

DISTRICT COURT, WATER DIVISION 1, COLORADO Court Address: Weld County Courthouse P.O. Box 2038 Greeley, Colorado 80632	<input type="checkbox"/> COURT USE ONLY <input type="checkbox"/> Case Number: 2003CW <u>358</u>
EAGLE POINTE DEVELOPMENT, LLC, Applicant IN DOUGLAS COUNTY,	
Attorneys: Petrock & Fendel, P.C. James J. Petrock, Atty. Reg. #2881 Carmen S. Hall, Atty. Reg. #19985 700 Seventeenth Street, Suite 1800 Denver, Colorado 80202 Telephone: (303) 534-0702	
APPLICATION FOR PLAN FOR AUGMENTATION	

1. Name and Address of Applicant:

Eagle Pointe Development, LLC
 8480 East Orchard Road, Suite 1100
 Englewood, Colorado 80111
 (303) 779-7979

Please send all correspondence to:

Petrock & Fendel, P.C.
 700 17th Street, #1800
 Denver, Colorado 80202

2. Description of plan for augmentation:

A. Groundwater to be augmented: 64 acre-feet per year of not nontributary Dawson aquifer groundwater as decreed in Case No. 86CW057, District Court, Water Division 1. The property which is the subject of the decree is approximately 2430 acres of land. Applicant is the owner of 1020 acres of that land which is the subject of this application, located in parts of Sections 15, 16, 21, 22, 28 and 29, T10S, R67W of the 6th P.M. as described and shown on

Attachment A hereto (Subject Property). This application is filed pursuant to and **conforms** with the terms and conditions of **that** certain Deed of Conservation Easement recorded on **January 23, 2003**, in Reception No. 23003009368 in the Douglas County records.

B. Water rights to be used for augmentation: Return flows from the use of not nontributary Dawson aquifer water and return flows and direct discharge of nontributary Laramie-Fox Hills aquifer groundwater underlying the Subject Property as previously decreed in this court in Case No. **86CW056**.

C. Statement of plan for augmentation: The subject Dawson aquifer groundwater may be used to serve up to four residential lots and a horse stable operation. It is estimated that each residential lot will require approximately one acre-foot per year for **inhouse** use, irrigation **and** stockwatering use. The horse stable operation will require approximately 10 acre-feet per year for stockwatering, use in buildings, and limited irrigation. Also, Applicant will use approximately 40 acre-feet per year for irrigation of hay fields and trees, and approximately 10 acre-feet per year for storage purposes. Applicant reserves the right to amend these values without having to revise this application or re-publish the same. Sewage treatment for inhouse and inbuilding use will be provided by non-evaporative septic systems. Consumptive use associated with that 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. Water used for stockwatering and storage is considered to be 100% consumed. Before any other type of sewage treatment is proposed in the future, including incorporation of the lots into a central sewage collection and treatment system, Applicant, or successors and assigns, will amend this decree prior to such change and thereby provide notice of the proposed change to other water users by publication procedures in use at that time.

D. During pumping Applicant will replace actual depletions to the **affected** stream system pursuant to Section **37-90-137(9)(c)**, C.R.S. Applicant estimates that depletions occur to the West Plum Creek stream system. Return flows **from** use of the subject water rights **from** inhouse and inbuilding use through non-evaporative septic systems and **from** irrigation use, will accrue to the South **Platte** River system and those return flows are sufficient to replace actual depletions **while** the subject groundwater is being pumped.

E. Applicant will reserve an equal amount of nontributary Laramie-Fox Hills groundwater underlying the Subject Property to meet **future** augmentation requirements.

3. Remarks: Applicant will withdraw the not nontributary Dawson aquifer water underlying the Subject Property under the plan of augmentation requested herein pursuant to Section **37-90-137(9)(c)**, C.R.S.

WHEREFORE, Applicant prays that this Court enter a Decree:

4. Granting the application herein and specifically determining that vested or conditionally decreed water rights of others will not be materially injured by the withdrawals of groundwater and the plan for augmentation proposed herein;

FURTHER, Applicant prays that this Court grant such other relief as seems proper in the premises.

RESPECTFULLY submitted this 29th day of Oct, 2003.



James J. Petrock
Carmen S. Hall

STATE OF COLORADO)
) ss.
COUNTY OF DENVER)

James J. Petrock, being first duly sworn upon oath, deposes and says that he has read the foregoing application, knows the contents thereof, and that the same are true to the best of his knowledge.



