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TIMOTHY R. BUCHANAN
(RETIRED)

December 13, 2019

SENT VIA CERTIFIED MAIL

Douglas County
100 Third Street
Castle Rock, Colorado 80104

Re: 19CW3222 – Centennial Water and Sanitation District Application – Notice to
Landowners

Dear Sir or Madam,

We have filed the attached water court application on behalf of Centennial Water and Sanitation District. This application is being mailed directly to you as the owner of land upon which the Plum Creek Alluvial Wells PC-2 and PC-3 will be located.

Please let me know if you have any questions or need any additional information.

Sincerely,

BUCHANAN SPERLING & HOLLEMAN PC



Bradley N. Kershaw

Enclosure

DISTRICT COURT, WATER DIVISION 1, COLORADO 901 9 th Avenue Greeley, Colorado 80631 970-475-2400	DATE FILED: November 26, 2019 11:09 AM FILING ID: C602C62FBE837 CASE NUMBER: 2019CW3222
CONCERNING THE APPLICATION FOR WATER RIGHTS OF CENTENNIAL WATER AND SANITATION DISTRICT	
IN ARAPAHOE, DOUGLAS AND JEFFERSON COUNTIES	
Attorneys for Applicant, Centennial Water and Sanitation District: P. Fritz Holleman, #21888 Bradley N. Kershaw, #52386 BUCHANAN SPERLING & HOLLEMAN PC 1525 Spruce Street, Suite 200 Boulder, Colorado 80302 (303) 431-9141 fholleman@tbvs.net; bkershaw@tbvs.net	▲ COURT USE ONLY ▲ Case No. 2019CW _____
<p style="text-align: center;">APPLICATION FOR FINDING OF DILIGENCE AND TO MAKE ABSOLUTE IN PART</p>	

1. Name, address, e-mail address and telephone number of applicant:

 Centennial Water and Sanitation District ("Centennial")
 c/o General Manager
 62 Plaza Drive
 Highlands Ranch, Colorado 80129
 jkaufman@highlandsranch.org
 303-791-0430

2. Names of structures: South Platte Alluvial Well Field No. 1: Well Nos. SP-1, SP-2, SP-3, SP-4, SP-5, SP-6, SP-7, and SP-8; South Platte Alluvial Well Field No. 2: Well Nos. SP-9, SP-10, SP-11, SP-12, SP-13, and SP-14; Plum Creek Alluvial Well Nos. PC-1, PC-2, PC-3, and PC-4; City Ditch Pipeline at Chatfield Dam; McLellan Reservoir; Chatfield Reservoir Outlet Manifold to Last Chance Ditch No. 2 and Nevada Ditch (alternate point of diversion for City Ditch Pipeline at Chatfield Dam and South Platte Alluvial Well Field No. 1); Chatfield Reservoir Outlet Manifold to City Ditch a/k/a City Ditch Pipeline at Chatfield Dam (alternate point of diversion for South Platte Alluvial Well Field No. 1); and South Platte Lake a/k/a South Platte Reservoir (alternate place of storage for City Ditch Pipeline at Chatfield Dam and South Platte Alluvial Well Field No. 1).

3. Describe conditional water rights (as to each structure) including the following information from previous decree:

A. Date of original decree, Case No. and Court: September 7, 1990, Case No. 88CW222, District Court, Water Division No. 1.

B. Subsequent decrees finding reasonable diligence and making portions absolute or approving changes of the subject water rights: Decrees finding reasonable diligence and making portions of the water rights absolute were entered on February 6, 1998 in Case No. 96CW219, District Court, Water Division 1; on July 24, 2006 in Case No. 04CW33, District Court, Water Division 1; and on November 7, 2013 in Case No. 12CW184, District Court, Water Division 1. A decree approving alternate points of diversion and alternate places of storage for some of the water rights was entered on May 13, 1998 in Case No. 93CW179, District Court, Water Division 1.

