

**DISTRICT COURT, WATER DIVISION 1, COLORADO
APRIL 2022 WATER RESUME PUBLICATION**

TO: ALL PERSONS INTERESTED IN WATER APPLICATIONS IN WATER DIV. 1

Pursuant to C.R.S. 37-92-302, you are notified that the following is a resume of all water right applications and certain amendments filed in the Office of the Water Clerk during the month of **APRIL 2022** for each County affected.

2022CW3 DESERT PRIMROSE, LLC., 6505 W. Park Blvd., Suite 306, PMB 187, Plano, TX 75093. 469-613-6908 wycoplance9@gmail.com **APPLICATION FOR ABSOLUTE WATER RIGHTS (SURFACE) IN LARIMER COUNTY.** Name of Structure: North Branch Boxelder Creek. Legal description: SW 1/4, SE 1/4, S21, T12N, R70W of the 6th PM, also known as 551 Harriman Drive, Livermore, CO 80536 in Larimer County. UTM coordinates of points on the stream: Northing 4538569 Easting 478948; Northing 4538556 Easting 479118; Northing 4538276 Easting 479306; Northing 4538053 Easting 479276; Northing 4537995 Easting 479391. Source: tributary to South Platte River. Date of Appropriation: October 29, 2021, appropriation was initiated with purchase of property and water applied to beneficial use on October 29, 2021. Amount claimed in cubic feet per second <5 gpm, Absolute. Use: instream use only including aesthetics, wildlife and fire protection.

2022CW3045 APPLICANT, THE CITY AND COUNTY OF DENVER, acting by and through its Board of Water Commissioners (“Denver Water” or “Applicant”), 1600 West 12th Avenue, Denver, Colorado 80204, Telephone: 303-628-6460. Jessica R. Brody, General Counsel, Daniel J. Arnold, James M. Wittler, Crystal Easom. **APPLICATION FOR UNDERGROUND WATER RIGHTS AND PLAN FOR AUGMENTATION, CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE CITY AND COUNTY OF DENVER, ACTING BY AND THROUGH ITS BOARD OF WATER COMMISSIONERS IN THE SOUTH PLATTE RIVER AND ITS TRIBUTARIES IN BOULDER COUNTY**, Application eight (8) pages. **I. First Claim for Relief: Application for Underground Water Rights** 1. Name of Well and Permit Number: Gross Reservoir Well, Permit No. 325154. Gross Reservoir Well is currently permitted as a monitoring well and will be re-permitted as a production well prior to operating under this decree. 2. Legal Description of the Well: S1/2 of Section 20, Township 1 South, Range 71 West of the Sixth P.M., Boulder County, Colorado, as shown on Exhibit 1. Note: Section 20 is an irregular section and smaller than a standard section. Denver Water anticipates drilling and constructing the well in Summer 2022 and will provide distance from section lines in a proposed decree at that time. 3. Source: Fractured Crystalline Rock. 4. Depth: 600 feet. 5. Appropriation Date: 5.1. Date of Appropriation: The date of filing this Application. 5.2. How Appropriation was Initiated: The filing of this Application. 6. Description of the Gross Reservoir Well and Its Operation: The Gross Reservoir Well will be used by onsite field staff to meet the domestic needs of staff and building occupants, wash boats and watercraft, maintain equipment, and provide fire protection. 7. Amount Claimed: 20 gpm, Conditional. 8. Volumetric Limit: 4.0 ac-ft per year. 9. Beneficial Uses: Domestic, municipal, mechanical, commercial, recreation, and fire protection. 10. Place of Use: S1/2 of Section 20 and the NW1/4 of Section 29, Township 1 South, Range 71 West of the 6th P.M., Boulder County, Colorado. 11. Owner of Land on which Well is Located: Denver Water. **II. Second Claim for Relief: Application for Plan for Augmentation.** 12. Name of Structure to be Augmented: Gross Reservoir Well, as described above. 13. Statement of Plan for Augmentation: Denver Water will pump water from the Gross Reservoir Well for onsite field staff at Gross Reservoir. Wastewater resulting from use of the Gross Reservoir Well will be treated at an onsite leach field. When depletions resulting from Gross Reservoir Well are out-of-priority Denver Water will make replacements in time, location, and amount to South Boulder Creek. 14. Timing, Amount, and Location of Depletions: 14.1. Timing of Depletions: Depletions from pumping Gross Reservoir Well are estimated to occur over approximately 8 years (95-percent of the depletions are estimated to occur within 103 months of the start of pumping). A table showing the monthly unit response function (URF) will be finalized when the well is constructed and tested, and will be included as part the decree entered in this case. 14.2. Amount