James J. Petrock

Subscribed under oath before me on 10/29, 2003.

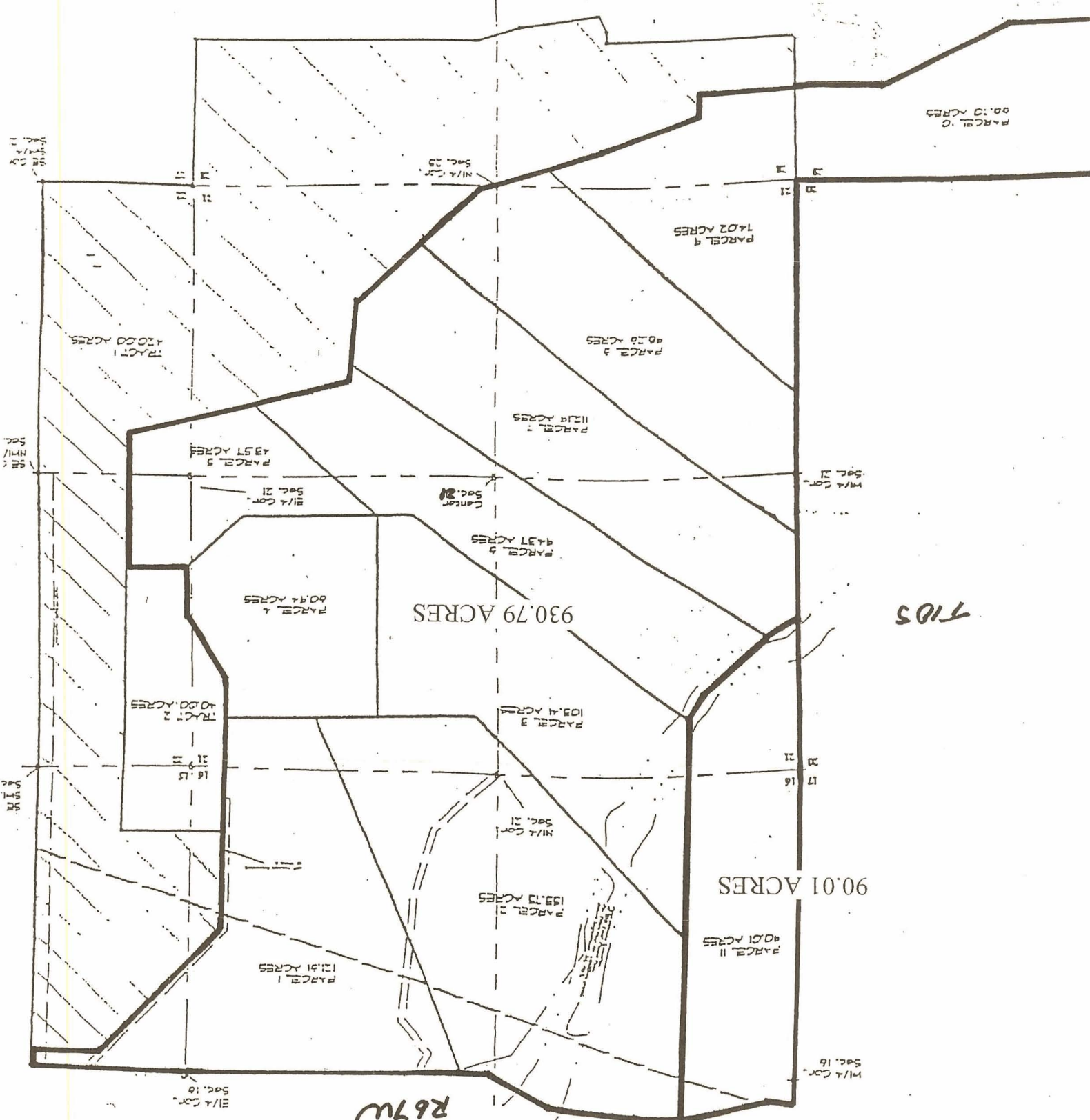
My commission expires: 2/18/04.



