

DISTRICT COURT, WATER DIVISION NO. 2, COLORADO

RESUME OF CASES FILED DURING APRIL 2009

TO: ALL INTERESTED PARTIES

Pursuant to C.R.S. 37-92-302, you are hereby notified that the following is a resume of applications and certain amendments filed during April 2009, in Water Division No. 2. The names and addresses of applicants, description of water rights or conditional water rights involved and description of ruling sought as reflected by said applications, or amendments, are as follows:

CASE NO. 07CW47 - COLORADO CENTRE METROPOLITAN DISTRICT, c/o Alvaro J. Testa, Manager, 4770 Horizonview Drive, Colorado Springs, CO 80925 (Direct all pleadings to: Glenn E. Porzak and Kevin J. Kinnear, Porzak Browning & Bushong LLP, Attorneys for Applicant, 929 Pearl Street, Suite 300, Boulder, CO 80302; (303) 443-6800)

Amended Application for Water Right, Change of Water Right, and Approval of Plan for Augmentation

EL PASO COUNTY, COLORADO

2. Background: On May 23, 2007, Colorado Centre Metropolitan District (the "District") filed an application for water right, change of water right, and approval of plan for augmentation to provide water service to the Cuchares Ranch. At that time, service was to be by inter-governmental agreement between the District and the Cuchares Ranch Metropolitan District. The new water right and augmentation source specified in the original application were in amounts necessary to serve Cuchares Ranch. On March 11, 2009, the District Court in and for El Paso County signed an Order in Case No. 83CV2487, including the Cuchares Ranch property into the District. As a result, service by inter-governmental agreement is no longer necessary. In addition, the Cuchares Ranch area, being a part of the District, can be served by the District's original augmentation plan decreed in Case No. 86CW31, which specified that the augmentation plan can be used throughout the District's service area as that area might from time to time be expanded. By this application, the District seeks to adjudicate a supplemental augmentation plan, to be used at such times as the plan decreed in Case No. 86CW31 is insufficient to serve all of the District's service area, including the Cuchares Ranch property. The supplemental supply and/or supplemental augmentation sources adjudicated herein, which represent the amounts of incremental demand and depletions associated with the Cuchares Ranch property and the water rights conveyed to the District by the owners of the Cuchares Ranch property, may be used by the District at times when its existing sources of supply and/or augmentation are not adequate for all demand and/or consumption. Nothing in this case will change or modify the decree in Case No. 86CW31. **3. Structures to be augmented and/or adjudicated:** The District seeks to augment and/or adjudicate the following described water rights (collectively, the "Augmented Water Rights"): a. 200 Series Wells: The following wells decreed by the District Court in and for Water Division No. 2 ("Water Court") in Case No. W-2694, for domestic, municipal (including fire protection), commercial, irrigation, industrial and recreation uses, and which derive their source from Jimmy Camp Creek, which is tributary to Fountain Creek (collectively, the "200 Series

Wells”), the descriptions of which are attached to the Amended Application as Exhibit A: (1) Well No. 201, permit number 19273-1, located in the SW1/4 SE1/4 of Section 10, T. 15 S., R. 65 W., whence the SW corner of said Section 10 bears S 69°55' W. 3,265 feet. (2) Well No. 202, permit number 19273-2, located in the SE1/4 NW1/4 of Section 10, T. 15 S., R. 65 W., whence the SW corner of said Section 10 bears S 19°55' W. 4,354 feet. (3) Well No. 203, permit number 19273-3, located in the NW1/4 NE1/4 of Section 10, T. 15 S., R. 65 W., whence the NW corner of said Section 10 bears N 72°18' W. 2,921 feet. (4) Well No. 204, permit number 19273-4, located in the NW1/4 NE1/4 of Section 10, T. 15 S., R. 65 W., whence the NW corner of said Section 10 bears N. 73°24' W., 2,958.9 feet. (5) Well No. 205, permit number 19273-5, located in the NW1/4 NE1/4 of Section 10, T. 15 S., R. 65 W., whence the NW corner of said Section 10 bears N. 87°07' W., 3,279.7 feet. (6) Well No. 206, permit number 19273-6, located in the NW1/4 NE1/4 of Section 10, T. 15 S., R. 65 W., whence the NW corner of said Section 10 bears N. 89°51' W., 3,468.9 feet. (7) Well No. 207, permit number 19273-7, located in the SW1/4 SE1/4 of Section 3, T. 15 S., R. 65 W., whence the SW corner of said Section 3 bears S 89°32' W., 3,697.9 feet. (8) Well No. 208, permit number 19273-8, located in the SW1/4 SE1/4 of Section 3, T. 15 S., R. 65 W., whence the SW corner of said Section 3 bears S 88°11' W., 3,867 feet. (9) Well No. 209, permit number 19273-9, located in the SE1/4 SE1/4 of Section 3, T. 15 S., R. 65 W., whence the SW corner of said Section 3 bears S 86°12' W., 4,071.37 feet. (10) Well No. 210, permit number 19273-10, located in the SE1/4 SE1/4 of Section 3, T. 15 S., R. 65 W., whence the SW corner of said Section 3 bears S. 76°38' W., 4,894.74 feet. In Water Court Case No. 98CW125, the District changed the location of Well No. 210 to a point in the SE1/4 of Section 3, T. 15 S., R. 65 W., 6th P.M. commencing at the SE corner of said Section 3 from which the SW corner of said Section 3 bears S. 89°02'55" W. (basis of bearing), thence N. 55°35'17" W., 1422.45 feet to the center of said well. (11) Well No. 211, permit number 19273-11, located in the SE1/4 SE1/4 of Section 3, T. 15 S., R. 65 W., whence the SW corner of said Section 3 bears S. 75°13' W., 4,404.72 feet. In Water Court Case No. 96CW189, the District changed the location of Well No. 211 to a point in the SE1/4 of Section 3, T. 15 S., R. 65 W., 6th P.M. at a point whence the SE corner of said Section 3 bears N. 45°22'18" W. 1,562.1 feet, which is approximately 200 feet from the decreed location. (12) Well No. 212, permit number 19273-12, located in the NE1/4 NE1/4 of Section 10, T. 15 S., R. 65 W., whence the NW corner of said Section 10 bears N 85°38' W, 4,051 feet. (13) Well No. 213, permit number 19273-13, located in the NE1/4 NE1/4 of Section 10, T. 15 S., R. 65 W., whence the NW corner of said Section 10 bears N 79°00' W, 3,730 feet. (14) Well No. 214, permit number 19697-14, located in the SE1/4 SE1/4 of Section 3, T. 15 S., R. 65 W., whence the SW corner of said Section 3 bears S. 72°32' W., 4,688 feet. (15) Well No. 215, permit number 12547, located in the SW1/4 SE1/4 of Section 10, T. 15 S., R. 65 W., being 3,200 feet east of the west line and 4,000 feet south of the north line of said Section 10. (16) Well No. 216, permit number 23935–F (R-314), located in the NW1/4 NE1/4 of Section 10, T. 15 S., R. 65 W., being 2,980 feet east of the west line and 950 feet south of the north line of said Section 10. (17) Well No. 217, permit number 12542, located in the SW1/4 SE1/4 of Section 3, T. 15 S., R. 65 W., being 4960 feet south of the north line and 3900 feet east of the west line of said Section 3. (18) Well No. 218, permit number 12541, located in the SW1/4 SE1/4 of Section 3, T. 15 S., R. 65 W., being 3,600 feet east of the west line and 1,100 feet north of the south line of said Section 3. (19) Well No. 219, permit

