4 of the SW1/4, Section 18, Township 10 North, Range 50 West of the 6th P.M., **2. SDF:** 1190 Days, **3. Land Owner:** Reinhold Nein, 30849 CR 56, Iliff, CO 80736, **46. Kippes Pond: 1. Location:** Located in the SE1/4 of the NW1/4, Section 19, Township 10 North, Range 50 West of the 6th P.M., **2. SDF:** 990 Days, **3. Land Owners:** Johnnie & Priscilla Kippes, 25754 CR 59, Iliff, CO 80736, **47. Schuppe Pond No. 1: 1. Location:** Located in the SW1/4, Section 30, Township 10 North, Range 50 West of the 6th P.M., **2. SDF:** 420 Days, **3. Land Owners:** Gordon A. & Doris Schuppe, 25653 CR 63, Iliff, CO 80736, **48. Schuppe Pond No. 2: 1. Location:** Located in the NE1/4, Section 19, Township 10 North, Range 50 West of the 6th P.M., **2. SDF:** 950 Days, **3. Land Owners:** Rachel Schuppe, 26785 CR 63, Iliff, CO 80736, **49. Schuppe Pond No. 3: 1. Location:** Located in the NW1/4 of the NW1/4, Section 29, Township 10 North, Range 50 West of the 6th P.M., **2. SDF:** 510 Days, **3. Land Owner:** Rachel Schuppe, 26785 CR 63, Iliff, CO 80736, **50. Skinner Draw Reservoir: 1. Location:** Located in the NE1/4 of Section 7, the NW1/4 of Section 8, the SW1/4 of Section 5, and all of Section 6, all in Township 10 North, Range 50 West of the 6th P.M., and the South ½, Section 31, Township 11, Range 50 West of the 6th P.M., **2. SDF:** 1870 Days, **3. Land Owners:** Ronald R. Ament Residuary Trust, Rt 1, Iliff, CO 80736, Joseph & Felisa Hernandez, 33821 CR 58, Iliff, CO 80736, George & Della Hernandez, 29015 CR 65, Iliff, CO 80736, James & Carolyn Hernandez, 27656 CR 65, Iliff, CO 80736, James & Mary Beam, 30207 CR 64, Iliff, CO 80736, **51. Amen Pond No. 1: 1. Location:** Located in the SE1/4, Section 17, Township 10 North, Range 50 West of the 6th P.M., **2. SDF:** 1030 Days, **3. Land Owner:** Walter Amen, Box 123, Iliff, CO 80736, **52. Amen Pond No. 2: 1. Location:** Located in the SE1/4 of the SE1/4, Section 7, Township 7 North, Range 53 West of the 6th P.M., **2. SDF:** 4000 Days, **3. Land Owner:** Lillian Amen Trust, 10538 CR 25, Sterling, CO 80751, **53. Amen Ponds Nos. 3 and 4: 1. Location:** Located in the North ½, Section 13, Township 7 North, Range 54 West of the 6th P.M., **2. SDF:** 4300 Days, **3. Land Owner:** Lillian Amen Trust, 10538 CR 25, Sterling, CO 80751, **54. Amen Pond No. 5: 1. Location:** Located in the NW1/4, Section 24, Township 7 North, Range 54 West of the 6th P.M., **2. SDF:** 4200 Days, **Land Owners:** Alan C. & Christa Amen, 8888 CR 23, Sterling, CO 80751, **55. Couch Pond: 1. Location:** Located in the NW1/4 of the NE1/4, Section 29, Township 10 North, Range 50 West of the 6th P.M., **2. SDF:** 450 Days, **3. Land Owners:** Clyde & Marie Couch, 19956 CR 34, Sterling, CO 80751, **56. Crowder Pond: 1. Location:** Located in the NW1/4 of the SE1/4, Section 21, Township 10 North, Range 50 West of the 6th P.M., **2. SDF:** 500 Days, **3. Land Owner:** Anna Faye Crowder, 26872 CR 65, Iliff, CO 80736, **57. Corral Creek Reservoir No. 1: 1. Location:** Located in all of Section 33, the SW1/4 of Section 34, and the South ½ of Section 28, all in Township 11 North, Range 50 West of the 6th P.M., **2. SDF:** 2030 Days, **3. Land Owners:** Ronald R. Ament Residuary Trust, Rt 1, Iliff, CO 80736, Steven Joseph Hernandez, 33821 CR 58, Iliff, CO 80736, **58. Corral Creek Reservoir No. 2: 1. Location:** Located in all of Section 10, and the SW1/4 of Section 3, all in Township 10 North, Range 50 West of the 6th P.M., **2. SDF:** 2030 Days, **3. Land Owners:** Joseph R. Hernandez, 33821 CR 58, Iliff, CO 80736, Wilbur & Pauline Houser, 28506 CR 65, Iliff, CO 80736, Bonnie J. Harms, 29508 CR 65, Iliff, CO 80736, **58. Aranci Ponds Nos. 1,2,3,4,5: 1. Location:** Located in the NW1/4 and South ½ of Section 23, Township 11 North, Range 50 West of the 6th P.M., **2. SDF:** 2590 Days, **3. Land Owner:** James A. Aranci, Box 78, Crook, CO 80726, **60. Aranci Pond No. 6: 1. Location:** Located in the East ½ of the East ½ of Section 30, Township 11 North, Range 49 West of the 6th P.M., **2. SDF:** 1780 Days, **3. Land Owner:** James A. Aranci, Box 78, Crook, CO 80726, **61. Spring Canyon (Natural Spillway): 1. Location:** Located in the South ½ of

