

<p>DISTRICT COURT, WATER DIVISION NO. 1 STATE OF COLORADO</p> <p>901 Ninth St., P.O. Box 2038 Greeley, CO 80632</p>	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p>
<p><b>Concerning the Application for Water Rights of:</b></p> <p>BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLEAR CREEK,</p> <p>IN CLEAR CREEK, WELD, ADAMS AND JEFFERSON COUNTIES.</p>	
<p>Paul J. Zilis (#12582) Lisa C. Ledet (#16292) Vranesh &amp; Raisch, LLP 1720 14th Street, #200 Boulder, CO 80302 Telephone: (303) 443-6151 Fax: (303) 443-9586 <u><a href="mailto:pjz@vrlaw.com">pjz@vrlaw.com</a></u>; <u><a href="mailto:lcl@vrlaw.com">lcl@vrlaw.com</a></u></p> <p>Raymond L. Petros(#6763) David S. Hayes (#28661) Petros &amp; White, LLC The Equitable Building 730 Seventeenth Street, Ste. 820 Denver, CO 80202-3518 Telephone: (303)825-1980 Fax: (303)825-1983 <u><a href="mailto:rpetros@petros-white.com">rpetros@petros-white.com</a></u>; <u><a href="mailto:dhayes@petros-white.com">dhayes@petros-white.com</a></u></p>	<p>Case No.: 05CW302 Div: _____ Ctrm: _____</p>
<p style="text-align: center;"><b>STIPULATION BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLEAR CREEK AND THE FLOYD HILL AREA PROPERTY OWNERS ASSOCIATION, INC.</b></p>	

COMES NOW, the Applicant, the board of county commissioners of the County of Clear Creek ("Applicant") and the Opposer, the Floyd Hill Area Property Owners Association, Inc.,

Stipulation Between the Board of County Commissioners  
of the County of Clear Creek and the Floyd Hill  
Area Property Homeowners Association, Inc.  
Case No. 05CW302

("Opposer") by and through their respective undersigned attorneys, and hereby stipulate and agree as follows:

1. Applicant hereby agrees that it shall not augment uses supplied by ground water wells pursuant to the Application herein in Stream Segment No. 7 set forth in paragraph 2.A.7. of the Application, designated as Subbasin G, as shown on the map attached hereto as Exhibit 1 and incorporated by reference herein. Subbasin G is defined as follows: Headwaters of Beaver Brook beginning in Section 17, Township 4 South, Range 72 West to the confluence with Clear Creek in Section 3, Township 4 South, Range 71 West, and tributaries thereto.
2. The intent of this Stipulation is to preclude augmentation of ground water wells in Subbasin G pursuant to the Application herein because both Applicant and Opposer are concerned with well-to-well interference in Subbasin G, where wells supply the majority of water to existing water users. This Stipulation does not preclude augmentation of surface water uses in Subbasin G, which are defined for purposes of this Stipulation as including uses that are supplied by surface diversions, surface water infiltration galleries, or surface water storage facilities. Augmentation of evaporative losses from storage facilities which store surface water but intercept ground water shall be allowed under this Stipulation. This Stipulation does preclude the Applicant from providing augmentation water pursuant to the Application herein to replace evaporative losses from storage of water which is pumped from ground water wells into storage.
3. This Stipulation is intended to apply to Subbasin G only. Nothing herein shall prevent Applicant from providing augmentation water to the other Subbasins set forth in the Application in this case.
4. All references to the Application herein shall apply to the Application as currently filed or amended in the future.
5. Within ten (10) days of the mutual execution of this Stipulation, Applicant will file and serve on all parties a Motion for Approval of the Stipulation by the Water Court.
6. Upon entry of an Order of the Court approving the Stipulation, Floyd Hill agrees to limit its participation in this case to assure that any Decree entered herein is consistent with the Stipulation.
7. Applicant and Floyd Hill agree that the Stipulation shall bind and benefit them and shall be binding and benefit all of their assigns and successors in interest.

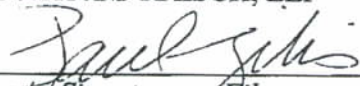
Stipulation Between the Board of County Commissioners  
of the County of Clear Creek and the Floyd Hill  
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Case No. 05CW302

8. The Applicant and Floyd Hill hereby represent and affirm the signatories to this Stipulation are legally authorized to bind the parties in this matter. The Applicant and Floyd Hill agree that the agreements made in this Stipulation shall be enforceable by them either as an Agreement or as an Order of the Water Court.

9. The Applicant and Floyd Hill shall bear their own costs and fees including attorneys fees.

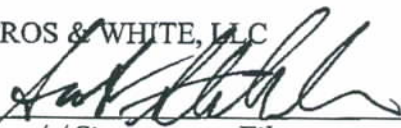
Dated this 5<sup>TH</sup> day of March, 2007.

VRANESH AND RAISCH, LLP

By:   
/s/ Signature on File  
Paul J. Zilis (#12582)  
Lisa C. Ledet (#16292)

ATTORNEYS FOR BOARD OF COUNTY  
COMMISSIONERS OF THE COUNTY OF CLEAR  
CREEK

PETROS & WHITE, LLC

By:   
/s/ Signature on File  
Raymond L. Petros, Jr. (#6763)  
David S. Hayes (#28661)  
Scott Steinbrecher (#36957)

ATTORNEYS FOR FLOYD HILL AREA PROPERTY  
OWNERS ASSOCIATION, INC.

# Exhibit - 1

Case No. 05CW302  
Clear Creek County  
Map of Sub-Basin G

Prepared By:  
**Applegate**  
Group, Inc.  
October 2006