Notary Public

Attachment A

R67W



T10S

90.01 ACRES

PARCEL 10
90.01 ACRES

PARCEL 9
103.41 ACRES

PARCEL 8
12.91 ACRES

PARCEL 7
10.50 ACRES

PARCEL 6
60.44 ACRES

930.79 ACRES

PARCEL 5
94.37 ACRES

PARCEL 4
112.18 ACRES

PARCEL 3
90.28 ACRES

PARCEL 2
14.02 ACRES

PARCEL 1
90.10 ACRES

16 21

17 21

18 21

19 21

16 22

17 22

18 22

19 22

16 23

17 23

18 23

19 23

16 24

17 24

18 24

19 24

16 25

17 25

18 25

19 25

16 26

17 26

18 26

19 26

16 27

17 27

18 27

19 27

16 28

17 28

18 28

19 28

16 29

17 29

18 29

19 29

16 30

17 30

18 30

19 30

16 31

17 31

18 31

19 31

16 32

17 32

18 32

19 32

16 33

17 33

18 33

19 33

16 34

17 34

18 34

19 34

16 21

18 21

16 16

18 16

16 11

18 11

16 22

18 22

16 17

18 17

16 12

18 12

16 23

18 23

16 18

18 18

16 13

18 13

16 24

18 24

16 19

18 19

16 14

18 14

16 25

18 25

16 20

18 20

16 15

18 15

16 26

18 26

16 21

18 21

16 16

18 16

16 27

18 27

16 22

18 22

16 17

18 17

16 28

18 28

16 23

18 23

16 18

18 18

16 29

18 29

16 24

18 24

16 19

18 19

16 30

18 30

16 25

18 25

16 20

18 20

16 31

18 31

16 26

18 26

16 21

18 21

16 32

18 32

16 27

18 27

16 22

18 22

16 33

18 33

16 28

18 28

16 23

18 23

16 34

18 34

16 29

18 29

16 24

18 24

16 35

18 35

16 30

18 30

16 25

18 25

16 36

18 36

16 31

18 31

16 26

18 26

16 37

18 37

16 32

18 32

16 27

18 27

16 38

18 38

16 33

18 33

16 28

18 28

16 39

18 39

16 34

18 34

16 29

18 29

16 40

18 40

16 35

18 35

16 30

18 30

16 41

18 41

16 36

18 36

16 31

18 31

16 42

18 42

16 37

18 37

16 32

18 32

16 43

18 43

16 38

18 38

16 33

18 33

16 44

18 44

16 39

18 39

16 34

18 34

16 45

18 45

16 40

18 40

16 35

18 35

16 46

18 46

16 41

18 41

16 36

18 36

16 47

18 47

16 42

18 42

16 37

18 37

16 48

18 48

16 43

18 43

16 38

18 38

16 49

18 49

16 44

18 44

16 39

18 39

16 50

18 50

16 45

18 45

16 40

18 40

16 51

18 51

16 46

18 46

16 41

18 41

16 52

18 52

16 47

18 47

16 42

18 42

16 53

18 53

16 48

18 48

16 43

18 43

16 54

18 54

16 49

18 49

16 44

18 44

16 55

18 55

16 50

18 50

16 45

18 45

16 56

18 56

16 51

18 51

16 46

18 46

16 57

18 57

16 52

18 52

16 47

18 47

16 58

18 58

16 53

18 53

16 48

18 48

16 59

18 59

16 54

18 54

16 49

18 49

16 60

18 60

16 55

18 55

16 50

18 50

16 61

18 61

16 56

18 56

16 51

18 51

16 62

18 62

16 57

18 57

16 52

18 52

16 63

18 63

16 58

18 58

16 53

<



November 21, 2002
Job No 99-1308
Page I of 2 pages
REV: December 26, 2002

PROPERTY DESCRIPTION: (930.79 ACRES)

A tract of land situated in Sections 15; 16, 21, 22, 28 and 29, Township 10 South, Range 67 West of the 6th Principal Meridian, Douglas County, Colorado, more particularly described as follows:

Beginning at the Southwest corner of Section 21 and considering the West line of the Southwest $\frac{1}{4}$ of Section 21 to bear N 00°38'07"W with all bearings contained herein relative thereto;

Thence N 00°38'07"W a distance of 2650.87 feet to the Southwest corner of the Northwest $\frac{1}{4}$ of Section 21;

Thence N 00°47'27"W along the West line of said Northwest $\frac{1}{4}$ a distance of 1311.74 feet;

Thence N 59°59'42"E a distance of 327.32 feet;