Section 23, the NE1/4 and South ½ of Section 25, and the North ½ of Section 36, all in Township 11 North, Range 50 West of the 6th P.M., **2. SDF:** 2030 Days, **62. Christensen Ponds Nos. 1,2,3: 1. Location** Located in the East ½ of Section 26 and SW1/4 of Section 25, all in Township 11 North, Range 50 West of the 6th P.M., **2. SDF:** 2070 Days, **3. Land Owner:** John A. Christensen, 31929 CR 71, Crook, CO 80726, **63. Summers Pond: 1. Location:** Located in the NW1/4, Section 25, Township 11 North, Range 50 West of the 6th P.M., **2. SDF:** 2190 Days, **3. Land Owner:** Carl Summers, 35402 CR 66, Crook, CO 80726, **64. Houser Pond: 1. Location:** Located in the NW 1/4 and West ½ of the NE 1/4, Section 24 Township 11 North, Range 50 West of the 6th P.M., **2. SDF:** 3630 Days, **3. Land Owner:** Charles L. Houser, 35495 CR 66, Crook, CO 80726, **65. Ramsey Draw Reservoir: 1. Location:** Located in the NW1/4 of Section 12, the SW1/4 of Section 1, and the East ½ of Section 2, all in Township 10 North, Range 50 West of the 6th P.M., **2. SDF:** 1310 Days, **3. Land Owners:** Kenneth L. & Deon Crow, Rt. 1, Crook, CO 80726, John & Viola Holman, Rt. 1, Crook, CO 80726, James B. & Elizabeth Seward, Crook, CO 80726, **66. Lateral No. 43: 1. Location:** Located in the West ½ and SE1/4, Section 19 Township 11 North, Range 49 West of the 6th P.M., **2. SDF:** 2790 Days, **3. Land Owners:** Rameriz Farms, Rt. 1, Crook, CO 80726, Raymond W. Geisler, 7199 WCR 65, Keenesburg, CO 80643, **67. Monheiser Pond: 1. Location:** Located in the SW1/4, Section 31 Township 11 North, Range 49 West of the 6th P.M., **2. SDF:** 1830 Days, **3. Land Owners:** John & Ronda Monheiser, 30171 CR 75, Crook, CO 80726, **68. LeBlanc Pond No. 1: 1. Location:** Located in the SE1/4, Section 8 Township 11 North, Range 49 West of the 6th P.M., **2. SDF:** 3870 Days, **3. Land Owners:** Robert & Lucille LeBlanc, 33216 CR 75, Crook, CO 80726, **69. LeBlanc Pond No. 2: 1. Location:** Located in the South ½, Section 17 Township 11 North, Range 49 West of the 6th P.M., **2. SDF:** 3210 Days, **3. Land Owners:** Robert & Lucille LeBlanc, 33216 CR 75, Crook, CO 80726, **70. LeBlanc Draw (Natural Spillway): 1. Location:** Located in the SE1/4 of Section 8, the East ½ of Section 17, the East ½ of Section 20, the SW1/4 of Section 21, the NW1/4 of Section 28, all in Township 11 North, Range 49 West of the 6th P.M., **2. SDF:** 2730 Days, **3. Land Owner: 71. O'Neal Pond No. 1: 1. Location:** Located in the North ½, Section 5, Township 10 North, Range 49 West of the 6th P.M., **2. SDF:** 750 Days, **3. Land Owner:** Stephen O'Neal, 1014 Glenora, Sterling, CO 80751, **72. O'Neal Pond No. 2: 1. Location:** Located in the South ½, Section 5, Township 10 North, Range 49 West of the 6th P.M., **2. SDF:** 630 Days, **3. Land Owner:** Stephen O'Neal, 1014 Glenora, Sterling, CO 80751, **73. Monheiser Horner Kircher Ponds Nos. 1 and 2: 1. Location:** Located in the East ½, Section 5, Township 10 North, Range 49 West of the 6th P.M., **2. SDF:** 630 Days, **3. Land Owner:** Monheiser Horner Kircher LLC, 119 N 2nd St, Sterling, CO 80751, **74. Wickman Ponds Nos. 1 and 2: 1. Location:** Located in the SW1/4, Section 4, Township 10 North, Range 49 West of the 6th P.M., **2. SDF:** 470 Days, **3. Land Owner:** Wickman Farms Inc., Rt. 1, Crook, CO 80726, **75. Lateral 46 West Reservoir: 1. Location:** Located in all of Section 34, all of Section 33, the SW1/4 of Section 27, and the South ½ of Section 28, all in Township 11 North, Range 49 West of the 6th P.M., **2. SDF:** 605 Days, **3. Land Owners:** Crook Farms LLC, 1532 S CR 17C, Loveland, CO 80537, Labrador Properties LLC, 8026 E Lakeview, Parker, CO 80134, James H. Brompton, 39859 CR 64, Crook, CO 80726, 6/D Farms, P.O. Box 1807, Sterling, CO 80751, James & Patricia Devie, Rt. 1, Crook, CO 80726, **76. Brompton Reservoir: 1. Location:** Located in the NE1/4 of Section 34, and all of Section 27, all in Township 11 North, Range 49 West of the 6th P.M., **2. SDF:** 1600 Days, **3. Land Owner:** Crook Farms LLC, 1532 S CR 17C, Loveland, CO 80537, James H. Brompton, 39859 CR 64, Crook, CO 80726, **77. Brompton Pond: 1. Location:** Located in the West ½, Section 27, Township 11 North, Range 49 West of the 6th P.M., **2. SDF:** 1850 Days, **3. Land Owner:** James H. Brompton, 39859 CR 64, Crook, CO 80726, **78. Lateral 46 South Reservoir: 1. Location:** Located in the NE1/4 of Section 3 and the NW1/4 of Section 2, all in Township 10 North, Range 49 West of the 6th P.M, and the West ½ of Section 35, and the East ½ of Section 34, all in Township 11 North, Range 49 West of the 6th P.M., **2. SDF:** 992 Days, **3. Land Owners:** Crook Farms LLC, 1532 S CR 17C, Loveland, CO 80537,

