

<p>DISTRICT COURT, WATER DIVISION 5, COLORADO 109 8TH STREET, GLENWOOD SPRINGS, CO 81601 PHONE: (970) 928-3065</p> <hr/> <p>CONCERNING THE APPLICATION FOR WATER RIGHT OF:</p> <p>BLUE VALLEY METROPOLITAN DISTRICT</p> <p>IN GRAND COUNTY, COLORADO.</p> <hr/> <p>ATTORNEYS FOR APPLICANT: CHRISTOPHER L. GEIGER, ATTY. REG. No. 32333 ERIKA S. GIBSON, ATTY. REG. No. 48923 BALCOMB & GREEN, P.C. POST OFFICE DRAWER 790 GLENWOOD SPRINGS, CO 81602 TELEPHONE: (970) 945-6546 FACSIMILE: (970) 945-8902 E-MAIL: chrisg@balcombgreen.com erika@balcombgreen.com</p>	<p>DATE FILED: June 27, 2018 5:15 PM FILING ID: C90A063C703D3 CASE NUMBER: 2018CW3093</p> <hr/> <p>▲ COURT USE ONLY ▲</p> <hr/> <p>CASE No.: 18CW_____ (11CW37, 04CW130, 04CW42, 98CW027, 96CW286)</p> <p>WATER DIVISION 5</p>
<p align="center">APPLICATION FOR FINDING OF REASONABLE DILIGENCE</p>	

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

Blue Valley Metropolitan District
c/o Buck McNichols
56 Grand County Rd. 1014
Silverthorne, CO 80498
(970) 724-3502

Please direct all pleadings, motions, correspondence and other information and communication concerning this matter to Applicant's attorneys.

2. Summary of Application: Applicant requests a finding of reasonable diligence on the conditional portions of the Blue Valley Metropolitan District Pump and Pipeline and Blue Valley Metropolitan District 1998 Well Nos. 1 and 2 ("Subject Water Rights"). Applicant is a special district that provides water service to the residents within the Blue Valley service area.

3. Name of Structure: **Blue Valley Metropolitan District Pump and Pipeline**

a. Original Decree: Case No. 96CW286, entered on March 11, 1998, District Court, Water Division No. 5.

- b. Subsequent Decrees Awarding Diligence: Cases No. 11CW37 and 04CW42, District Court, Water Division 5.
 - c. Legal Description: A well/infiltration gallery located in the NW1/4 SW1/4, Section 34, Township 1 South, Range 80 West of the 6th P.M. at a point 1,000 feet from the West line and 2,350 feet from the South line of said Section 34. This location is described in Well Permit No. 49622-F as being located in the NW1/4 SW1/4, Section 34, Township 1 South, Range 80 West of the 6th P.M. at a point 831 feet from the West line and 2,363 feet from the South line of said Section 34. See **Exhibit A** for a map depicting this location.
 - d. Source: Blue River Alluvium, tributary to the Blue River, tributary to the Colorado River.
 - e. Appropriation Date: August 1, 1996.
 - f. Amount: 250 g.p.m., of which 167 g.p.m. is decreed absolute and 83 g.p.m. remains conditional.
 - g. Use: Domestic water service for up to 150 residences, fire protection, municipal, irrigation of approximately 60 acres of lawn and landscape within the District's boundaries and within the West 1/2 of Section 27, and West 1/2 of Section 34, Township 1 South, Range 80 West of the 6th P.M, as depicted on the map attached as **Exhibit B**.
 - h. Depth: approximately 20 feet.
 - i. Remarks: The Blue Valley Pump and Pipeline is operated pursuant to Well Permit No. 49622-F and in accordance with the augmentation plan approved in Case No. 96CW286 and as amended in Case No. 98CW27.
3. Name of Structure: **Blue Valley Metropolitan District 1998 Well Nos. 1 and 2.**
- a. Original Decree: Case No. 98CW027, entered on August 10, 1998, District Court, Water Division No. 5.
 - b. Subsequent Decrees Awarding Diligence: Cases No. 11CW37 and 04CW130, District Court, Water Division 5.
 - c. Legal Description:
 - 1. *Well No. 1*: A well located in the NW1/4 SW1/4 Section 34, Township 1 South, Range 80 West of the 6th PM, a distance of 777 feet from the West

line and 2,454 feet from the South line of said Section 34, as depicted on the map attached as **Exhibit A**.