C. Legal descriptions, sources and amounts:

(1) South Platte Alluvial Well Field No. 1: Eight (8) wells, having estimated depths of 45 to 55 feet, proposed to be constructed in the South Platte River alluvium downstream from Chatfield Reservoir within 200 feet of the following locations in the N 1/2 of Section 6, Township 6 South, Range 68 West, 6th P.M.:

<u>Well No.</u>	<u>Distance From North Section Line (feet)</u>	<u>Distance From East Section Line (feet)</u>
SP-1	450	3180
SP-2	350	2400
SP-3	300	2100
SP-4	250	1750
SP-5	1050	1750
SP-6	1050	2100
SP-7	1000	2550
SP-8	950	3080

Source: South Platte River alluvium.

Amount: 2000 gpm (4.45 cfs), CONDITIONAL, for each well, subject to an annual limit of 20,000 acre-feet for accumulated diversions under the decree in Case No. 88CW222 and the decree in Case No. 85CW415 from all wells in South Platte Alluvial Field Nos. 1 and 2.

- (2) South Platte Alluvial Well Field No. 2: Six (6) wells, whose depths range, or are estimated to range, from 45 feet to 55 feet, constructed or to be constructed in the South Platte River alluvium downstream from Chatfield Reservoir within 200 feet of the following locations in the E1/2 of Section 31, Township 5 South, Range 68 West, 6th P.M.:

<u>Well No.</u>	<u>Distance From North Section Line (feet)</u>	<u>Distance From East Section Line (feet)</u>
SP-9 (Permit No. 041861-F)	3130	400
SP-10 (Permit No. 041862-F)	2780	700
SP-11 (Permit No. 044942-F)	3590	400
SP-12 (Permit No. 042909-F)	2580	550
SP-13	2180	150
SP-14	3930	50

Source: South Platte River alluvium.

Amount: 26.7 cfs total for all wells, of which 14.65 cfs is CONDITIONAL and 12.05 cfs is ABSOLUTE, including 623 gpm (1.38 cfs) CONDITIONAL and 1377 gpm (3.07 cfs) ABSOLUTE for Well No. SP-9, 980 gpm (2.18 cfs) CONDITIONAL and 1020 gpm (2.27 cfs) ABSOLUTE for Well No. SP-10, 644 gpm (1.43 cfs) CONDITIONAL and 1356 gpm (3.02 cfs) ABSOLUTE for Well No. SP-11, 343 gpm (0.76 cfs) CONDITIONAL and 1657 gpm (3.69 cfs) ABSOLUTE for Well No. SP-12, 2000 gpm (4.45 cfs) CONDITIONAL for Well No. SP-13 and 2000 gpm (4.45 cfs) CONDITIONAL for Well No. SP-14, subject to an annual limit of 20,000 acre-feet for accumulated diversions under the decree in Case No. 88CW222 and the decree in Case No. 85CW415 from all wells in South Platte Alluvial Well Field Nos. 1 and 2.

- (3) Plum Creek Alluvial Wells: Four (4) wells, having estimated depths of approximately 50 feet, to be constructed in the alluvium of Plum Creek within 200 feet of the following locations:

PC-1: A point on Plum Creek in the SW1/4 of Section 20, Township 6 South, Range 68 West, 6th P.M., 2320 feet east of the west boundary and 1550 feet north of the south boundary of said Section 20.

PC-2: A point on Plum Creek in the NE1/4 of Section 29, Township 6 South, Range 68 West, 6th P.M., 40 feet south of the north boundary and 1820 feet west of the east boundary of said Section 29.

PC-3: A point on Plum Creek in the SW1/4 of Section 28, Township 6 South, Range 68 West, 6th P.M., 50 feet north of the south boundary and 50 feet east of the west boundary of said Section 28.

PC-4: The historic point of diversion of the Lower Plum Creek Ditch at a point on the west bank of Plum Creek near the southeast corner of the SW1/4 of the NW1/4 of Section 20, Township 6 South, Range 68 West, 6th P.M.

Source: Alluvium of Plum Creek, a tributary of the South Platte River.

