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Application for Quantification of Water Rights of the City of Aurora, Acting by and Through its Utility Enterprise, in Adams, Arapahoe, Denver, and Douglas Counties, Colorado.

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COLORADO WATER RIGHTS APPLICATIONS

WATER COURT DIVISION 1

APPLICATION FOR QUANTIFICATION OF WATER RIGHTS, CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE CITY OF AURORA, ACTING BY AND THROUGH ITS UTILITY ENTERPRISE, IN ADAMS, ARAPAHOE, DENVER, AND DOUGLAS COUNTIES, COLORADO. Case No. 2002CW341 (Water Division 1, Dec. 30, 2002). Applicant: City of Aurora, Colorado (Atty. John M. Dingess, Duncan, Ostrander & Dingess, P.C.).

1. Application

The City of Aurora (“Aurora”) seeks to quantify the amount of flow Aurora is entitled to claim from return flows of lawn irrigation runoff in creek basins within the present and future boundaries of the City of Aurora. Aurora also requests the court declare that Aurora maintains dominion and control over all such return flows as the court may quantify. Aurora is not requesting an amendment of the quantifications previously decreed in the Cherry Creek and Shop Creek return flows above Cherry Creek Reservoir. Rather, Aurora seeks a similar determination for flows tributary to Box Elder Creek, Coal 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.

Aurora suggests the court utilize the “Cottonwood Curve” method of determining return flows through deep percolation, as utilized in prior quantification decrees. Aurora claims to have the right to use the water utilized for lawn irrigation and subject to return flows to extinction, including water acquired from the basins of the Colorado, Arkansas, and South Platte Rivers, and well water from the Denver Basin, transported and stored under prior decrees. Additionally, Aurora may acquire the right to use to extinction water pending a transfer agreement from the City of Thornton. Aurora claims the construction of additional facilities for utilization of this water will not be required, and will use return flow water for all municipal and domestic uses. Aurora requests an appropriation date of December 17, 2002, as Aurora’s intent to act is evidenced by a resolution passed by the Aurora City Council on December 16, 2002.

2. *Opposition*

No statements of opposition have been filed.

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APPLICATION OF ST. VRAIN & LEFT HAND WATER CONSERVANCY DISTRICT FOR A CHANGE OF WATER RIGHTS AND APPROVAL OF PLAN FOR AUGMENTATION INCLUDING APPROPRIATIVE RIGHTS OF EXCHANGE. Case No. 2002CW334 (Water District 1, Dec. 20, 2002). Applicant: St. Vrain & Left Hand Water Conservancy District (Atty. Bernard, Lyons, Gaddis & Kahn, P.C.).

1. *Applications*

The St. Vrain & Left Hand Water Conservancy District ("District") proposes to augment various wells and surface water diversion structures ("participating diversions") within the boundaries of the District, and located in the St. Vrain Creek and Left Hand Creek drainage basins. Descriptions of the twelve augmentation structures follow, and, unless otherwise stated, the District intends to change the uses 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.

The decree for water rights to Copeland Reservoir entered on June 1, 1926 in Case No. W-6673 for surface storage is the first in the plan for augmentation. The north fork of St. Vrain Creek feeds Copeland Reservoir, and the amount originally decreed was 75.5 acre-feet, absolute, and 100 acre-feet, conditional. The appropriation date of this decree was June 30, 1913. Historically, water from Copeland Reservoir has been used for domestic, irrigation, lighting and power purposes for residents of the City of Longmont.

Water rights to Coffintop Reservoir is the second decree listed for augmentation. This decree was entered on August 14, 1978 in Case No. W-66 for surface storage of 902.74 acre-feet, conditional. Sources for Coffintop Reservoir are the South St. Vrain Creek, Middle St. Vrain Creek, and all creeks that are tributary to the South St. Vrain Creek. Municipal uses for water from Coffintop Reservoir include 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.

The third decree listed is for storage rights to Coffintop Reservoir First Enlargement, entered on March 9, 1990 in Case No. 80CW462 for 84,000 acre-feet, conditional. Sources for Coffintop Reservoir First Enlargement are the same as above for Coffintop Reservoir. Original