

cc:KKS,KLB,client

DISTRICT COURT, WATER DIVISION 1,  
COLORADO

Court Address: 901 Ninth Street  
Greeley, CO 80631

**IN THE MATTER OF THE APPLICATION FOR  
WATER RIGHTS OF WILL-O-WISP  
METROPOLITAN DISTRICT,  
  
IN PARK COUNTY, COLORADO**

ATTORNEYS FOR OPPOSER WOODSIDE PARK UNITS 5  
AND 6 HOMEOWNERS' ASSOCIATION:

Kenneth K. Skogg, #17053  
Karen L. Brody, #27215  
Lowe, Fell & Skogg, LLC  
370 Seventeenth Street, Suite 4900  
Denver, Colorado 80202

Phone Number: (720) 359-8200  
Fax Number: (720) 359-8201  
E-mail: kskogg@lfslaw.com  
kbrody@lfslaw.com

▲ COURT USE ONLY ▲

Case Number: 08CW142

**STATEMENT OF OPPOSITION**

1. Name, mailing address and telephone number of opposers:

Richard Hodges, President  
Woodside Park Units 5 and 6 Homeowners' Association  
850 Meadow Dr.  
Pine, CO 80470  
Telephone: (303) 838-7906

Please send all pleadings to opposers (by U.S. Mail) and:

Kenneth K. Skogg, Esq.  
Karen L. Brody, Esq.  
Lowe, Fell & Skogg, LLC  
370 17<sup>th</sup> St., Suite 4900  
Denver, CO 80202

2. Facts as to why the application should not be granted or why it should be granted only in part or on certain conditions.
- A. Opposers are a homeowners' association, the members of which own all or part of the land on which the proposed Woodside Reservoir may be constructed.
  - B. Applicant must prove that it has been reasonably diligent in developing the Woodside Reservoir water right as originally decreed in accordance with applicable law.
  - C. Applicant must prove that the waters from the Woodside Reservoir water right can and will be diverted, stored, or otherwise captured, possessed, and controlled and will be beneficially used, and that Woodside Reservoir can and will be completed with diligence within a reasonable time.
  - D. Opposers reserve the right to supplement this Statement of Opposition with additional grounds if additional facts become known that support additional grounds for opposition.

Respectfully submitted this 2<sup>nd</sup> day of September, 2008.

LOWE, FELL & SKOGG, LLC

*s/ Karen L. Brody*

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Kenneth K. Skogg #17053  
Karen L. Brody #27215  
370 Seventeenth Street, Suite 4900  
Denver, Colorado 80202  
Telephone: (720) 359-8200

ATTORNEYS FOR OPPOSER WOODSIDE  
PARK UNITS 5 AND 6 HOMEOWNERS'  
ASSOCIATION

*A duly signed physical copy of this document is on file at the office of Lowe, Fell & Skogg, LLC pursuant to CRCP Rule 121, Section 1-26(9)*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 2<sup>nd</sup> day of September, 2008, a true and correct copy of the foregoing **STATEMENT OF OPPOSITION** was sent as indicated below and properly addressed to the following:

Lee H. Johnson, Esq.  
Beth Ann J. Parsons, Esq.  
Carlson Hammond & Paddock LLC  
1700 Lincoln St., Suite 3900  
Denver, CO 80203-4539  
*Attorneys for Applicant Will-O-Wisp Metropolitan District*  
**VIA LEXISNEXIS FILE & SERVE**

Richard W. Toussaint, Esq.  
Raule G. Nemer, Esq.  
Toussaint, Nemer & Coaty PC  
32065 Castle Court, Suite 150  
Evergreen, CO 80439  
*Attorneys for Applicant Will-O-Wisp Metropolitan District*  
**VIA LEXISNEXIS FILE & SERVE**

Robert V. Trout, Esq.  
Trout Raley Montano Witwer  
& Freeman PC  
1120 Lincoln St., Suite 1600  
Denver, CO 80203-2141  
*Attorneys for Opposer Christie Investments, LLC*  
**VIA LEXISNEXIS FILE & SERVE**

James W. Culichia, Esq.  
David M. Shohet, Esq.  
Felt Monson & Culichia LLC  
319 N. Weber St.  
Colorado Springs, CO 80903-1228  
*Attorneys for Opposer Christie Investments, LLC and Center of Colorado Water Conservancy District*  
**VIA LEXISNEXIS FILE & SERVE**

Division 1 Water Engineer  
**VIA LEXISNEXIS FILE & SERVE**

State Water Engineer, Colorado  
**VIA LEXISNEXIS FILE & SERVE**

*s/Anne Van Teyens*  
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## LexisNexis File &amp; Serve Transaction Receipt

