

District Court, Water Division No. 1 State of Colorado 901 9 th Ave. Greeley, CO 80631 (970) 475-2507	DATE FILED: February 13, 2024 2:18 PM FILING ID: 291058BF398EB CASE NUMBER: 2023CW3176
CONCERNING THE APPLICATION FOR WATER RIGHTS OF ELDORA ENTERPRISES LLC IN BOULDER AND GILPIN COUNTY	Court Use Only
Scott E. Holwick – No. 32009 Casey J. Weaver – No. 56605 Attorneys for Water Users Association of District No. 6 Lyons Gaddis, PC P.O. Box 978 Longmont, CO 80502-0978 Telephone: (303) 776-9900 Email: sholwick@lyonsgaddis.com; cweaver@lyonsgaddis.com	Case No. 2023CW3176 Water Division No. 1
<p style="text-align: center;">STATEMENT OF OPPOSITION OF THE WATER USERS ASSOCIATION OF DISTRICT NO. 6</p>	

1. Name, address, and telephone number of Opposer:

Water Users Association of District No. 6 (the “WUA”)
 c/o Lyons Gaddis, PC
 P.O. Box 978
 Longmont, CO 80502-0978
 (303) 776-9900

2. State facts as to why the application should not be granted or why it should be granted only in part, or on certain conditions:

- A. The WUA is an association of senior water owners diverting water from Boulder Creek and its tributaries. The WUA has more than forty members, including agricultural, industrial, and municipal users. The WUA’s members own almost all of the senior water rights decreed from Boulder Creek and its tributaries.
- B. Vested and conditional water rights owned by the members of the WUA may be injured if the application is approved and granted.

- C. Appropriate conditions, limitations, and restrictions should be included in any ruling to protect against injury to other water users.
- D. Applicant must be placed on strict proof with respect to each element of its claims for conditional water storage rights (including the claimed rights to fill and refill and enlargement of storage rights and rate of fill), including, but not limited to, the following:
 - 1) Whether Applicant has taken the steps required under Colorado law to initiate the claimed appropriations and, if so, on what dates and in what amounts;
 - 2) Whether Applicant can and will complete the claimed appropriations within a reasonable time, and whether water can and will be diverted, stored, captured or otherwise possessed and beneficially used within a reasonable time for all proposed uses;
 - 3) Whether water is physically and legally available in the claimed rates and amounts;
 - 4) Whether Applicant has the right to fully consume water as claimed in the application;
 - 5) Whether the structures can be operated and administered in priority without causing injury;
 - 6) Whether the diversion structures are capable of diverting water in the claimed amounts;
 - 7) Whether the Applicant has established a non-speculative basis for the application;
 - 8) Whether Applicant has a definite plan to use the water for all claimed purposes; and
 - 9) Whether Applicant has defined locations for all future uses of the water.
- E. Applicant must be placed on strict proof with respect to each element of its claim for change of water rights, including, but not limited to, the following:
 - 1) Applicant's ownership of or enforceable property interest in the Howard Ditch Company and Green Ditch Company shares that it seeks to change;
 - 2) Whether some or all of the water rights that Applicant seeks to change have been abandoned;

- 3) Whether Applicant has the right to reuse, successively use, and use to extinction the water rights that it seeks to change; and
 - 4) The protective terms and conditions that must be imposed upon Applicant to prevent injury to the WUA's members' water rights.
3. The WUA reserves the right to raise any objection that any other Opposer identifies but that is not stated herein.
 4. The application does not contain sufficient information for the WUA to state more specific grounds for objection.
 5. The WUA reserves the right to raise additional grounds for opposition and to describe additional facts and reasons why the application should be denied, granted in part, or limited, as additional facts become known and Applicant's claims become more definite.
 6. This Statement of Opposition is continuing in nature and shall apply to any and all further amendments to the original application.

DATED: February 13, 2024.

Lyons Gaddis, P.C.

By 

Scott E. Holwick
Casey J. Weaver
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**ATTORNEYS FOR OPPOSER, THE WATER
USERS ASSOCIATION OF DISTRICT NO. 6**

**VERIFICATION AND ACKNOWLEDGMENT OF PERSON HAVING KNOWLEDGE
OF THE FACTS STATED IN THIS STATEMENT OF OPPOSITION**

I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

Executed on the 13 day of Febuary, 2024.
(Month) (Year)

at Firestone, CO
(City or other location, and State)

By: TO
[TO \(Feb 13, 2024 05:56 MST\)](#)
Tom O'Malley, President
Water Users Association of District No. 6

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing **STATEMENT OF OPPOSITION OF THE WATER USERS ASSOCIATION OF DISTRICT NO. 6** was filed with the Court and served upon all current parties of record via CCE on this 13th day of February, 2024.

/s/ Michelle R. Soule _____