number 19753, located in the SW1/4 NW1/4 of Section 10, T. 15 S., R. 65 W., being 1,100 feet east of the west line and 1,700 feet south of the north line of said Section 10. (20) Well No. 221, permit number 19273-Sump #1, located in the SE1/4 SE1/4 of Section 10, T. 15 S., R. 65 W., whence the SW corner of said Section 10 bears S 88°52' W, 4,639.8 feet. (21) Well No. 222, permit number 19273-Sump #2, located in the SE1/4 SE1/4 of Section 3, T. 15 S., R. 65 W., when the SW corner of said Section 3 bears S 83°37' W, 4,182.23 feet. In Case No. 96CW189, the Water Court approved the District's right to alternately divert each of the 200 Series Wells at the location of each of the other 200 Series Wells, at an individual rate of 600 gpm each, with a cumulative rate of 2,725 gpm, which is the combined decreed rate of the 200 Series Wells. b. Cuchares Wells: The following groundwater wells, the source of which is groundwater tributary to Jimmy Camp Creek (collectively, the "Cuchares Ranch Wells"): (1) Cuchares Well No. 7, well permit no. 16134, decreed by the Water Court in Case No. W-2201 on January 31, 1974, with a priority date of December 31, 1961, for 120 gpm for irrigation use, located in the NE1/4 NE1/4 of Section 3, T. 15 S., R. 65 W. of the 6th P.M., where the north section line (the center of Drennan Road) intersects with the west line of the NE1/4 NE1/4 of said section, thence east 2 feet, thence south 40 feet. (2) Cuchares Well No. 2, well permit no. 16131, decreed by the Water Court in Case No. W-2204 on January 31, 1974, with a priority date of December 31, 1948, for 90 gpm for irrigation use, located in the NW1/4 NE1/4 of Section 3, T. 15 S., R. 65 W. of the 6th P.M., where the north section line (the center of Drennan Road) intersects with the east line of the NW1/4 NE1/4 of said section, thence west 545 feet, thence south 760 feet. (3) Cuchares Well No. 5, well permit no. 16132, decreed by the Water Court in Case No. W-2204 on January 31, 1974, with a priority date of December 31, 1948, for 90 gpm for irrigation use, located in the NW1/4 NE1/4 of Section 3, T. 15 S., R. 65 W. of the 6th P.M., where the north section line (the center of Drennan Road) intersects with the east line of the NW1/4 NE1/4 of said section, thence west 650 feet, thence south 50 feet. (4) Cuchares Well No. 6, well permit no. 16133, decreed by the Water Court in Case No. W-2204 on January 31, 1974, with a priority date of December 31, 1948, for 117 gpm for irrigation use, located in the NW1/4 NE1/4 of Section 3, T. 15 S., R. 65 W. of the 6th P.M., where the north section line (the center of Drennan Road) intersects with the east line of the NW1/4 NE1/4 of said section, thence west 90 feet, thence south 40 feet. (5) Cuchares Well No. 11, well permit no. 16135-R, decreed by the Water Court in Case No. W-2204 on January 31, 1974, with a priority date of December 31, 1951, for 72 gpm for irrigation use, located in the NW1/4 NE1/4 of Section 3, T. 15 S., R. 65 W. of the 6th P.M., where the north section line (the center of Drennan Road) intersects with the east line of the NW1/4 NE1/4 of said section, thence west 828 feet, thence south 44 feet. (6) Cuchares Well No. 12, well permit no. 16136, decreed by the Water Court in Case No. W-2204 on January 31, 1974, with a priority date of December 31, 1951, for 108 gpm for irrigation use, located in the NW1/4 NE1/4 of Section 3, T. 15 S., R. 65 W. of the 6th P.M., where the north section line (the center of Drennan Road) intersects with the east line of the NW1/4 NE1/4 of said section, thence west 800 feet, thence south 500 feet. (7) Cuchares Well No. 16, well permit no. 16138, decreed by the Water Court in Case No. W-2204 on January 31, 1974, with a priority date of December 31, 1951, for 85 gpm for irrigation use, located in the NW1/4 NE1/4 of Section 3, T. 15 S., R. 65 W. of the 6th P.M., where the north section line (the center of Drennan Road) intersects with the east line of the NW1/4 NE1/4 of said section, thence west 475 feet, thence south 550 feet. (8) Cuchares Well No. 10, well permit no. 18428 – F, permitted for 60 gpm for irrigation