2. *Well No. 2*: A well located in the NW1/4 SW1/4 Section 34, Township 1 South, Range 80 West of the 6th PM, a distance of 740 feet from the West line and 2,546 feet from the South line of said Section 34, as depicted on the map attached as **Exhibit A**.

d. Source: Blue River Alluvium, tributary to the Blue River, tributary to the Colorado River.

e. Appropriation Date: November 14, 1997.

f. Amount: 250 g.p.m., conditional, for each well.

g. Use: Domestic water service for up to 150 residences, fire protection, municipal, and irrigation of approximately 60 acres of lawn and landscape within the District's boundaries and within the West 1/2 of Section 27, and West 1/2 of Section 34, Township 1 South, Range 80 West of the 6th P.M., as depicted on the map attached as **Exhibit B**.

h. Depth: approximately 20 feet.

i. Remarks:

1. The cumulative diversions under any combination of the Blue Valley Metropolitan District 1998 Well Nos. 1 and 2 and the Blue Valley Metropolitan District Pump & Pipeline shall not exceed 250 g.p.m.

2. The Blue Valley Metropolitan District 1998 Well Nos. 1 and 2 are operated pursuant to the plan for augmentation decreed in Case No. 98CW27.

3. These wells are to be constructed within 100 feet from the river unless Applicant augments delayed impacts in an amount and upon a schedule acceptable to the Division Engineer.

4. Integrated System: In Cases No. 04CW42 and 04CW130, the Court confirmed the Subject Water Rights are part of an integrated water supply for Applicant's service area. "When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system." C.R.S. § 37-92-301(4)(b).

CLAIM FOR FINDING OF REASONABLE DILIGENCE

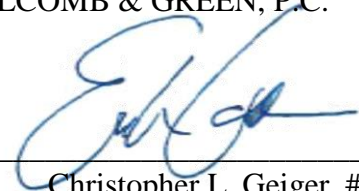
5. Diligence Activities. In the diligence period preceding the filing of this Application, Applicant undertook the following actions to complete the appropriation and beneficial use of the Subject Water Rights:
- a. During the diligence period, Applicant evaluated improvements to the District's water supply system to achieve full buildout and increase service to additional customers.
 - b. Applicant issued a request for proposals in 2018 for engineering services to expand the pumping capacity of the Blue Valley Metropolitan District Pump and Pipeline. The selected engineering firm will also evaluate the feasibility of accommodating additional taps under the District's plan for augmentation and develop a current map of the District's water rights. The District anticipates selecting an engineering firm in July 2018.
 - c. Applicant extended service to additional customers; this included installing fifteen new taps and approving service to five additional taps. Applicant spent \$47,377 on the tap installations.
 - d. Beginning in 2014, Applicant worked with Alpine Survey to map the District's water-supply infrastructure. The map will simplify District repairs and maintenance and should be finalized in July 2018.
 - e. Applicant spent \$241,711 on substantial repairs to the District's system. Repairs included replacing the water main, several sections of service lines, valves, and conduits.
 - f. Applicant spent \$327,875 on the overall operation and maintenance of the District's water system. Costs include those associated with the District's certified water operators who maintain the service lines, test the water quality, and operate the District's water plant, water meters and hydrants.
 - g. Applicant engaged Balcomb & Green, P.C. to provide guidance on the use of its water rights and to monitor water court applications to protect the District's water rights from injury. Applicant spent \$6,329 on these legal services.
 - h. Applicant continues to rely on the Subject Water Rights and has no intention of abandoning them.
8. Name of owner of the land on which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed, including any modification to the existing storage pool. Applicant.