Amount: 700 gpm (1.56 cfs), CONDITIONAL, for each well.

- (4) City Ditch Pipeline at Chatfield Dam: The centerline of the Chatfield Reservoir outlet conduit to the City Ditch intersects the centerline of the dam at a point whence the northwest corner of Section 1, Township 6 South, Range 69 West, 6th P.M., bears North 49° West 4070 feet.

Source: South Platte River.

Amount: 24 cfs total, including 7.2 cfs CONDITIONAL and 16.8 cfs ABSOLUTE.

- (5) McLellan Reservoir: Located on Dad Clark Gulch, a tributary of the South Platte River, in Sections 32 and 33 of Township 5 South, Range 68 West, and Sections 4 and 5, Township 6 South, Range 68 West, 6th P.M., with the initial point of survey being a point whence the southeast corner of Section 32,

Township 5 South, Range 68 West, 6th P.M., bears South 71°00' East 2489.5 feet. The reservoir is more particularly described in the decree entered May 18, 1972 in Civil Action No. 3635, Douglas County District Court.

Sources: Dad Clark Gulch; South Platte Alluvial Well Field No. 1; South Platte Alluvial Well Field No. 2; Plum Creek Alluvial Wells; City Ditch Pipeline at Chatfield Dam; and Chatfield Reservoir Outlet Manifold to City Ditch.

Amount: 5940 acre-feet at combined diversion rate of 93 cfs from sources other than Dad Clark Gulch, CONDITIONAL.

- (6) Chatfield Reservoir Outlet Manifold to Last Chance Ditch No. 2 and Nevada Ditch (alternate point of diversion for City Ditch Pipeline at Chatfield Dam and South Platte Alluvial Well Field No. 1): The Chatfield Reservoir Outlet Manifold intersects the centerline of the Chatfield Dam at a point whence the northwest corner of Section 1, Township 6 South, Range 69 West, 6th P.M., Jefferson County, Colorado, bears North 49° West a distance of 4070 feet.
 - (7) Chatfield Reservoir Outlet Manifold to City Ditch (referred to in the application and also known as City Ditch Pipeline at Chatfield Dam) (alternate point of diversion for South Platte Alluvial Well Field No. 1): Same location as described above in paragraph 3.C.(6). This alternate point of diversion applies only to the subject South Platte Alluvial Well Field No. 1 water right.
 - (8) South Platte Lake a/k/a/ South Platte Reservoir (alternate place of storage for City Ditch Pipeline at Chatfield Dam and South Platte Alluvial Well Field No. 1): Approximately 221.3 acres located in portions of the W1/2 and of the SE1/4 of Section 31, Township 5 South, Range 68 West, 6th P.M., Arapahoe County, Colorado, and in the E1/2 of the SE1/4 and the SE1/4 of the NE1/4 of Section 36, Township 5 South, Range 69 West, 6th P.M., Jefferson County, Colorado.
 - (9) Remarks: A map showing the location of the structures described in paragraphs 3.C.(1)-(8) above is attached hereto as **Exhibit 1**.
- D. Appropriation date: December 21, 1988 for each of the subject water rights.

E. Uses: Municipal, domestic, industrial, commercial, and irrigation uses on Highlands Ranch and developments supplied by Centennial now and in the future. Water diverted and stored pursuant to the subject water rights may be used (a) for immediate application to beneficial uses; (b) for storage and subsequent application to beneficial uses; (c) for substitution and exchange; (d) for replacement of depletions; and (e) for augmentation.