State of Colo, Division of Wildlife, Jim V. & Judi Roberts, Rt. 1, Crook, CO 80726, **79. Koester Ponds Nos. 1,2,3: 1. Location:** Located in the SE1/4 of Section 10 and the SW1/4 of Section 11, all in Township 11 North, Range 49 West of the 6th P.M., **2. SDF:** 3120 Days, **3. Land Owners:** Kenneth L. & Peggy Koester, 15303 Hwy 14, Sterling, CO 80751, **80. North Sterling Regulating Reservoir: 1. Location:** Located in the NW1/4 and South ½, Section 10, Township 11 North, Range 49 West of the 6th P.M., **2. SDF:** 3300 Days, **3. Land Owners:** North Sterling Irrigation District, P.O. Box 103, Sterling, CO 80751, Kenneth L. & Peggy Koester, 15303 Hwy 14, Sterling, CO 80751, Steven R. & Dominique Kurtzer, 38469 CR 26, Fleming, CO 80728, **81. Lateral #47: 1. Location:** Located in the SW1/4 of Section 10, all of Section 15, the East ½ of Section 22, and the East ½ of Section 26, all in Township 11 North, Range 49 West of the 6th P.M., **2. SDF:** 2900 Days, **3. Land Owners:** North Sterling Irrigation District, P.O. Box 103, Sterling, CO 80751, William W. & Beryle McCormick, 39935 CR 68, Crook, CO 80726 Elmer A. & Fern L. Karg, 14152 Greenway, Sterling, CO 80751, Rudolph Family Trust, 32250 CR 81, Crook, CO 80726, Daniel R. & Suzanne J. Meier, 31790 CR 81, Crook, CO 80726, **82. Meier Pond: 1. Location:** Located in the SW1/4 of Section 26 and the SE1/4 of Section 27, all in Township 11 North, Range 49 West of the 6th P.M., **2. SDF:** 1690 Days, **3. Land Owners:** Daniel R. & Suzanne J. Meier, 31790 CR 81, Crook, CO 80726, **83. McCracken Draw (Natural Spillway): 1. Location:** Located in the W ½ of Section 12 and the NW1/4 of Section 13, all in Township 11 North, Range 49 West of the 6th P.M., **2. SDF:** 2790 Days, **3. Land Owner: 84. Kuster Pond: 1. Location:** Located in the South ½ and NW1/4, Section 24, Township 11 North, Range 49 West of the 6th P.M., **2. SDF:** 1690 Days, **3. Land Owner:** Eldor E. & Marion C. Kuster, Rt. 1, Crook, CO 80726, **84. Hawk Springs Reservoir: 1. Location:** Located in the West ½ of Section 25, the NE1/4 of Section 26 and the SE1/4 of Section 23, all in Township 11 North, Range 49 West of the 6th P.M., **2. SDF:** 1635 Days, **3. Land Owner:** Rudolph Family Trust, 32250 CR 81, Crook, CO 80726, Daniel R. & Suzanne J. Meier, 31790 CR 81, Crook, CO 80726, State of Colo., Division of Wildlife Mark C. & Becky K. Johnson, **86. Harmony West Reservoir: 1. Location:** Located in the West ½ of Section 29, the East ½ of Section 30, and the SE1/4 of Section 19, all in Township 11 North, Range 48 West of the 6th P.M., **2. SDF:** 1360 Days, **3. Land Owner:** Ronald L. Ring et al, 109 2nd Ave, Crook, CO 80726, Harold D. & Evelyn Kautz, 18031 Willow Dr., Sterling, CO 80751, George Dunn Charitable Trust, 2370 Roxboro, Cleveland, OH 44106, **87. Johnson Reservoir: 1. Location:** Located in the NW1/4 of Section 21, the NE1/4 of Section 20, the West ½ of Section 16, and the East ½ of Section 17, all in Township 11 North, Range 48 West of the 6th P.M., **2. SDF:** 2075 Days, **3. Land Owner:** Leland O. & Sharon E. Amen, 11555 CR 10, Merino, CO 80741, Richard A. & Jeannette Johnson, 17 Ranch, Crook, CO 80726, John S. Fox, State Board of Land Commission, 1313 Sherman Street, Denver, CO 80203. **13.** To the extent required, The District will enter into an agreement with each landowner for use of the augmentation sites. Since the filing of the application in this case, water has been diverted and used for recharge of the alluvial aquifer. A summary of the water diversions is attached as Exhibit A. **14. Statement of Plan for Augmentation:** Each of the owners of the structures to be augmented has entered into or have indicated that they will enter into an agreement with the District which provides the terms and conditions on which the District will provide augmentation water for replacement of depletions to the South Platte River associated with the use of the structures. The plan for augmentation contemplates replacement of depletions associated with operation of the structures on the terms and conditions described in this application and the decree entered by the Court. **15.** The District proposes to determine the depletions to the South Platte River by the structures by use of Stream Depletion Factor (SDF) methodology described below. The District reserves the right to propose alternative methodologies in this proceeding, **16.** The amount of water pumped from each well during the period from November 1 to October 31 of each year will be determined. Based on the uses of the water, the consumptively used amount of water will be determined based on the following procedures: **1.** To the extent the water is used for domestic residential purposes, the amount of water pumped from