of 120 acres, located in the NW1/4 NE1/4 of Section 3, T. 15 S., R. 65 W. of the 6th P.M., at a point located 250 feet south of the north section line, and 2230 feet west of the east section line of said Section 3. (9) Cuchares Well No. 14, well permit no. 16137, decreed by the Water Court in Case No. W-2204 on January 31, 1974, with a priority date of December 31, 1951, for 90 gpm for irrigation use, located in the NW1/4 NE1/4 of Section 3, T. 15 S., R. 65 W. of the 6th P.M. where the north section line (the center of Drennan Road) intersects with the east line of NW1/4 NE1/4 of said section, thence west 810 feet, thence south 320 feet. (10) Cuchares Well No. 17, well permit no. 16139, decreed by the Water Court in Case No. W-2204 on January 31, 1974, with a priority date of December 31, 1951, for 90 gpm for irrigation use, located in the NW1/4 NE1/4 of Section 3, T. 15 S., R. 65 W. of the 6th P.M. where the north section line (the center of Drennan Road) intersects with the east line of NW1/4 NE1/4 of said section, thence west 775 feet, thence south 320 feet. (11) Cuchares Well No. 2A, well permit no. 22735-F, for 60 gpm for irrigation use, located in the NW1/4 NE1/4 of Section 3, T. 15 S., R. 65 W. of the 6th P.M., where the north section line (the center of Drennan Road) intersects with the east line of the NW1/4 NE1/4 of said section, thence west 478 feet, thence south 460 feet. (12) Cuchares Well No. 9, well permit no. 22736-F/18427-F, decreed by the Water Court in Case No. W-2203 on January 31, 1974, with a priority date of December 31, 1951, for 60 gpm for irrigation use, located in the NW1/4 NE1/4 of Section 3, T. 15 S., R. 65 W. of the 6th P.M. where the north section line (the center of Drennan Road) intersects with the east line of NW1/4 NE1/4 of said section, thence west 1300 feet, thence south 350 feet. c. 200 Series Wells 1st Enlargement: The District seeks to adjudicate a new water right for the 200 Series Wells, described in paragraph 3(a) above, in the additional amount of 400 gpm (0.9 cfs), conditional, from any one or combination of the 200 Series Wells, with an appropriation date of May 10, 2007, for domestic, municipal (including fire protection), commercial, irrigation, industrial and recreation uses, the source of which is the Jimmy Camp Creek alluvium. **4. Source of Augmentation Water**: The District will replace out of priority depletions with 28.0 consumptive acre feet associated with 40 shares out of the 5,793 issued and outstanding shares of the Fountain Mutual Irrigation Company ("FMIC"). FMIC diverts its water to the Fountain Mutual Ditch from Fountain Creek, tributary to the Arkansas River, at its headgate located in the SW¼ of Section 20, Township 14 South, Range 66 West, 6th P.M. FMIC's water rights were originally decreed for irrigation purposes. Those water rights have been the subject of numerous change of water rights and plans of augmentation. FMIC water rights are valid existing water rights, and these 40 shares represent the District's pro rata interest in the following priorities decreed to the Fountain Mutual Ditch by the District Court in and for El Paso County in the former Water District 10:

DIRECT FLOW

Priority	Amount (cfs)	Priority Date	Adjudication Date
4	5.38 ¹	9/21/1861	3/06/1882
7	1.125	4/01/1862	3/06/1882
11	16.69	2/01/1863	3/06/1882
17	4.25 ²	12/31/1863	3/06/1882
21	4.65	12/31/1864	3/06/1882
28	8.48	12/31/1866	3/06/1882
29	9.68	12/31/1867	3/06/1882
41	17.05	9/21/1874	3/06/1882
168	343.2	1/31/1903	6/02/1919

STORAGE

Fountain Creek Priority No.	Priority Date	Decree Date	Total Decree (AF)
Fountain	3/18/1903	6/2/1919	10,000

In addition, by virtue of the 40 FMIC shares described above, the District has a pro rata interest in the actual capacity of Big Johnson Reservoir (a/k/a Fountain Valley Reservoir No. 2), decreed for 10,000 acre-feet with an appropriation date of March 18, 1903, and an adjudication date of June 2, 1919, the source of which is Fountain Creek. The reservoir is located in Sections 7, 8, 17, and 18, T. 15 S., R 65 W. of the 6th P.M. FMIC water rights have been decreed for use in numerous other changes of water rights and plans of augmentation. In those previous cases, this court has determined that each share of FMIC has historically yielded, on the average, the equivalent of 0.7 acre-foot of net replacement or consumptive use water each year, which number represents a portion of the farm headgate delivery.³ The replacement or augmentation credit allowed to FMIC water rights, as also determined in prior cases, is a percentage of the FMIC actual delivery to its shareholders computed on the basis of the following table.

FMIC REPLACEMENT CREDIT

¹ In addition to the 5.38 cfs, the Fountain Mutual Irrigation Company claims the right to divert any of the remaining 2.73 cfs decreed to this priority that is not used by the other owners thereof. Diversions under this priority in excess of the 5.38 cfs are not included in calculations of consumptive use for purposes of this decree. This decree does not decide what historical use or place of use is attributable to diversions in excess of 5.38 cfs under this Priority No. 4. This decree is without prejudice to any future claim for diversions in excess of 5.38 cfs under Priority No. 4.

² Priority No. 17 is referred to as the Janitell's right and FMIC has used one-half of the water, or 2.125 cfs, in return for the carriage of the other 2.125 cfs to its owner through the FMIC ditch. By Decree Authorizing Change in Point of Diversion in Civil Action No. 38180, entered July 29, 1959, the point of diversion for the 4.25 cfs of Priority No. 17 of the Laughlin Ditch was changed to the headgate of the Fountain Mutual Ditch. The diversions under this Priority No. 17 are not included in the calculations of consumptive use for purposes of this decree. This decree does not decide what historical use or place of use is attributable to diversions under Priority No. 17. This decree is without prejudice to any future claim for diversions under Priority No. 17.

³ These findings have been previously established, in adjudications for other entities, including, without limitation, Widefield Homes Water Company, City of Fountain, Colorado Centre Metropolitan District, Security Water and Sanitation District, Midway Ranches, Wedgewood Farms, Cheyenne Mountain Nursery, Comanche, Frederick D. Martin, and Peggy Jo Price Revocable Trust pursuant to augmentation plans decreed in Case Nos. 81CW229, 85CW110, 86CW031, 90CW28, 95CW3, 90CW7, 99CW146, 00CW152, 01CW153, 02CW112, 04CW55, and 05CW33 (Water Division 2), respectively.

<u>Month</u>	<u>Replacement Credit as a Percentage of Farm Headgate Delivery</u>	<u>Return Flow as a Percentage of Farm Headgate Delivery</u>
January	47	53
February	58	42
March	70	30
April	70	30
May	70	30
June	70	30
July	72	28
August	72	28
September	74	26
October	66	34
November	40	60
December	49	51

This yield of 0.7 acre-foot of net annual consumptive use per share was confirmed by the Colorado Supreme Court in Williams v. Midway Ranches Property Owners' Assoc., 938 P.2d 515, 521 (Colo. 1997), and in subsequent change cases. Since the historical use and consumptive use have previously been determined, no map or diversion records are necessary. This same historical consumptive use was most recently affirmed in Case No. 04CW118, District Court in and for Water Division No. 2, decreed on February 12, 2008. There have been no material changed circumstances since these last decrees to modify these historical consumptive use determinations and they continue to hold true to the date of this decree. Because the District will continue to divert the water represented by its shares and store, at times, this water in the reservoir, its ownership of these 40 shares and associated interest in Big Johnson Reservoir will on the average yield the District a total 28.0 consumptive acre feet of water per year for replacement purposes from the Fountain Mutual Ditch, which diverts from Fountain Creek in the SW1/4 of Section 20, T. 14 S., R. 66 W. of the 6th P.M. To the extent that the District does not need to use all or any portion of the subject 40 FMIC shares for augmentation in any year, the District reserves the right to lease, loan, or otherwise use these shares in any manner permitted by law. **5. Application for Water Right:** By this application, the District seeks adjudication of a water right for the 200 Series Wells 1st Enlargement, described in paragraph 3(c) above. The District seeks approval to divert this water right in priority, and out of priority year round so long as said out of priority diversions are augmented. **6. Change of water right:** (a) By this application, the District seeks to change the type and place of use of the 40 FMIC shares described above to: domestic, municipal (including fire protection), commercial, irrigation, industrial, recreation, augmentation and replacement uses, for use within the District's service area, as that area may be expanded from time to time. The water rights so changed will be permanently removed from their historical use for irrigation