**Transaction ID:** 21322637  
**Submitted by:** Anne Van Teyens, Lowe Fell & Skogg LLC  
**Authorized by:** Karen L Brody, Lowe Fell & Skogg LLC  
**Authorize and file on:** Sep 2 2008 4:20PM MDT

**Court:** CO Weld County District Court 19th JD  
**Division/Courtroom:** 1 - Division 1  
**Case Class:** Civil Water  
**Case Type:** Findings of Diligence  
**Case Number:** 2008CW142  
**Case Name:** In the interest of: WILL-O-WISP METROPOLITAN DISTRICT

**Transaction Option:** File and Serve  
**Billing Reference:** 23702-0001

**Documents List****1 Document(s)****Attached Document, 3 Pages Document ID: 16849880**

PDF Format | Original Format

**Document Type:** Statement of Opposition  
**Access:** Public  
**Statutory Fee:** \$158.00  
**Linked:**

**Document title:** Statement of Opposition

Close All

 **Sending Parties (2)**

Party	Party Type	Attorney	Firm	Attorney Type
Woodside Park Units 5 and 6 Homeowners' Association (pending)	Opposer	Brody, Karen L	Lowe Fell & Skogg LLC	Privately Retained Attorney
Woodside Park Units 5 and 6 Homeowners' Association (pending)	Opposer	Skogg, Kenneth Kent	Lowe Fell & Skogg LLC	Privately Retained Attorney

 **Recipients (8)** Service List (8)

Delivery Option	Party	Party Type	Attorney	Firm	Attorney Type	Method
Service	CENTER OF COLORADO WATER CONSERVANCY DIS	Opposer	Culichia, James W	Felt Monson & Culichia LLC	Privately Retained Attorney	E-Service
Service	CENTER OF COLORADO WATER CONSERVANCY DIS	Opposer	Shohet, David M	Felt Monson & Culichia LLC	Privately Retained Attorney	E-Service
Service	CHRISTIE INVESTMENTS LLC	Opposer	Trout, Robert Vernal	Trout Raley Montano Witwer & Freeman PC	Privately Retained Attorney	E-Service
Service	DIVISION ENGINEER	Division Engineer	Division 1 Water Engineer	Division 1 Engineer	Privately Retained Attorney	E-Service
Service	STATE ENGINEER	State Engineer	State Water Engineer, Colorado	State Engineers Office	Privately Retained Attorney	E-Service
Service	WILL-O-WISP METROPOLITAN DISTRICT	Applicant	Johnson, Lee H	Carlson Hammond & Paddock LLC	Privately Retained Attorney	E-Service
					Privately	

Service	WILL-O-WISP METROPOLITAN DISTRICT	Applicant	Toussaint, Richard William	Toussaint Nemer & Coaty PC	Retained Attorney	E- Service
Service	WILL-O-WISP METROPOLITAN DISTRICT	Applicant	Parsons, Beth Ann J	Carlson Hammond & Paddock LLC	Privately Retained Attorney	E- Service

Additional Recipients (0)

**Case Parties**

Party	Party Type	Attorney	Firm	Attorney Type
CENTER OF COLORADO WATER CONSERVANCY DIS	Opposer	Culichia, James W	Felt Monson & Culichia LLC	Privately Retained Attorney
CENTER OF COLORADO WATER CONSERVANCY DIS	Opposer	Shohet, David M	Felt Monson & Culichia LLC	Privately Retained Attorney
CHRISTIE INVESTMENTS LLC	Opposer	Trout, Robert Vernal	Trout Raley Montano Witwer & Freeman PC	Privately Retained Attorney
DIVISION ENGINEER	Division Engineer	Division 1 Water Engineer	Division 1 Engineer	Privately Retained Attorney
N/A	N/A	Cowan, John S	CO Weld County District Court 19th JD	Primary Judge
STATE ENGINEER	State Engineer	State Water Engineer, Colorado	State Engineers Office	Privately Retained Attorney
WILL-O-WISP METROPOLITAN DISTRICT	Applicant	Johnson, Lee H	Carlson Hammond & Paddock LLC	Privately Retained Attorney
WILL-O-WISP METROPOLITAN DISTRICT	Applicant	Toussaint, Richard William	Toussaint Nemer & Coaty PC	Privately Retained Attorney
WILL-O-WISP METROPOLITAN DISTRICT	Applicant	Parsons, Beth Ann J	Carlson Hammond & Paddock LLC	Privately Retained Attorney
Woodside Park Units 5 and 6 Homeowners' Association (pending)	Opposer	Brody, Karen L	Lowell & Skogg LLC	Privately Retained Attorney
Woodside Park Units 5 and 6 Homeowners' Association (pending)	Opposer	Skogg, Kenneth Kent	Lowell & Skogg LLC	Privately Retained Attorney



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