each well will be allocated between indoor uses and outdoor uses. With respect to water used for indoor uses, the District asserts that ten percent (10%) of the water is consumed. With respect to water used for outdoor uses, the District asserts that ninety percent (90%) of the water is consumed. The methodology for determination of the amount of water consumed from the Domestic Wells may be changed during the proceedings, **2.** To the extent the water is used for irrigation purposes, the use of the water for flood irrigation or sprinkler irrigation shall be determined. To the extent the water is used for flood irrigation, the District asserts that sixty-five percent (65%) of the water pumped from the structure is consumed. To the extent the water is used for sprinkler irrigation, the District asserts that eighty-five percent (85%) of the water pumped from the structure is consumed. The methodology for determination of the amount of water consumed from the structures may be changed during the proceedings, **3.** To the extent the water is used for other purposes, the water shall be assumed to be fully consumed, unless the Court makes a different determination in this case or a future proceeding, **17.** On or before May 1 of each year, a computer analysis will be made to project the net effect on the South Platte River in the upcoming year resulting from the prior and projected pumping and from prior recharge operations under the District's system. This analysis will contain projections of depletions for the upcoming months. Each month the analysis and projection will be updated and reported to the Division Engineer using the actual consumptive use and recharge data, **18.** The effects on the South Platte River resulting from the consumptive use of water caused by pumping from wells or from recharge, pursuant to this plan, will be calculated by means of the stream depletion factor (SDF) concept developed by the U.S. Geological Survey (Jenkins) and by means of a digital computer program based upon the SDF method. The SDF values for each of the structures were determined from U.S. Geological Survey Publications and are specified above, **19.** Nothing in this application shall prevent owners of the subject wells from subsequently petitioning the Court to remove any well or wells from this plan for augmentation or to operate said wells otherwise in accordance with law and decrees, **20.** All recharge water delivered to the South Platte River pursuant to this plan for augmentation shall first be applied to replaced depletions associated with the operation of the structures described in this application. To the extent that the operation of this plan for augmentation results in more water delivered to the South Platter River than is required pursuant to this plan for augmentation, the water may be sold or leased by the District for other uses or substituted and exchanged as described below. The District claims the right to use, reuse, or successively use to extinction all water delivered to the South Platte River, **21.** The District may add additional wells and recharge sites to this application by filing an application with the Court to add such structures to this plan for augmentation, **APPLICATION FOR APPROVAL OF APPROPRIATIVE RIGHTS OF SUBSTITUTION AND EXCHANGE, 22. <u>North Sterling Substitution and Exchange</u>:** The District claims the following rights of substitution and exchange pursuant to Sections 37-80-120, 37-82-106, 37-83-104, and 37-92-101, et seq., C.R.S, **23. <u>Operation of the Substitution and Exchange</u>:** At such times when water is delivered to the South Platte River pursuant to the plan for augmentation requested in this case in excess of the replacement requirements, the water will be substituted and exchanged for water diverted at the headgate of the North Sterling Inlet Ditch. The substitution and exchange will only operate at such times when no water rights located between the point of delivery to the South Platte River and the point of diversion will be materially injured by the substitution and exchange, **24. <u>Legal Description of Point of Diversion</u>:** The point of diversion is the headgate of the North Sterling Inlet Ditch described above, **25. <u>Legal Description of the Reach of the South Platte River Within the Substitution and Exchange</u>:** The water delivered to the South Platte River will be delivered within a reach of the South Platte River, consisting of an upstream point of the North Sterling Inlet Ditch headgate and downstream point of the confluence of the South Platte River and the boundary line between Logan County, CO and Sedgwick County, Colorado, which is the line between Section 36, Township 11 North, Range 48 West of the 6th P.M., and Section 1, Township 11 North, Range 47 West of the 6th P.M., **26.**

Date of initiation of appropriation: May 8, 1996, **27. Amount claimed:** 600 c.f.s., Conditional, **28. Use or Proposed Use:** The water diverted pursuant to the substitution and exchange will be used for the same uses as are specified in for the North Sterling Recharge Water Right, **29. Name and Address of Owner of Land on Which Point of Diversion and Place of Use are Located:** The headgate of the North Sterling Inlet Canal is located on land owned by the District. The North Sterling Inlet Canal, North Sterling Reservoir, and North Sterling Outlet Canal are owned by the North Sterling Irrigation District. The reputed owners of other land and water rights are described within this application. WHEREFORE, the District requests that the Court grant this application and enter a decree in conformance therewith. (46 Pages, not including 1 Exhibit).