and the historically irrigated properties will no longer be irrigated, will be removed from crop cultivation, and will be dried up. Because the FMIC system is a water short system, the withdrawal of water deliveries to lands under that system results in naturally reduced irrigation and dry-up of property. (b) The District also seeks the right to divert and store the 40 FMIC shares described above in the Big Johnson Reservoir pursuant to its ownership interest described in paragraph 4 above. (c) The District also seeks the right to use the 40 FMIC shares described above to recharge the aquifer that is the source of supply for the points of diversion described in 3(a) and 3(c) above.

7. Description of Plan for Augmentation: By this application, the District seeks to divert and/or store water in and out of priority on a year-round basis from the structures described in paragraph 3 above for use in the District's service area, as that service area expands from time to time. To permit out of priority diversions and storage to serve the District's service area, the District proposes to augment and replace resulting depletions by foregoing the use of and committing to the Fountain Creek basin the historical consumptive use component of the 40 FMIC shares described in paragraph 4 above. (a) In determining the amount of out of priority depletions, the District claims credit for all return flows resulting from the use of the Augmented Water Rights in connection with its municipal water system. Similarly, in determining the amount of augmentation or replacement water available, the District claims credit for all return flows resulting from the direct use of the water rights represented by the FMIC shares described in paragraph 4 above. (b) Depletions associated with withdrawals from the 200 Series Wells described in paragraph 3(a) and 3(c) above, and depletions associated with withdrawals from the Cuchares Wells described in paragraph 3(b) above, accrue to Fountain Creek two years after the date of withdrawal. (c) Sewered return flows treated at the Widefield Wastewater Treatment Facility are estimated to be equal to 96% of the diversions so treated. Sewered return flows treated at the Fountain Sanitation District Wastewater Treatment Plant are estimated to be equal to 98% of the diversions so treated. The total depletions associated with indoor uses will be calculated as the difference between the metered water deliveries, less the metered sewer return flows times the above-stated values (96% or 98%) for the appropriate wastewater treatment facility. Alternatively, the District may use a depletion rate of 5% of metered diversions to account for its indoor use depletions. (d) Irrigation return flows are estimated to be 15% of the water applied for lawn and garden irrigation. Diversions associated with the Augmented Water Rights described in paragraph 3 will be metered. Deep percolation of irrigation water will be calculated by estimating the in-house use based upon the average use during the months of November through March. This value will be subtracted from the average use during the months from April through October. If the result is greater than zero, the value will be multiplied by 15%.

8. Supplemental Wells: The District requests the right to obtain any supplemental and/or replacement wells necessary to serve the District's service area, so long as such supplemental and/or replacement wells are located within the District's service area, and so long as the use of such wells are consistent with the plan for augmentation described herein.

9. Remarks: (a) The District

owns the facilities described in paragraph 3 above, and it owns the land and/or own easements on and over the land upon which said structures are located. (b) The District owns additional FMIC shares that were changed and adjudicated as part of the plan for augmentation decreed by the Water Court in Case No. 86CW31, and that are not a part of this application. Nothing in this application will change or modify the water rights, change of water rights, or plan for augmentation decreed in Case No. 86CW31. WHEREFORE, the District requests that the Court enter an order approving the subject application for approval of water right, change of water rights, and plan for augmentation.

CASE NO. 09CW61 - PAMELA DRUMMOND, 9001 Auckland Avenue, Williamsburg, CO 81226; (719) 784-1963)

Application for Underground Water Right

FREMONT COUNTY

Name of well and permit, registration or denial number: Pamela Drummond; Permit No. 248243. **Legal description of well:** SE ¼ of the SW ¼ Sec. 24, T19S, R70W, 6th P.M., 640 feet from the South line and 1700 feet from the West line of Sec. 24. **Street Address:** 9001 Auckland Ave., Williamsburg, CO 81226. **Subdivision:** Chandler Heights, Lot 6. **Optional Additional Description:** **GPS location information in UTM format: Zone 13; Units set to meters; Datum NAD83; Units set to true north).** **Were points averaged?** No. **Northing** 4247663N **Easting** 13 484686E. **Source:** Underground/unknown water source/submersible. **Depth:** 560'. **Date of appropriation:** 10/07/03. **How appropriation was initiated:** By builder. **Date water applied to beneficial use:** 12/01/03. **Amount claimed:** 1 gpm Absolute. **Proposed use:** Residential property basic household use and landscaping. **Name(s) and address(es) of owner(s) or reputed owner(s) of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** Applicant. **Remarks:** I am applying for the water rights of my residential well. I have lived at this residence full time since 12/10/04.

CASE NO. 09CW62 - TIMOTHY J. and LYNN A. GARTLAND, 2441 Auckland Avenue, Williamsburg, CO 81226; P. O. Box 362, Florence, CO 81226 (mailing); (719) 784-3657

Application for Underground Water Right

FREMONT COUNTY

Name of well and permit, registration or denial number: Main Well; Permit No. 269515. **Legal description of well:** Fremont County, SW ¼ of the SW ¼ Sec. 23, T19S, R70W, 6th P.M., 213 feet from the South line and 2520 feet from the West line of Sec. 23. **Street Address:** 2441 Auckland Ave., Williamsburg, CO 81226. **Subdivision:** Chandler Heights, Lot 18. **Optional Additional Description:** **GPS location information in UTM format: Zone 13; Units set to meters; Datum NAD83; Units set to true north).** **Were points averaged?** No. **Northing** 4247418.35 **Easting** 483367.36. **Source:** Finney Drilling &

Excavating. **Depth:** 400'. **Date of appropriation:** 09/21/2006. **How appropriation was initiated:** Well tested and connected. **Date water applied to beneficial use:** 2/13/2008. **Amount claimed:** 3/4 gpm Absolute. **If well is non-tributary: Name of Aquifer:** All unnamed. **Amount claimed in acre feet annually:** _____. **Proposed use:** Domestic use. **Name(s) and address(es) of owner(s) or reputed owner(s) of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** _____.