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

The subject conditional water rights are one of the components of Centennial's unified water supply system that is being constructed to supply water to Highlands Ranch for municipal and other purposes. Highlands Ranch is a development consisting of approximately 22,000 acres in Douglas County, including the community of Highlands Ranch. Centennial is responsible for providing a municipal water supply to Highlands Ranch. Centennial's efforts toward development of the subject conditional water rights during the diligence period include, but are not limited to, the activities and expenditures described below. This list is not intended to be comprehensive and may be supplemented by additional evidence:

- A. Centennial spent approximately \$79 million on system-wide improvements to develop its municipal water and wastewater systems. These costs include the following: raw water storage facilities, \$46.9 million; wastewater treatment plant improvements, \$6.1 million; water treatment plant improvements, \$797,396; water infrastructure, \$8.7 million; wastewater infrastructure, \$7.1 million; and booster pump stations, \$9.3 million.
- B. Centennial has continuously operated the subject conditional water rights to divert water in varying amounts and apply it to beneficial use for the decreed purposes up to the already absolute amounts. The operation of the subject water rights during the diligence period has been with the knowledge and approval of the Water Commissioner and reports concerning it have been prepared by Centennial and filed regularly with the Water Commissioner and Division Engineer. A claim to make additional amounts of the conditional rights absolute is included herewith. Such diversion and use of water in amounts greater than the amounts previously decreed absolute is evidence of reasonable diligence in the development of Centennial's unified water supply system, including the conditional water rights decreed in Case No. 88CW222.

- C. Centennial has performed the following work and made the following expenditures toward development of the subject water rights:
- (1) City Ditch: Centennial has made payments to the City of Englewood to lease the use of excess capacity in the facility as given in the Water Storage and Facilities Agreement ("WSFA") at a total expense of approximately \$1,101,200. Additionally, Centennial has made payments to the City of Englewood for the operation and maintenance of the facility as required in the WSFA at a total expense of approximately \$138,300.
 - (2) Last Chance Ditch: Centennial has engaged in efforts to analyze, maintain and calibrate the gauging station at a total expense of approximately \$5,500. Additionally, Centennial has worked with the Division Engineer to share the periodic electronic information from the gauge.
 - (3) Nevada Ditch: Centennial has made payments to the City of Englewood for the operation and maintenance of the facility as required in the WSFA at a total expense of approximately \$138,000.
 - (4) South Platte Alluvial Well Field No. 1: Centennial has held ongoing discussions with Colorado Parks and Wildlife about coordinating efforts to develop the wells, including taking new water quality samples.
 - (5) South Platte Alluvial Well Field No. 2: Centennial has maintained the wells, calibrated meters and made repairs at a total expense of approximately \$19,100.
- D. Centennial has performed the following work and made the following expenditures toward development of storage capacity in which Centennial may store water under the subject water rights:

- (1) South Platte Reservoir: Centennial obtained a finding of reasonable diligence on June 15, 2014, in Case No. 12CW199, District Court, Water Division 1, for the South Platte Reservoir storage right originally decreed in Case No. 95CW239. Centennial has engaged in various maintenance and repairs at South Platte Reservoir at a total expense of approximately \$35,000. Centennial spent approximately \$9,100 to prepare annual reports and annual inspections of the South Platte Reservoir by the Colorado Division of Water Resources. Centennial has also periodically collected and analyzed water quality samples from the South Platte Reservoir at a total expense of approximately \$47,700.
- (2) McLellan Reservoir: Centennial has made payments to the City of Englewood to lease storage space in McLellan Reservoir per the WSFA at a total expense of approximately \$1,845,600. Centennial also renewed a Water Lease and Management Agreement with the City of Englewood, which leases storage space in McLellan Reservoir to Centennial. Additionally, Centennial has periodically collected and analyzed water quality samples from McLellan Reservoir at a total expense of approximately \$47,700.

E. During the diligence period, Centennial incurred significant legal and engineering fees and costs associated with participating as an objector in various Water Court cases to protect its water rights, including the subject water rights, from injury due to claims of other water users. Centennial continues to rely upon the subject water rights and has no intention to abandon same.