98CW463 AMENDED APPLICATION FOR WATER RIGHTS AND FOR APPROVAL OF PLAN FOR AUGMENTATION**, IN LOGAN COUNTY**, C/O STEVEN O. SIMS, Assistant Attorney General, Natural Resources Section, Attorneys for Applicants, DIVISION OF WILDLIFE and WILDLIFE COMMISSION, 1525 Sherman Street, 5th Floor, Denver, Colorado 80203. Telephone: (303) 866-5042. FAX: (303) 866-3558. 1. **Name, address and telephone number of applicant:**Colorado Division of Wildlife and Wildlife Commission, 6060 Broadway, Denver, CO 80216-1029, Telephone: (303) 297-1192. 2. **Name of structures:** A. Tamarack Ranch State Wildlife Area Recharge System, Tamarack Ranch Recharge Well # 1 (Claimed also in 96 CW 1063), Tamarack Ranch Recharge Well # 2, Tamarack Ranch Recharge Well # 3, Tamarack Ranch Recharge Well # 4, Tamarack Ranch Recharge Well # 5, Tamarack Ranch Recharge Well # 6, Tamarack Ranch Recharge Well # 7, Tamarack Ranch Recharge Well # 8, Tamarack Ranch Recharge Well # 9, Tamarack Ranch Recharge Well # 10, Tamarack Ranch Recharge Well # 11, Tamarack Ranch Recharge Well # 12, Tamarack Ranch Recharge Well # 13, Tamarack Ranch Recharge Well # 14, Tamarack Ranch Recharge Well # 15, Tamarack Ranch Recharge Well # 16, Tamarack Ranch Recharge Well # 17, Tamarack Recharge Pond # 1, Tamarack Recharge Pond # 2, Tamarack Recharge Pond # 3, Tamarack Recharge Pond # 4, Tamarack Recharge Pond # 5, Tamarack Recharge Pond # 6, Tamarack Recharge Pond # 7, Tamarack Recharge Pond # 8, Tamarack Recharge Pond # 9, Tamarack Recharge Pond # 10, Tamarack Recharge Pond # 11. 3. **Legal description of each structure:** The recharge wells and ponds are located on the Tamarack Ranch State Wildlife Area and all are in Twn 10N, Rge 49W of the 6th P.M. in Logan County. 4. **Source:** The South Platte River and the alluvial aquifer of the South Platte River.5. **Appropriation Information:** A. Date of initiation of Appropriation: April 23, 1996. B. How appropriation was initiated: The Applicant began on-site investigations at the Tamarack Ranch State Wildlife Area for the Tamarack Plan Recharge Project and constructed monitoring holes at or near some of the recharge ponds to evaluate groundwater elevation, fluctuation, and water quality. C. Date water applied to beneficial use: N/A. D. Amount claimed: Tamarack Ranch Recharge Wells # 2 through # 17: 2000 gpm (4.5 cfs) for each of the 16 wells which are located approximately on the flood water line of the river banks; whenever legally and physically available; to fill and refill the recharge ponds, CONDITIONAL. 6. **Use or proposed use:** A.. Number of acres historically irrigated: N/A; proposed to be irrigated: N/A; legal description of acreage: N/A. B. If non-irrigation. describe purposes fully: Water pumped pursuant to the water right decreed herein from the wells described above and piped into the recharge ponds described above will seep from the recharge ponds and recharge the alluvial aquifer of the South Platte River. Any credits attributed to such

recharge accruals to the South Platte River may be used by the Applicant or by other water users by lease, exchange, or trade, for augmentation, recharge, replacement, exchange, fish and wildlife habitat, wildlife and wildlife recovery purposes pursuant to an approved replacement plan, substitute supply plan or decree of this court. The amount and timing of recharge accruals to the South Platte River will be determined using the stream depletion factors ("SDF") developed by the U.S. Geological Survey as approved in other cases or a calculation made by any other method based on reasonably accepted engineering principles that are approved by the State Engineer. The SDF values for each of the recharge ponds have been and will be determined from information in the U.S. Geological Survey Publication entitled "Hydrogeologic Characteristics of the Valley Fill Aquifer in the Julesburg Reach of the South Platte River Valley, Colorado."8. **Name and address of owner of land on which structures for the water right are located:** Colorado Division of Wildlife, Wildlife Commission, 6060 Broadway, Denver, CO 80216-1000. 9. **Remarks:** The Applicant in cooperation with the South Platte Lower River Group, Inc. ("SPLRG") has investigated the feasibility of constructing a groundwater recharge project at the Tamarack Ranch State Wildlife Area near the town of Crook in northeast Colorado. The project involves the construction of tributary wells and recharge ponds. The tributary wells are or will be located near the South Platte River and will pump water via pipelines to the recharge ponds located further from the river during periods when there is no downstream call or compact obligation. The Applicant in cooperation with SPLRG has already constructed part of this recharge project. This first part of the recharge project along with subsequent parts will be used to divert water from the South Platte River for recharge into the underlying alluvial aquifer. The return flows generated from the recharge project will increase stream flows in the river later in the year. Recharge credits generated by this project, and as quantified herein, will be used to provide replacement water for depletions caused by the pumping of wells by the Division of Wildlife, including but not limited to those in Case Nos. W-7713 and 87CW135, Water Division 1, or by other water users by lease, exchange or trade. In addition, some credit water may be used to offset depletions caused by wetland development or to improve habitat for native aquatic species of concern in Colorado. Although the applicant's proposed uses are in Colorado only, these instate uses may unavoidably result in changes in timing of flows at the state line, for which Colorado may receive credit in a Platte Basin Endangered Species Recovery Program. <u>Claim Two-Application for approval of plan for augmentation.</u> 11. Name(s) of structure(s) to be augmented: No other water rights are diverted from these structures. See paragraph 2 above. 12. Water right(s) to be used for augmentation: The 17 wells that are augmented by this plan are recharge wells designed to retime and recharge river water and make the recharged water available for use later in the year. These wells if operated properly will provide their own augmentation. 13. Historic use: N/A.. 14. Statement of plan for augmentation, Location of the Recharge Plan. The Tamarack Project recharge plan is located on the Tamarack State Wildlife Area on the south side of the South Platte River about six and a half miles downstream of the head gate of the Harmony No. 1 ditch. The Tamarack State Wildlife Area is located between the Towns of Crook and Red Lion and is about 11 miles upstream of the Peterson Ditch head gate. The major downstream surface water rights are the Peterson Ditch, the South Reservation Ditch and the Liddle Ditch. The state line is 30 miles downstream. Nature of the Recharge Plan. The Tamarack recharge plan is designed to create