Thence N 50°34'33"E a distance of 762.58 feet;

Thence N 30°20'08"E a distance of 233.54 feet;

Thence N 00°05'01"E a distance of 3443.67 feet to the South Right of Way line of Noe Road;

Thence Easterly along said South Right of Way for the next eight (8) courses:

1. Thence N 88°31'31"E a distance of 142.47 feet;

2. Thence S 85°43'37"E a distance of 888.77 feet;

3. Thence S 80°09'04"E a distance of 119.25 feet;

4. Thence S 68°23'15"E a distance of 173.42 feet;

5. Thence S 61°53'53"E a distance of 394.84 feet;

6. Thence S 89°25'21"E a distance of 2657.52 feet;

7. Thence S 88°05'18"E a distance of 794.15 feet;

8. Thence S 89°19'17"E a distance of 544.61 feet to the East line of the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 15;

Thence S 00°29'11"E along said East line a distance of 150.00 feet;

Thence N 88°56'31"W a distance of 608.53 feet;

Thence S 43°34'05"W a distance of 1451.97 feet;

Thence S 00°21'35"E a distance of 2195.56 feet;

Thence S 31°41'02"E a distance of 653.23 feet;

Thence S 00°19'10"E a distance of 424.55 feet;

Thence S 89°56'58"E a distance of 505.11 feet;

Thence S 00°02'55"E a distance of 1240.84 feet;

rev. 1/13/03

A-2



DAVID E. ARCHER & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS & ENGINEERS

105 Wilcox Street * Castle Rock, CO 80104
PHONE (303) 688-4642 * FAX (303) 688-4675 * darchsurv@aol.com

November 21, 2002
Job No 99-1308
Page 2 of 2 pages
REV: December 26, 2002

PROPERTY DESCRIPTION: (930.79 ACRES) (continued)

Thence S 75°47'24"W a distance of 1942.14 feet;
Thence S 02°55'38"W a distance of 709.48 feet;
Thence S 47°09'11"W a distance of 1515.52 feet;
Thence S 71°12'33"W a distance of 2049.71 feet;
Thence S 01°00'47"W a distance of 224.61 feet;
Thence S 89°41'24"W a distance of 1648.67 feet;
Thence S 62°12'56"W a distance of 1184.45 feet;
Thence S 89°41'24"W a distance of 823.61 feet to the East Right of Way line of County Road 105;
Thence N 00°08'54"W along said East Right of Way line a distance of 1400.83 feet to the North line of the Northeast ¼ of Section 29;
Thence N 89°46'20"E a distance of 2641.32 feet to the point of beginning;
Containing 930.79 acres, more or less.
This property description was prepared under the direct supervision of David E. Archer (P.L.S. 6935), 105 Wilcox Street, Castle Rock, CO 80104.

rev. 1/13/03

A-3

27



November 21, 2002
Job No. 99-130E

PROPERTY DESCRIPTION: PARCEL 11 (90.01 ACRES)

A tract of land situated in Sections 16 and 21, Township 10 South, Range 67 West of the 6th Principal Meridian, Douglas County, Colorado, more particularly described as follows:

Beginning at the Southwest corner of Section 16 and considering the West line of the Southwest ¼ of Section 16 to bear N 00°04'49"E with all bearings contained herein relative thereto;

Thence N 00°04'49"E a distance of 2688.51 feet to the Southwest corner of the Northwest ¼ of Section 16;

Thence N 00°03'49"E along the West line of the Northwest ¼ of Section 16 a distance of 190.62 feet to the South Right of Way line of Noe Road;

Thence S 81°23'12"E along said South right of Way line a distance of 216.22 feet;

Thence N 81°19'55"E along said South Right of Way line a distance of 631.55 feet;

Thence N 88°31'31"E along said South Right of way line a distance of 172.05 feet;

Thence S 00°05'01"W a distance of 3443.67 feet;

Thence S 30°20'08"W a distance of 233.54 feet;

Thence S 50°34'33"W a distance of 762.58 feet;

Thence S 59°59'42"W a distance of 327.32 feet to the West line of the Northwest ¼ of Section 21;

Thence N 00°47'27"W a distance of 1346.97 feet to the point of beginning;

Containing 90.01 acres, more or less.

This property description was prepared under the direct supervision of David E. Archer (P.L.S. 6935), 105 Wilcox Street, Castle Rock, CO 80104.

A-4