CASE NO. 09CW63; C/R W-1314 - OCHS BROTHERS, c/o Kenneth P. Ochs, P. O. Box 603, Colorado Springs, CO 80903 (Steven T. Monson, Felt, Monson & Culichia, LLC, Attorneys for Applicant, 319 N. Weber Street, Colorado Springs, CO 80903, Phone: (719) 471-1212)

Application for Finding of Reasonable Diligence and to Make Absolute
EL PASO COUNTY

2. Name of Structures: Ochs Brothers Well Nos. 1, 2, 3, 4, and 5. **3. Description of Conditional Water Right.** **A. Date of Original Decree:** May 11, 1973. **Case No.:** W-1314. **Court:** District Court, Water Division No. 2. **B. Decreed Location:** All structures are located in Township 16 South, Range 65 West of the 6th P.M., specifically as follows: (i) Ochs Brothers Well No. 1: SE1/4 SE1/4, Section 17. (ii) Ochs Brothers Well No. 2: SW1/4 SW1/4, Section 16 and NW1/4 NW1/4, Section 21. (iii) Ochs Brothers Well No. 3: NW1/4 NW1/4, Section 21. (iv) Ochs Brothers Well No. 4: NW1/4 NW1/4, Section 21. (v) Ochs Brothers Well No. 5: NE1/4 NE1/4, Section 20. **C. Source:** All structures are drilled into the alluvium of Fountain Creek. **D. Appropriation Dates and Amounts:** (i) Ochs Brothers Well No. 1: April 3, 1964, for 1.33 cfs. (ii) Ochs Brothers Well No. 2: April 3, 1964, for 1.22 cfs. (iii) Ochs Brothers Well No. 3: December 24, 1964, for 1.61 cfs. (iv) Ochs Brothers Well No. 4: December 24, 1964, for 1.38 cfs. (v) Ochs Brothers Well No. 5: December 24, 1964, for 0.73 cfs. **E. Use.** All wells were decreed absolutely for irrigation purposes and were conditionally decreed for domestic, municipal, and industrial purposes. **F. Depth.** (i) Ochs Brothers Well No. 1: 55 feet. (ii) Ochs Brothers Well No. 2: 55 feet. (iii) Ochs Brothers Well No. 3: 57 feet. (iv) Ochs Brothers Well No. 4: 54 feet. (v) Ochs Brothers Well No. 5: 53 feet. **4. Description of Diligence for Completion of Appropriation.** The Ochs Brothers Wells Nos. 1 through 5 are part of an integrated domestic and municipal type water supply system together with the Ochs Brothers Well. The Ochs Brothers Wells 1 through 5 were originally decreed in Case No. W-1314 with diligence last maintained in Case No. 02CW170. The Ochs Brothers Well was originally decreed in Case No. W-3205 with diligence last maintained in Case No. 08CW154. As the Ochs Brothers Wells Nos. 1 through 5 and the Ochs Brothers Well are part of an integrated water supply system, diligence performed on behalf of one component of the integrated system constitutes diligence on behalf of all structures which are a part of this integrated system. During this diligence period, the Applicant has coordinated with neighboring well owners and conducted an engineering review

and analysis of the Ochs Brothers Wells 1 through 5, the Ochs Brothers Well, and the neighboring wells as part of the hydrology of the Fountain Aquifer system, tributary to Fountain Creek, including the reliability of the physical production of the wells, water quality, and their value and significance to a municipal water supply system for this area. As set forth in the previous diligence findings, portions of this integrated well system have been connected through a common pipeline and easements exist for this pipeline, the wells, and a water treatment site. The integrated ground water system for the six wells at this point has been completed to the extent practical until incorporated into a municipal water supply system, as the redrilling of the wells, additional pipeline, and implementation of water quality treatment will depend upon the demands and requirements of the final end user. Current economic and development conditions are such that municipal water demand in the area that will logically be served by the integrated groundwater system remains in the process of development thereby dictating when the water rights will be put into service and be able to be made absolute in the future. Engineering and legal fees have been expended in the continued work on the development of the subject water rights for municipal use consisting of \$6,368.50 and \$6,515.09, respectively. Applicant has also maintained membership of the wells in CWPDA during this diligence period at a cost of \$7,707.50, for a total amount incurred in the above diligence of \$20,591.09, without inclusion of the owners' time and administrative expenses.

5. Additional Remarks. The Ochs Brothers Wells 1 through 5 have an absolute decree for irrigation uses as originally decreed in Case No. W-1314. No part of the conditional decreed uses are requested to be made absolute in this Application.

CASE NO. 09CW64; Previous Case No. 01CW63 - TERRY S. MARTIN and KATHARINE ELIZABETH FREY, 1616 E. Mission Lane, Phoenix, AZ 85020; (602) 331-1388

Application for Finding of Diligence

CUSTER COUNTY

2. Name of structure: Katharine's Spring. **3. Describe conditional water right (as to each structure) giving the following from the Referee's Ruling and Judgment and Decree:** **A. Date of Original Decree:** 12/31/66 stock; 7/27/01 domestic. [Note: Court records show the original decree was entered on April 8, 2003. **Case No.** 01CW63 **Court:** Water Division 2. **B. Legal description:** Custer County, SE ¼ of the NW ¼ Section 3, Township 24 South, Range 70 West, 6th P.M., 2,280 feet from the North line and 1,650 feet from the West line of Section 3. **Subdivision:** Centennial Ranch/Aspen Mtn. Ranch; Lot 362. **C. Source:** Natural spring. **D. Appropriation Date:** April 8, 2003 [Note: Court records show the appropriation date is 12/31/66 for stock use and 7/27/01 domestic use]. **Amount:** .0088 c.f.s. (3.95 gpm). **E. Use:** Absolute for livestock; domestic purposes inside up to two single family dwellings, watering of domestic animals and irrigation of up to one acre of home lawns and gardens for each single family dwelling. **4. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and**

application of water to a beneficial use as conditionally decreed, including expenditures: The spring is currently used for livestock. We have not been able to afford to build permanent structures. We have purified and used the water for personal use and consumption during vacations. We have not invested in the development of the spring.