between 10,000 and 30,000 acre feet of recharge credits depending on the legal availability of water in any given year. The 17 wells included in the project will divert in priority or by exchange. The Applicant will divert water when there is no call on the river and when the water is available pursuant to the South Platte River Compact. The water diverted is pumped or gravity fed to recharge ponds. The water stored in the recharge ponds seeps out and migrates back to the river at a later time. Applicant claims the right to use the recharged water when it reaches the river. At times, the amount of recharged water will exceed Applicant's or Applicant's lessees current need. When that situation occurs, Applicant will operate the wells to capture the unused recharge credits by exchange and divert the exchanged water back into recharge ponds. Time, Location and Amount of possible out of priority depletions. Some of the recharge wells are close enough to the river to be operated as head gates and these wells will only be operated out of priority when operating the exchange. Some of the wells will operate with a lagged depletion. Applicant will fully augment the lagged depletions occurring at times when the Division Engineer enforces a valid senior downstream call on the river. Because of the uncertainty concerning when the out of priority depletions may occur, Applicant does not propose to quantify out of priority depletions in the proposed decree. Instead the Applicant will propose an accounting process for determining the out of priority depletions that must be replaced. Quantification of augmentation replacement water. Because the project will create 10,000 to 30,000 acre feet per year, there will be ample recharge credits available to offset any lagged depletions associated with the recharge plan operation. Operation of Recharge Plan and Plan for Augmentation to prevent injury to vested water users. Applicant will create accounting forms to be approved by the Division Engineer that will report total pumping by the recharge wells on a daily basis, the amounts of water stored in the recharge ponds, the lag time for each well and recharge pond, the amount of water recharged to the river, the amount of water diverted by exchange and the total out of priority depletions that must be augmented. Only recharge credits in excess of the out of priority depletions that must be augmented will be available for Applicant's use or lease to third parties if in excess of Applicant's current need. Operation of Exchange to prevent injury to vested water users. Applicant will exchange unused recharge credits accruing to the river by pumping the wells that can be operated as head gates. The exchange wells will not have lagged depletions and when operated for exchange purposes will be limited to pumping the exact amount of the unused credits reported on the accounting forms to be approved by the Division Engineer. No injury will occur because the wells will only be diverting recharge credit water. The exchange reach claimed will be from the point on the South Platte River where the unused recharge credits reach the river to the upstream point on the river adjacent to the relevant well. The precise exchange reach will be defined in the final decree, however that point will not be downstream of the Peterson Ditch so as to cause the exchange to go through the Peterson Ditch head gate. 15. Name(s) and address(es) of owner(s) of the land on which structures is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use. See paragraph 1 above.

2001-CW-134, Sekich Farms, Inc., 4315 Highway 66, Longmont, Colorado 80504, (Kim R. Lawrence, Kelly J. Custer, Lind, Lawrence & Ottenhoff, 1011 Eleventh Avenue, Greeley, Colorado 80631) Amended Application for Water Rights **in Weld County**. 2. The original

application filed in this case on August 23, 2001, is hereby amended to correct legal descriptions in two of the claims and to reduce the amounts claimed as absolute at three lakes. 3. Name of Structure: Genevieve Reservoir, 1st Enlargement. a. Legal Description: In the W½ NE¼ of Section 19, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. b. Source: St. Vrain Creek and its tributaries and seepage and tailwater arising in the Baugh Lateral in the NE ¼ Section 22, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado and measured in the NE¼ NE¼ of Section 22, at a point 300 feet from the north line and 50 feet from the east line of said section. c. Date of Appropriation: June 25, 2001. d. How Appropriation Was Initiated: Intent to appropriate, meeting on site and filing of claim. e. Amount Claimed: 100 acre feet, conditional. f. Use: Irrigation of lands in the N½ Section 19, N½ Section 20, S½ Section 18 and the S½ Section 17, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. 4. Name of Structure: Lake Veronica. a. Legal Description: In the SE¼ SE¼ of Section 18, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado at a point 250 feet from the south section line and 660 feet from the east section line. b. Source: St. Vrain Creek and its tributaries. c. Date of Appropriation: May 30, 1999. d. How Appropriation Was Initiated: Diversion and use of water. e. Amount Claimed: 16 acre feet, absolute. f. Use: Irrigation of 220 acres in the SW¼ of Section 17 and the E½ SE¼ of Section 18, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. 5. Name of Structure: Lake Karen. a. Legal Description: In the NE¼ SE¼ of Section 17, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado at a point 2540 feet from the south section line and 270 feet from the east section line. b. Source: St. Vrain Creek and its tributaries. c. Date of Appropriation: May 30, 1997. d. How Appropriation Was Initiated: Diversion and use of water. e. Amount Claimed: 10 acre feet, absolute. f. Use: Irrigation of 160 acres in the SE¼ of Section 17, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. 6. Name of Structure: Lake Donna. a. Legal Description: In the NW¼ NW¼ of Section 29, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado at a point 800 feet from the north section line and 75 feet from the west section line. b. Source: St. Vrain Creek and its tributaries. c. Date of Appropriation: May 30, 1981. d. How Appropriation Was Initiated: Diversion and use of water. e. Amount Claimed: 36 acre feet, absolute. f. Use: Irrigation of 200 acres in the SE¼ of Section 19 and the SE¼ NE¼ of Section 19, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. 7. Name of Structure: Lake Lisa. a. Legal Description: In the SE¼ SE¼ of Section 17, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado at a point 100 feet from the south section line and 100 feet from the east section line. b. Source: St. Vrain Creek and its tributaries. c. Date of Appropriation: June 25, 2001. d. How Appropriation Was Initiated: Intent to appropriate, meeting on site and filing of claim. e. Amount Claimed: 40 acre feet, conditional. f. Use: Irrigation of 160 acres in the SE¼ of Section 17, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. 8. Name of Owner of Land on Which Structures are Located: Applicant. To the extent the structures fill from St. Vrain Creek they fill through the Highland Ditch which headgate is located in the NE SW NW Section 20, Township 3 North, Range 70 West of the 6th P.M., Weld County, Colorado and is owned by the Highland Ditch Company, 4309 State Highway 66, Longmont, Colorado 80504. 9. Remarks: Applicant requests that this amendment relate back to the date of filing of the original application in this