WHEREFORE, Applicant requests that the Court enter a decree finding that Applicant has been reasonably diligent in the development of the Blue Valley Metropolitan District Pump and Pipeline and Blue Valley Metropolitan District 1998 Well Nos. 1 and 2 conditional water rights.

Respectfully submitted this 27th day of June 2018.

BALCOMB & GREEN, P.C.

By



Christopher L. Geiger, #32333

Erika S. Gibson, #48923

Attorneys for Applicant

VERIFICATION

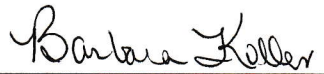
STATE OF COLORADO)
)ss.
COUNTY OF SUMMIT)

I, Buck McNichols, President of Blue Valley Metropolitan District, being first duly sworn, upon oath, depose and say that I have read the foregoing, know the contents thereof, and that the same are true to the best of my information, knowledge, and belief.



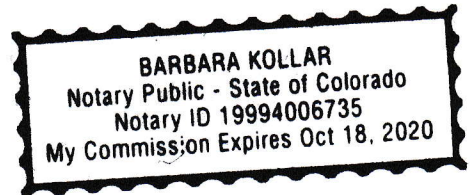
Buck McNichols

Subscribed and sworn to before me this 27 day of June 2018.

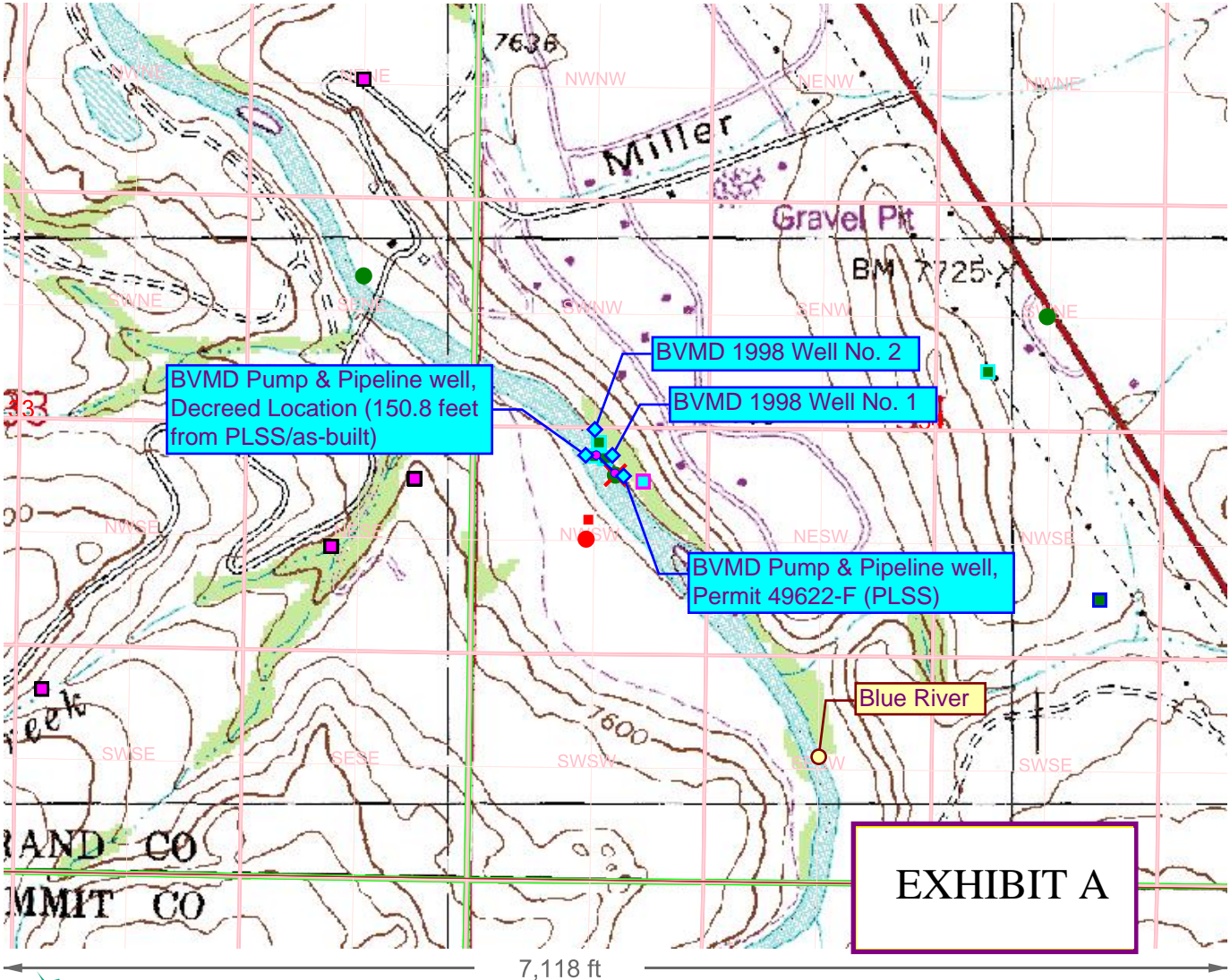


Notary Public

My commission expires:
Oct. 18, 2020



BLUE VALLEY METROPOLITAN DISTRICT (18CW___)



MAP NAVIGATION

DATE FILED: June 27, 2018 5:15 PM
 FILING ID: C90A063C703D8
 CASE NUMBER: 2018CW3093



Click to create PDF
 UTM X, Zone 13: 386217
 UTM Y, Zone 13: 4419278
 Long: -106° 19' 52.8"
 Lat: 39° 54' 57.4"
 UTM and Geographic(LL) coordinates in NAD 83

DATA DISPLAY

- Background
- Counties
- Water Well Application
- Quad Maps
- PLSS
- DWR Parcels
- Roads
- EPA Well Notification
- Hydrography
- Oil/Gas Well Location
- County Parcels (No Public Access)
- Towns
-

LOCATION

Section	Township	Range	Meridian
34	1 S	80 W	Sixth

PRINTING

Output Scale	Page Size	User
12,000	8.5x11	ch

Title: 11CW37 Blue Valley Metro Dist Permit 49622F

PLSS LOCATOR MENU

Section	Township	Range	Meridian
34	1 S	80 W	Sixth
Q 160	Q 40	Dist. (ft N/S)	Dist. (ft E/W)
SW	NW	2363 S	831 W