5. If claim to make absolute – water applied to beneficial use:

A. Water right, date and amount:


- (1) South Platte Alluvial Wellfield No. 2, Well No. SP-10, in the amount of 1131 gpm (2.52 cfs), diverted on November 5, 2014, which is 0.25 cfs more than the amount currently decreed as absolute.
- (2) City Ditch Pipeline at Chatfield Dam water right at the Chatfield Reservoir Outlet Manifold to Last Chance Ditch No. 2 alternate point of diversion, in the amount of 21.09 cfs, diverted on June 30, 2019, which is 4.29 cfs more than the amount currently decreed as absolute.

- B. Use: All decreed uses.
- C. Description of place of use where water is applied to beneficial use: Within Centennial's service area.
6. Names and addresses of owners or reputed owners of the land upon which any new diversion structure or storage structure, or modification to an 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:
- A. No new storage structures or modifications to existing storage structures will be constructed. The only storage structures in which water will be stored are South Platte Reservoir and McLellan Reservoir, both of which are existing facilities. Centennial owns the land on which South Platte Reservoir is located. The City of Englewood owns McLellan Reservoir and the land on which it is located. Englewood's address is 1000 Englewood Parkway, Englewood, Colorado 80110.
- B. No new diversion structures or modifications to existing diversion structures will be constructed except for the South Platte Alluvial Well Field No. 1, the Plum Creek Alluvial Wells and new wells within South Platte Alluvial Well Field No. 2. The land on which new wells within South Platte Alluvial Well Field No. 2 will be located is owned by Centennial. The names and addresses of the owners of the land upon which South Platte Alluvial Well Field No. 1 and the Plum Creek Alluvial Wells will be located are as follows:
- (1) South Platte Alluvial Well Field No. 1 and Plum Creek Alluvial Wells PC-1 and PC-4: United States Army Corps of Engineers, 9307 South Wadsworth Blvd., Littleton, Colorado 80128.
- (2) Plum Creek Alluvial Wells PC-2 and PC-3: Douglas County, 100 Third Street, Castle Rock, Colorado 80104.

WHEREFORE, Centennial requests the Court to enter a decree (1) finding that Centennial has proceeded with reasonable diligence toward completion of the appropriations of the remaining conditional portions of the water rights originally decreed in Case No. 88CW222 and changed in Case No. 93CW179; (2) finding that Centennial has exercised its conditional water right for the South Platte Alluvial Wellfield No. 2, Well No. SP-10, in the amount of 1131 gpm (2.52 cfs) and making that amount absolute, leaving 869 gpm (1.93 cfs), conditional; (3) finding that Centennial has exercised its conditional water right for the City Ditch Pipeline at Chatfield Dam at the Chatfield Reservoir Outlet Manifold to Last Chance Ditch No. 2 alternate point of diversion, in the amount of 21.09 cfs and making that amount absolute, leaving 2.91 cfs, conditional; and (4) continuing the remaining conditional portions of the water rights originally decreed in Case No. 88CW222 and changed in Case No. 93CW179 in full force and effect for an additional diligence period.

Respectfully submitted this 26th day of November, 2019.

BUCHANAN SPERLING & HOLLEMAN PC

By: 

P. Fritz Holleman, #21888
Bradley N. Kershaw, #52386

ATTORNEYS FOR APPLICANT, CENTENNIAL
WATER AND SANITATION DISTRICT

E-FILED PURSUANT TO C.R.C.P. 121

*A printed or printable copy of this document with original, electronic, or scanned signatures
is on file at the law offices of Buchanan Sperling & Holleman PC*

VERIFICATION

STATE OF COLORADO)
) ss.
COUNTY OF DOUGLAS)


John M. Kaufman, being first duly sworn upon his oath, deposes and says that he is General Manager for Applicant, Centennial Water and Sanitation District, that he has read the foregoing Application for Finding of Diligence and to Make Absolute In Part, knows the contents thereof, and that the same are true to the best of his knowledge and belief.



John M. Kaufman

SUBSCRIBED AND SWORN to before me this 25th day of November, 2019. Witness my hand and official seal.

My commission expires: January 14, 2023



Notary Public

CAMILLE MITCHELL
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20154001746
MY COMMISSION EXPIRES JANUARY 14, 2023