

Bushong & Holleman PC

A t t o r n e y s • a t • L a w

1525 Spruce Street, Suite 200, Boulder, Colorado 80302

Steven J. Bushong
Paul (Fritz) Holleman

Veronica A. Sperling
Cassidy L. Woodard
Gunnar J. Paulsen
Kate Bosh

Karen L. Henderson
Of Counsel

(303) 431-9141 Tel.
(800) 803-6648 Fax
BH-Lawyers.com

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Dear Members of FOTL and Twin Lakes Community,

This letter is to update the community on Bartlett Gulch water matters and provide a clearer understanding of how water flows will be divided between the West Fork and East Fork of Bartlett Gulch moving forward. AngelView obtained its final decree in Water Court for Case No. 21CW3008 which was also approved by the Division Engineer (Rachel Zancanella), Lake County, Aurora, and other objectors. A copy of the decree is attached to this letter.

As Ms. Zancanella stated in her email to Robert Krehbiel dated March 14, 2024, the stipulation with the State and Division Engineers “did not ‘determine that the West Fork was the historic channel.’” However, the AngelView decree clearly resolves how water will be split between the East and West Forks of Bartlett Gulch in the future. Specifically, any Lake County augmentation water being delivered down Bartlett Gulch minus transit losses must be delivered in the West Fork and up to 6 cfs of the remaining water in Bartlett Gulch will be delivered in the East Fork. Flows above the 6 cfs and any Lake County water, if available, will be directed into the West Fork.

Lake County is limited to delivering its augmentation water down Bartlett Gulch between May and October, but the duration of those deliveries during that time depends on the delivery rate. As Ms. Zancanella stated in the above-referenced email, at the maximum delivery rate of a continuous 2 cfs, the “window where Angelview must leave up to 2 cfs in [the West Fork of] Bartlett Gulch can be as short as 37 days.” In contrast, for example, if the County delivers 1 cfs continuously, the delivery season to achieve the County’s volume of water would be twice as long – or a total of 74 days when AngelView must deliver 1 cfs in the West Fork.

Water delivered in the East Fork towards AngelView travels through a natural environment while providing groundwater recharge and water for diversion into the AngelView lakes and into a small pond being decreed in Water Court by David Smith and Mai-Lan Huynh (“Smith-Huynh”). As part of its decree, AngelView agreed that when its lake and ponds are full, the water delivered into the East Fork can be reduced so long as it still provides 3 cfs for AngelView to divert after any losses and groundwater recharge. AngelView is required to augment all evaporative losses associated with its lakes and certain wetland depletions on its property created by the East Fork. To the extent

AngelView has any remaining augmentation water, AngelView agreed to augment the evaporative losses at Smith-Huynh's pond south of the AngelView Ditch. AngelView and Smith-Huynh entered into a settlement agreement to resolve both their Water Court cases and access to infrastructure on Smith-Huynh's land. Ditch maintenance per the settlement agreement will likely take place in May.

Water in the West Fork splits into a southeasterly and a southwesterly channel as it approaches the Village. This is shown on the exhibit to the attached AngelView decree. By agreement approved by the Water Court, Ms. Zancanella's office previously found that the southeasterly channel running through AngelView's 4-acre property is a natural channel but has not made that determination regarding the southwesterly channel that feeds the beaver pond south of HWY 82, which is likely a ditch. Although AngelView hopes to send some water in the West Fork down that ditch/southwest channel if allowed, that is ultimately not its decision. The West Fork water must stay in the southeasterly channel except to the extent allowed by Ms. Zancanella's office.

In summary, the legal requirement for water deliveries down the West Fork depends upon the availability of Lake County water and natural flows in Bartlett Gulch that exceed the AngelView diversion rights. However, AngelView hopes to operate the Bartlett Gulch splitter in a way that ensures some flow is maintained in the West Fork even at times when no such obligation exists, so long as adequate water still exists for AngelView and its operations are otherwise acceptable to the Division Engineer. Such operations will no doubt be informed through practical experience.

To administer flows, AngelView installed temporary diversion and measuring structures on various points on Bartlett Gulch and will be installing more permanent structures to measure and/or split water consistent with its decree and direction from Ms. Zancanella's office. The first permanent measurement structure will be installed on AngelView's 4-acre property in Gordon Acres later this month to measure Lake County's augmentation water. If practicable, AngelView will install remote telemetry on the Bartlett Gulch splitter or other locations so that flow data in the West Fork and East Fork are publicly available in real-time.

Finally, please know that Colorado law is very strict in prohibiting interference with ditches, headgates, and other structures used to divert or measure water. Historically, people modified Bartlett Gulch to send water in varying directions. Please know that is no longer allowed as the flows will be governed by water rights and diversion structures. If questions arise on the flow division, please contact AngelView or Ms. Zancanella's office.

Sincerely,

BUSHONG & HOLLEMAN PC



Steve Bushong

cc: Alan Elias
Craig Lis, P.E.
Rachel Zancanella, P.E.