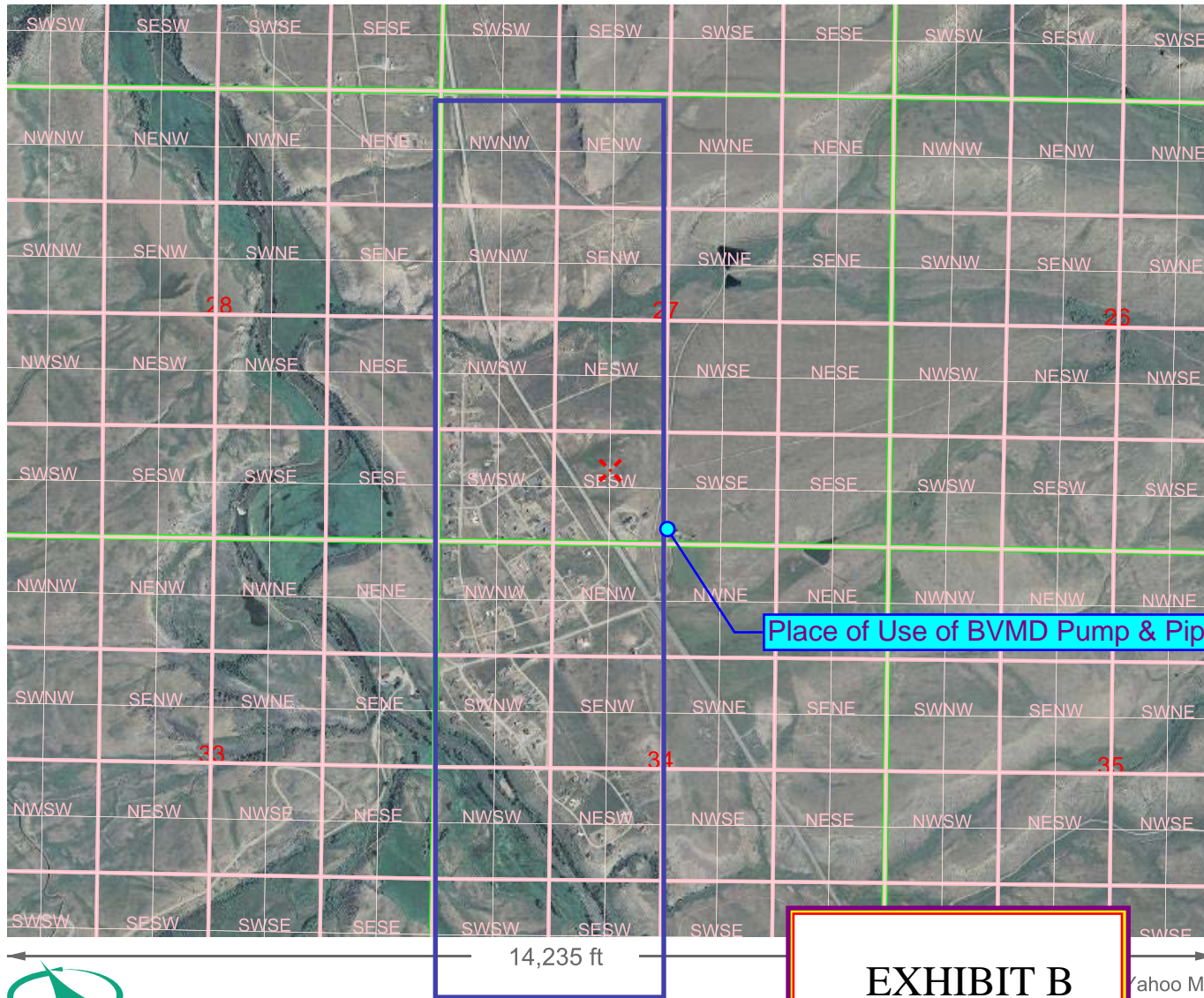
Easting UTM X (m): **385254.80**
 Northing UTM Y (m): **4419783.50**



Based on work developed at <http://www.carto.net>

Address location by Yahoo Maps
 AquaMap Version 3.0.1 July 5, 2009

BLUE VALLEY METROPOLITAN DISTRICT (18CW__)



Place of Use of BVMD Pump & Pipeline

EXHIBIT B

MAP NAVIGATION

DATE FILED: June 27, 2018 5:15 PM
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Click to create PDF
 UTM X, Zone 13: 387797
 UTM Y, Zone 13: 4421208
 Long: -106° 18' 47.5"
 Lat: 39° 56' 0.8"
 UTM and Geographic(LL) coordinates in NAD 83

DATA DISPLAY

- Background
- Counties
- Water Well Application
- 2009 Aerials
- PLSS
- DWR Parcels
- Low High
- Roads
- EPA Well Notification
- Hydrography
- Oil/Gas Well Location
- County Parcels (No Public Access)
- Towns
- [More Data](#)

LOCATION

Section: 27 | Township: 1 S | Range: 80 W | Meridian: Sixth

[PLSS Locator](#) [Quick Zoom](#) [Spacing](#)

PRINTING

Output Scale: 24,000 | Page Size: 8.5x11 | User: ch

Title: 11cw37 BVMD Ex B Place of Use

Note: The well locations displayed on AquaMap are based on location information provided by well permit application forms and are only as accurate as the information provided. The actual physical locations of all wells have not been field verified and may vary from the location displayed. Refer to a copy of the original well permit file, available on the Division of Water Resources website, for well location details.



Based on work developed at <http://www.carto.net>

Yahoo Maps
 July 5, 2009