CASE NO. 09CW65 - DEAN RUSK, P. O. Box 311, Westcliffe, CO 81252; (719) 783-9261

Application for Water Rights (Surface) and Application for Water Storage Right
CUSTER COUNTY

APPLICATION FOR WATER RIGHTS (SURFACE). 2. Name of structure: Spring #4. **3. Legal description of each point of diversion:** Custer County, NE ¼ of the NW ¼ Section 12, Township 45 North, Range 12 East, NMPM, 3519.88 feet from the North line and 1257.10 feet from the East line. **Street Address:** Chalice Dr., Westcliffe, CO 81252. **Subdivision:** The Pines Village. **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 NAD83 and Units must be set to true north. Were points averaged? Yes. Northing 4224685; Easting 0447390. 4. Source:** Willow Creek to Arkansas River. **5. A. Date of initiation of appropriation:** July 22, 2008. **B. How appropriation was initiated:** Excavating for plated road. **C. Date water applied to beneficial use:** August 2009. **6. Amount claimed:** 7 ½ gpm Absolute. **7. Use or proposed use:** Domestic, 3 lots; pond for livestock and fire protection. **If non-irrigation, describe purpose fully:** Develop this spring for domestic use and running overflow to a less than 2 acre feet pond. **8. Name(s) and address(es) of owner(s) or reputed owner(s) of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** Applicant.

APPLICATION FOR WATER STORAGE RIGHT. 2. Name of Reservoir: Pond #4. **3. Legal description of location of dam:** Custer County, NE ¼ of the NW ¼ Section 12, Township 45 North, Range 12 East, NMPM., 1759.94 feet from the South line and 1005.68 feet from the East line. **Subdivision:** The Pines Village. **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 NAD83 and Units must be set to true north. Were points averaged? Yes. Northing 4224652; Easting 0447434. If off-channel reservoir, name and capacity of structure used to fill reservoir and legal description of each point of diversion:** Spring #4, 7 ½ gpm and sub water; Custer County, NE ¼ of the NW ¼ Section 12, T45N, R12E, NMPM, 3519.88 feet from the North line and 1257.10 feet from the East line. **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 NAD83 and Units must be set to true north. Were points averaged?**

Yes. **Northing** 4224685; **Easting** 0447390. **4. Source:** Spring. **5. A. Date of appropriation:** 7/21/08; **B. How appropriation was initiated:** Excavating construction of plated road; **C. Date water applied to beneficial use:** Pond construction 8/09. **6. Amount claimed:** **A. In acre feet:** Less than 2 Conditional. **7. Use:** Livestock and fire protection. **8. Surface area of high water line:** 2800 sq. ft. or 40' by 70'. **A. Maximum height of dam in feet:** under 5'. **B. Length of dam in feet:** 70'. **9. Total capacity of reservoir in acre feet:** 80000 cubic feet. **Active capacity:** 80000 cubic feet; **Dead storage:** 79920 cubic feet. **10. Name(s) and address(es) of owner(s) or reputed owner(s) of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** Applicant.

CASE NO. 09CW66 - LOWER FOUNTAIN METROPOLITAN SEWAGE DISPOSAL DISTRICT, c/o James Heckman, Manager, Fountain Sanitation District, 901 South Santa Fe Avenue, Fountain, CO 80817 (Please direct all correspondence to: Paul G. Anderson, Esq., Attorney for Applicant, P. O. Box 50631, Colorado Springs, CO 80949-0631; (719) 510-9420)

Application to Amend Decreed Well Location

EL PASO COUNTY, COLORADO

By this Application, the Lower Fountain Metropolitan Sewage Disposal District ("District" or "Applicant") seeks to amend the final Judgment and Decree in Case No. 89CW5 and to decree a new location for the well decreed therein. **Name of ditch or structure:** WWTP Well No. 1 (former permit No. 153703). **Legal Description:** SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27, Township 16 South, Range 65 West, 6th PM, 1253 feet from the South section line and 1178 feet from the West section line. **Source:** Groundwater (Fountain Creek alluvium). **Appropriation:** October 6, 1988. **Amount:** 15 gpm not to exceed 1/3 acre-foot (108,600 gallons) annually. **Historic use:** Drinking and sanitary facilities for a wastewater treatment plant. **Comments:** Well was decreed as an exempt structure; permit expired March 31, 1991. **Proposed Amendment.** The District seeks to change the decreed location of the well to the following location: NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34, Township 16 South, Range 65 West, 6th PM, approximately 157 feet from the North section line and approximately 592 feet from the West section line. See diagram attached to the Application showing the currently decreed location and the proposed new location. All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the Clerk of this Court. **Name(s) and address(es) of owner(s) of land on which well is located:** Same as Applicant. **Remarks:** The District owns property approximately 60 acres in size in southern El Paso County and south of Fountain, Colorado. The District is in the process of constructing a regional wastewater treatment facility on its property, and ultimately the District needs potable water for use at its treatment plant. In the course of performing a geotechnical investigation of the property, the District determined that placing the well at a location closer to the physical plant site would better serve its needs. The District's prior well permit (Permit

No. 153703) expired before the District constructed the well, and at this time no well exists on the District's property. In conjunction with this Application, the District intends to file a permit application to amend the well location. Consistent with the Decree in Case No. 89CW5, the District's use of the relocated well will be limited to 1/3 acre-foot (108,600 gallons) annually for drinking and sanitary purposes at the new treatment plant. The District will seek further amendment of the above Decree in the event it desires to increase the annual amount of water to be pumped or to use the well for any other purpose.

CASE NO. 09CW67 - SECURITY WATER DISTRICT, c/o Roy Heald, Manager, 231 Security Blvd., Colorado Springs, CO 80911 (Steven T. Monson and Michael J. Gustafson, Felt, Monson & Culichia, LLC, Attorneys for Applicant, 319 North Weber Street, Colorado Springs, CO 80903; (719) 471-1212)

Application for Change of Groundwater Rights

EL PASO COUNTY, COLORADO

SUMMARY OF APPLICATION. Security Water District is the owner of Widefield Well Nos. 8, 9, 10, 11, and 12, which are all located in the Windmill Gulch Aquifer, located in El Paso County, Colorado, and are part of Security's integrated municipal water supply system. Widefield Well Nos. 8, 9, and 12 all have absolute decrees for irrigation, domestic and municipal uses and water withdrawn from these wells is put to use as part of Security's municipal water supply. Widefield Well Nos. 10 and 11 are decreed absolute for irrigation and conditional for domestic and municipal use. Well depletions from Security's Windmill Gulch Aquifer wells are and will be replaced under existing decreed and pending augmentation plans. Security seeks a decree for alternate points of diversion for Widefield Well Nos. 10 and 11 allowing their diversion at Widefield Well Nos. 8, 9, and 12. **CHANGE OF GROUNDWATER RIGHTS. Information from Previous Decrees:** **Name of Structures:** Widefield Well No. 10 and Widefield Well No. 11. **Date Entered:** Widefield Well Nos. 10 and 11 were originally decreed on August 15, 1977 in Case No. W-400, Water Division 2, as modified by Order dated June 17, 1986, which corrected the decree to reflect the conditional uses for Widefield Well No. 10. A diligence decree was most recently entered for Widefield Well Nos. 10 and 11 in Case No. 02CW110. Widefield Well Nos. 10 and 11 are also included as augmented structures in Security's pending application for a plan for augmentation and aquifer recharge in Case No. 01CW149. **Decreed Point of Diversion:** The decreed location of Widefield Well No. 10 in Case No. W-400 is the NE 1/4 SE 1/4 of Section 1, T 15 S, R66 W of the 6th P.M. The decreed location of Widefield Well No. 11 in Case No. W-400 is the SE 1/4 NE 1/4 of Section 1, T 15 S, R66 W of the 6th P.M. The location of these two wells and their easements are further set forth in the Exhibit A description and plat attached to the Application. All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the Clerk of this Court. **Source:** The source of water for Widefield Well Nos. 10 and 11 is the Windmill Gulch Aquifer, tributary to Fountain Creek, tributary to the Arkansas River, in El Paso County, Colorado. **Appropriation Date/Amount:** In Case No. W-400, Widefield Well No. 10 was granted an appropriation and priority date of