case. Applicant stipulates that all previous Statements of Opposition filed in this matter shall remain valid as against the Amended Application, without the need to renew such Statements.

2001CW201 The New Cache La Poudre Irrigating Company, 33040 Railroad Ave., P.O. Box 104, Lucerne, CO 80646. All correspondence and pleadings to: William H. Brown, Fischer, Brown & Gunn, P.C., P.O. Box Q, Fort Collins, CO 80522. APPLICATION FOR WATER RIGHTS, STORAGE AND SURFACE**, IN LARIMER AND WELD COUNTIES.**

2. All portions of the application herein filed with the District Court, Water Division No. 1, State of Colorado, on November 13, 2001, and published beginning at page 1 of the November, 2001, resume (the "original application"), in Case No. 2001CW210 shall remain as originally published, except as specifically amended as set forth below.

3. The name of the structure described in the original application as the Cornish Plains Reservoir and Recharge Facility has been changed to the Drury Reservoir and Recharge Facility (hereinafter "Drury Reservoir").

4. The active capacity of the Drury Reservoir is reduced from the 1,500 acre feet claimed in the original application to 600 acre feet, and thus 600 acre feet is claimed as a conditional water right.

5. An additional reservoir, not included in the original application, has been renamed the Cornish Plains Reservoir and Recharge Facility ("Cornish Reservoir"). The 900 acre feet of water that were to have been stored in the original Cornish Plains Reservoir and Recharge Facility are now to be stored in the new Cornish Reservoir. In addition, an additional amount of 700 acre feet of water is claimed, to also be stored in Cornish Reservoir, for a total of 1,600 acre feet of active storage that is claimed as a conditional water right.

6. Sources of water for the Cornish Reservoir are the same as those identified in the original application. Further, as to the Drury Reservoir, the Cornish Reservoir and the Barnesville Equalizer Lake, an additional source of water claimed is drainage and natural precipitation that may flow into these three reservoirs from the surrounding surface areas.

7. The Cornish Reservoir is described as follows: The reservoir is to be located within all or portions of the following. The SW1/4NW1/4, NW1/4SW1/4, NE1/4SW1/4, SW1/4SW1/4, SE1/4SE1/4, SW1/4SE1/4, and SE1/4SE1/4, all in Section 5; the NW1/4NW1/4, NE1/4NW1/4, SE1/4NW1/4, NW1/4NE1/4, NE1/4NE1/4, SW1/4NE1/4, SE1/4NE1/4, NW1/4SE1/4, NE1/4SE1/4, and SE1/4SE1/4, all in Section 8; and W1/2NW1/4 and NW1/4SW1/4 of Section 9, all in Township 6 North, Range 63 West of the 6th P.M., Weld County. The precise location of the reservoir's outlet has not yet been established. Maps showing the reservoir's location are attached as Amendment Exhibits A and B.

8. The surface area of the Cornish Reservoir at its high water line is to be approximately 341 acres. Its dam will be approximately 3,000 feet in length, with a maximum height of approximately 25 feet.

9. The date of appropriation for the Cornish Reservoir, as to the addition 700 acre feet to be stored therein, is May 5, 2002. Appropriation was initiated by an on-site inspection of the property by the superintendent of the applicant and the engineer, Duane Smith of Smith Geotechnical, Fort Collins, Colorado, retained for the purpose of evaluating the reservoir site to be its being satisfactory for applicant's purposes.

10. The Jack Wells Pipeline will extend to the Cornish Reservoir, and the Cornish Reservoir will be filled and used in the same manner and for the same purposes as are described in paragraphs 8 and 14 of the original application is claimed for the Cornish Plains Reservoir and Recharge Facility in the original application.

11. All statements of opposition duly filed as to the original application are shall be applicable to this First Amendment.

2001CW258 SOUTH ADAMS COUNTY WATER AND SANITATION DISTRICT. (David L. Harrison, Timothy J. Beaton, MOSES, WITTEMYER HARRISON & WOODRUFF, P.C., P.O. Box 1440, Boulder, CO 80306 (303) 443-8782). **FIRST** AMENDMENT TO APPLICATION FOR PLAN FOR AUGMENTATION , **IN ADAMS COUNTY.**

1. Name, address, and telephone number of applicant:

South Adams County Water and Sanitation District (ASouth Adams≅)
6595 East 70th Avenue
P.O. Box 597
Commerce City, Colorado 80037
(303) 288-2646

All future correspondence and pleadings to:

David L. Harrison or
Timothy J. Beaton
Moses, Wittemyer, Harrison and Woodruff, P.C.
P.O. Box 1440
Boulder, Colorado 80306
(303) 443-8782

Well 111 Merritt Equipment Company
9339 US Highway 85
Henderson, CO 80640-8229

Well 112 Mile High Flea Market, Inc.
7007 E. 88th Ave.
Henderson, CO 80640-8214

7. South Adams has applied for the issuance of well permits for the wells described herein with the office of the State Engineer. Under the subject plan for augmentation there is unappropriated water available which can be withdrawn without causing injury to other water rights, for each of the wells described above.