June 30, 1955 and was decreed absolute for irrigation and conditional for domestic and municipal uses for 1.56 cfs, with the limitation that maximum annual withdrawals from the well cannot exceed 468 acre feet. In Case No. W-400, Widefield Well No. 11 was granted an appropriation and priority date of July 31, 1955 and was decreed absolute for irrigation and conditional for domestic and municipal use for 0.668 cfs, with the limitation that maximum annual withdrawals from the well cannot exceed 200.4 acre feet. **Permit Number:** Widefield Well Nos. 10 and 11 have been permitted as 20663-R, Well 3 and 20663-R, Well 4 respectively. **Historical Use:** There has not been any historical diversions of the conditional water rights for Widefield Well Nos. 10 and 11, and Security's proposed change of water rights will not increase the contemplated draft of the conditional water rights on the Windmill Gulch Aquifer or Fountain Creek. As such, neither a map of the area of historic use nor diversion records are necessary for this application. **Proposed Change:** Security seeks alternate points of diversion for use within its municipal system for the water rights associated with Widefield Well Nos. 10 and 11 to also allow the diversion of these water rights for each other and at Security's Widefield Well Nos. 8, 9, and 12 all of which are located in the Windmill Gulch Aquifer within Sections 1 and 12 of Township 15 South, Range 66 West, 6th P.M. Widefield Well Nos. 8, 9, and 12 are further described as follows: Widefield Well No. 8. This well is located in the SE 1/4 SE 1/4 of Section 1, T 15 S, R66W of the 6th P.M. being 800 feet from the south section line and 1,170 feet from the east section line, under Division of Water Resources Permit No. 046011-F (20663-R, Well 2). In Case No. W-400, Widefield Well No. 8 was adjudicated absolute for irrigation, domestic, municipal and augmentation uses with a maximum rate of withdrawal of 1,000 g.p.m. and maximum annual withdrawals of 668 acre feet. Widefield Well No. 9. This well is located in the NW 1/4 NE 1/4 of Section 12, T 15 S, R66W of the 6th P.M. being 411 feet from the north section line and 1,521 feet from the east section line, under Division of Water Resources Permit No. 046012-F (20663-R, Well 5). In Case No. W-400, Widefield Well No. 9 was adjudicated absolute for irrigation, domestic, and municipal uses with a maximum rate of withdrawal of 760 g.p.m. and maximum annual withdrawals of 508 acre feet. Widefield Well No. 12. This well is located in the SW 1/4 NE 1/4 of Section 12, T 15 S, R66W of the 6th P.M. being 1,560 feet from the north section line and 1,880 feet from the east section line, under Division of Water Resources Permit No. 20663-RR, Well 1. In Case No. W-400, Widefield Well No. 12 was adjudicated absolute for irrigation and conditional for domestic and municipal uses with a maximum rate of withdrawal of 300 g.p.m. and maximum annual withdrawals of 200 acre feet. The conditional uses for Widefield Well No. 12 were made absolute in Case No. 03CW64, Water Division 2. As the owner of Widefield Well Nos. 8, 9, 10, 11 and 12, Security is the owner of all decreed groundwater rights in the Windmill Gulch Aquifer and the decreed volumetric limits for Security's five Windmill Gulch Aquifer wells exceed the annual yield of the aquifer. The requested change will therefore not increase the historical use or the contemplated draft upon the Windmill Gulch Aquifer as the annual yield of the aquifer is and will remain fully appropriated by Security from its five wells at either the original points of

diversion or the requested alternate points of diversion. The depletions from all diversions under Widefield Well Nos. 10 and 11 will be augmented under existing and pending plans for augmentation. The rates of diversion and the volumetric limits for Widefield Well Nos. 10 and 11 at the original and the alternate points of diversions shall not exceed their decreed limits. For these reasons, the alternate points of diversion requested will not cause material injury to other vested water rights or conditionally decreed water rights. **Name and Address of Owner of Land Upon Which Structures are Located:** The permitted location for Widefield Well No. 10 is upon a common lot line of lands owned by Lloyd and Mary Wolfe whose address is 5445 Alturas Dr., Colorado Springs, CO 80911 and by Michael and Maria Lozano whose address is 5455 Alturas Dr., Colorado Springs, CO 80911. Security has an easement for the location of Widefield Well No. 10 on adjoining property located within 200 feet of the decreed location where the well is intended to be relocated. The permitted location for Widefield Well No. 11 is upon land owned by Frank C. Watson whose address is 3815 Cresta Loma Place, Colorado Springs, CO 80911. Security has an easement for the current location of Widefield Well No. 11.

CASE NO. 09CW68 (Previous Case Nos. W-400, 02CW110) - SECURITY WATER DISTRICT, c/o Roy Heald, Manager, 231 Security Blvd., Colorado Springs, CO 80911 (Steven T. Monson and Michael J. Gustafson, Felt, Monson & Culichia, LLC, Attorneys for Applicant, 319 North Weber Street, Colorado Springs, CO 80903; (719) 471-1212)

Application for Finding of Reasonable Diligence

EL PASO COUNTY

Names of Structures: Widefield Well Nos. 10 and 11. **Description of conditional water right: Date of original decree.** The original decree for Widefield Well Nos. 10 and 11 was entered on August 15, 1977 in Case No. W-400, Water Division 2, as modified by Order dated June 17, 1986, which corrected the decree to reflect the conditional uses for Widefield Well No. 10.

Legal Description. Widefield Well No. 10 is located in the NE 1/4 of the SE 1/4 of Section 1, Township 15 South, Range 66 West of the 6th P.M. Widefield Well No. 11 is located in the SE 1/4 of the NE 1/4 of Section 1, Township 15 South, Range 66W of the 6th P.M. The location of these two wells and their easements are further set forth in the Exhibit A description and plat attached to the Application. All exhibits mentioned herein are incorporated by reference and may be inspected at the office of the Clerk of this Court. **Source.** The source of the water for Widefield Well Nos. 10 and 11 is the Windmill Gulch Aquifer, tributary to Fountain Creek, tributary to the Arkansas River, in El Paso County, Colorado. **Appropriation Date and Amounts.** The appropriation and priority date for Widefield Well No. 10 is June 30, 1955 for 1.56 cfs. The appropriation and priority date for Widefield Well No. 11 is July 31, 1955 for 0.668 cfs. **Use.** Widefield Well No. 10 has an absolute decree for irrigation use and a conditional decree for domestic and municipal uses, with the limitation that the total withdrawals from said well shall not exceed 468 annual acre feet. Widefield Well No. 11 has an absolute decree for irrigation use and a conditional decree for

domestic and municipal uses, with the limitation that the total withdrawals from said well shall not exceed 200.4 annual acre feet. **Depth.** The depth of Widefield Well No. 10 is approximately 75 feet. The depth of Widefield Well No. 11 is approximately 70 feet. **Permit Number.** Widefield Well Nos. 10 and 11 have been permitted as 20663-R, Well 3 and 20663-R, Well 4 respectively.

Outline of Work Done Towards Completion of Appropriation and Application of Water to Beneficial Use. Widefield Well Nos. 10 and 11 are two of five wells Security owns within the Windmill Gulch Aquifer along with Widefield Well Nos. 8, 9 and 12 . Security's five wells account for all adjudicated water rights in the Windmill Gulch Aquifer. Security's wells in the Windmill Gulch Aquifer are an integral part of Security's domestic and municipal water supply system. During this diligence period, Security has performed significant work on the wells within the Windmill Gulch Aquifer to develop those wells as part of its integrated municipal supply system. Specifically, Security rehabilitated Widefield Well Nos. 8, 9, and 12, which rehabilitation included installing new casings in each of the wells; replace or refurbish the motors, pumps, electronics and meters on each of the wells; and constructing new well houses for each of the wells. Security also included all of its Windmill Gulch Aquifer wells in its pending augmentation and reuse plan in Case No. 01CW141 for the use, reuse, and successive use, including aquifer recharge, of its water rights within its service area. During this diligence period, Security has actively pursued the adjudication of Case No. 01CW141 and is currently negotiating settlements with the objectors. Security also filed an application with the Water Court in April of 2009 to adjudicate Widefield Well Nos. 8, 9, and 12 as alternate points of diversion for Widefield Well Nos. 10 and 11 ("Change Application"). Security's water rights associated with Widefield Well Nos. 10 and 11 will be put to use in Security's integrated water supply system for domestic and municipal uses soon after decrees are entered in the Change Application and in Case No. 01CW149. As Widefield Well Nos. 10 and 11 are part of Security's integrated water supply system from the Windmill Gulch Aquifer, work performed on behalf of one component of this integrated Windmill Gulch Aquifer system constitutes diligence on behalf of all structures which are a part of this integrated system. Security expended a total of approximately \$528,490.00 on the work associated with rehabilitating Widefield Well Nos. 8, 9, and 12 during this diligence period. Widefield Well Nos. 10 and 11 are also a material part of the entirety of Security's municipal water supply system for all of its service area and, therefore, work performed by Security on the various components of its entire water supply system constitutes diligence in the development of Widefield Well Nos. 10 and 11. During this diligence period, Security has expended approximately \$1,492,950.00 on the operation, repair, maintenance and capital improvements to its integrated water supply system not including the amounts spent on its Windmill Gulch Aquifer wells discussed above. In addition, Security has expended approximately \$4,274,510.00 to acquire water rights for use in its water supply system, which water rights are to be used, in part, as augmentation to replace well depletions from the Windmill Gulch Aquifer wells. During this diligence period, Security has spent a total of approximately \$6,534,020.00 on its

entire water supply system including the part of the water system located in the Windmill Gulch Aquifer. Security has also incurred legal, engineering, and administrative fees related to its water supply system consisting of, without limitation, water supply and distribution analysis, water rights planning, Water Court filings for the change of water rights and for the protection of its water rights, well permitting, and water rights administration matters. These amounts are further detailed in Security's annual budgets and audits during this diligence period. **Additional Information.** No part of the conditional decree awarded in Case No. W-400 is requested to be made absolute herein at this time.

THE WATER RIGHTS CLAIMED BY THE FOREGOING APPLICATION(S) MAY AFFECT IN PRIORITY ANY WATER RIGHTS CLAIMED OR HERETOFORE ADJUDICATED WITHIN THIS DIVISION AND OWNERS OF AFFECTED RIGHTS MUST APPEAR TO OBJECT AND PROTEST WITHIN THE TIME PROVIDED BY STATUTE, OR BE FOREVER BARRED.

YOU ARE HEREBY NOTIFIED that any party who wishes to oppose an application, or application as amended, may file with the Water Clerk a verified statement of opposition setting forth facts as to why the application should not be granted, or why it should be granted only in part or on certain conditions, such statement of opposition must be filed by the last day of June 2009, (forms available at Clerk's office or at courts.state.co.us, must be submitted in quadruplicate, after serving parties and attaching a certificate of mailing, filing fee \$158.00). The foregoing are resumes and the entire application, amendments, exhibits, maps and any other attachments filed in each case may be examined in the office of the Clerk for Water Division No. 2, at the address shown below.

Witness my hand and the seal of this Court this 8th day of May, 2009.



Mardell R. DiDomenico

Mardell R. DiDomenico, Clerk
District Court Water Div. 2
203 Judicial Bldg., 320 W. 10th Street
Pueblo, CO 81003 Tel. 583-7048

(Court seal)
Published: May _____, 2009

NOTICE

New Water Court Rule revisions go into effect on July 1, 2009, available at [://www.courts.state.co.us/Courts/Water/Index.cfm](http://www.courts.state.co.us/Courts/Water/Index.cfm)

Mandatory E-Filing required for all water case documents filed by attorneys is effective in all Water Divisions July 1, 2009, including for all existing cases. Pro se parties need file only one paper copy of each application and document with the Water Court Clerk under Rule 2 of the Revised Water Court Rules. Reference, Bill Number: HB 09-1185, Water Rights Applications Documents and Rule 2 of the Revised Water Court Rules available at [://www.courts.state.co.us/Courts/Water/Index.cfm](http://www.courts.state.co.us/Courts/Water/Index.cfm)