2002-CW-245. James D. Klein, 24330 U. S. Highway 34, Greeley, Colorado 80631-9753. Telephone: (970) 396-2565. Kim R. Lawrence, Lind, Lawrence & Ottenhoff, LLP, 1011 11th Avenue, Greeley, CO, 80631, (970)356-9160). Amendment to Application for Change of Water Rights and Plan for Augmentation **in Weld County**, Section 19, Township 5 North, Range 64 West of the 6th P.M. 2. Decreed Name of Structures: Klein Well μ 2 and 1 share of the Lower Latham Ditch Company. 3. Amendment to Plan for Augmentation: The plan is amended to replace out of priority depletions from 45 acre feet of consumptive use rather than 35 acre feet of consumptive use. The commercial use of the well causes the consumption of 45 acre feet of water per year based on it's 270 day SDF. The lagged depletions in acre feet are approximately as follows:

Table 1

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Tot
3.75	3.75	**3.75**	**3.75**	**3.75**	**3.75**	**3.75**	**3.75**	**3.75**	**3.75**	**3.75**	**3.75**	**45.00**

The historic farm headgate delivery of 1 share Lower Latham was determined to be 151.76 acre feet per year based on 15% ditch loss. The consumptive use of 1 share was determined to be 89.63 acre feet per year. Applicant will divert 0.67 share of the Lower Latham Ditch into a recharge pond of 1.5 to 2 acres located on applicants property adjacent to the Ditch as shown in Figure 2. The recharge pond has an SDF of 320 days. The farm headgate delivery for 0.67 share is 103.20 acre feet and the consumptive use is 60.95 acre feet. The historic groundwater return flow obligation for the 0.67 share is shown in row 1, Table 2. The recharge of 0.67 share results in the accretions shown in row 2, Table 2, in acre feet. The net river impact, Table 2, row 3 is the result of adding the lagged well depletions from Table 1 and the return flow obligations, Table 2, row 1 and subtracting them from the recharge accretions, Table 2, row 2. The net impact is no material injury to the river or senior water rights. Historic returns will be maintained for all calls senior to the date of the filing of this application.

Table 2

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Tot

3.47	2.83	2.79	2.46	2.62	2.99	3.47	4.04	4.53	4.85	4.25	3.94	42.25
9.32	7.37	7.52	6.62	6.57	6.69	7.57	8.90	9.95	10.54	9.69	9.16	100.11
2.10	0.98	0.98	0.41	0.20	-0.05	0.34	1.11	1.67	1.94	1.69	1.47	12.85

The change of the 0.67 share of Latham will be accompanied by the dryup of 37 acres of historically irrigated ground shown on Figure 2. Applicant reserves the right to lease, sell or trade, exchange the excess accretions shown in Row 3. Applicant seeks the right to divert the excess accretions at the headgate of the Latham Ditch.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE, until the last day of **February, 2003** to file with the Water Clerk in quadruplicate a verified statement of opposition setting forth facts as to why a certain application should not be granted or why it should be granted only in part or on certain conditions. A copy of each statement of opposition must also be served upon the Applicant or the Applicant's attorney and an affidavit or certificate of such service shall be filed with the Water Clerk, as prescribed by Rule 5, CRCP. (Filing fee: $45.00). **MARY A. CRESPIN, Water Clerk,** Water Division 1, POB 2038, Greeley, CO 80632.

RULING LIST FOR DECEMBER, 2002

Water Court – Division 1

Case #	Applicant	County	# Pages
01 CW 116	Glenmoor Country Club	Arapahoe	5
01 CW 192	Mobile Premix Concrete, Inc.	Boulder	3
02 CW 36	Ian R. & Lori Dennett	Douglas	9
00CW102	South Adams W-S District	Adams	13
96CW127	Alexander M. Hunter	Boulder	10
01CW173	Pete C. Kuyper	Teller	4
01CW174	Pete C. Kuyper	Teller	5

SUBSTITUTE WATER SUPPLY PLAN NOTIFICATION LIST

Section 37-92-308, C.R.S. (2002) [HB 02-1414] directs the State Engineer to establish a notification list for each water division to notify interested parties of requests for approval of substitute water supply plans.

To receive this information for 2003, specify if you prefer the information by first-class mail or electronic mail and submit your name, mailing address, e-mail address (if applicable), daytime telephone number and water division(s) to:

Substitute Water Supply Notification List

Colorado Division of Water Resources
1313 Sherman Street, Room 818
Denver, Colorado 80203
Or e-mail to: dwr-sspnotice@state.co.us.

There is a $12 fee for this information per calendar year, per water division. The fee may be paid by Visa, MasterCard, check or money order payable to the Colorado Division of Water Resources. If paying by credit card, please include the credit card number and expiration date.

Additional information regarding Substitute Water Supply Plans is available on the Division of Water Resources' website at http://water.state.co.us/. Questions may be directed to the Division of Water Resources at (303) 866-3581.