of Depletions: The amount of depletions are calculated by multiplying the amount of water pumped by the Gross Reservoir Well by a depletion factor of 10 percent. 14.3. Location of Depletions: Depletions accrue to Gross Reservoir, an on-channel reservoir, and South Boulder Creek. For purposes of administration, the point of depletion is assumed to be at Gross Reservoir Dam located in the NW1/4 of the SW1/4 of Section 21, Township 1 South, Range 71 West of the 6th P.M., Boulder County, Colorado, and shown on Exhibit 1 (“Point of Depletion”). 15. Replacement Supply: Denver Water owns water rights decreed in the South Boulder Creek basin for all municipal uses. Denver Water also owns water rights in tributaries to the Colorado River, which Denver Water imports to the South Boulder Creek basin for beneficial use. Water from these sources will be made available in the amounts and at locations necessary to replace out-of-priority depletions pursuant to the plan for augmentation decreed herein. These water rights are: 15.1. Fraser River and Williams Fork Diversion Projects, Water District No. 51, Grand County, C.A. No. 657, appropriation date of July 4, 1921. This source may be used as a replacement supply under this plan to the extent allowed by the 1940 Agreement as interpreted by Court decisions or except as otherwise modified. 15.2. Darling Creek Extension of the Williams Fork Diversion Project, Water District 51, Grand County, C.A. No. 1430, appropriation date of August 26, 1953. 15.3. Moffat Tunnel Collection System, Water District No. 51, Grand County, C.A. No. 1430, appropriation date of August 30, 1963. 15.4. Hamilton-Cabin Creek Ditch, Extension and Enlargement of Hamilton-Cabin Creek Ditch, Meadow Creek Reservoir, Water District No. 51, Grand County, C.A. No. 657, appropriation Date of July 2, 1932. 15.5. Gross Reservoir (Reservoir No. 22), Water District 6, Boulder County, C.A. No. 12111, appropriation date of May 10, 1945. 15.6. Williams Fork Reservoir, Water District 56, Grand County, C.A. No. 657, appropriation date of November 10, 1935. 15.7. Williams Fork Reservoir, Water District 56, Grand County, C.A. No. 1430, appropriation date of October 9, 1956. 15.8. Denver Water can also release water from the above-referenced sources stored in Gross Reservoir. 16. Other Replacement Sources: 16.1. Additional Supplies of Augmentation Water: Pursuant to C.R.S. § 37-92-305(8)(c), the Court may authorize the Applicant to utilize additional or alternative sources of augmentation water for replacement in the plan for augmentation sought herein, including water leased by the Applicant, if such sources are part of a substitute water supply plan approved pursuant to C.R.S. § 37-92-308 or if such sources are decreed for such use. 16.2. Additional Water Rights Separately Decreed for Augmentation Use: If a water right is decreed or lawfully available for augmentation use and not already approved for such use under this Application, Applicant may add the water right by notice, subject to a reasonable opportunity for Opposers to object on the grounds of injury. This paragraph shall apply to all separately decreed sources, whether they are permanent additions to this plan for augmentation or of limited duration. 16.3. Other Additional Water Rights: If a water right is not decreed or otherwise lawfully available for augmentation use, and Colorado statutes or other governing authority provide a mechanism for using such water right without the need of a decree or well permit, Applicant shall provide written notice to the Opposers of its request for approval of the State Engineer pursuant to C.R.S. § 37 92-308 or other applicable statute. Applicant may use such water rights in the plan for augmentation upon the State Engineer’s approval of the administrative application for the term of such approval, unless such approval is reversed or modified on appeal or under retained jurisdiction. 17. Means of Replacement: 17.1. Augmentation – First Use: Sources identified in Paragraphs 15.1 through 15.8 above are available to South Boulder Creek to replace to the location where a call at or below the Point of Depletion identified in paragraph 14.3 is being administered. 17.2. Augmentation – Successive Uses: Each of the sources identified in Paragraphs 15.1 through 15.7 above can be reused and successively used to extinction absent prohibitions preventing such reuse. Currently, as a result of the ruling entered in Case No. 81CW405, reuse of the source identified in Paragraph 15.1 is limited. This Application does not modify the decree entered in Case No. 81CW405, but Denver Water reserves the right to reuse water from this source beyond the limitations of such ruling if such decree is modified to permit such usage. This Application also does not seek to modify the decrees in any of the other cases identified in Paragraph 15. 17.3. Locations Where Substitute Supplies will be Introduced for Augmentation of Out-of-Priority Depletions: Denver Water will deliver water from one or more of the following sources to replace out-of-priority depletions: 17.3.1. Gross Reservoir, the outlet works of which are located in the SW quarter of Section 21, Township 1 South, Range 71 West of the 6th Principal Meridian in Boulder

County. 17.3.2. East Portal of Moffat Tunnel, the outlet works of which are located in the East half of Section 2, Township 2 South, Range 74 West of the 6th Principal Meridian in Gilpin County. 17.4. Location of Replacements: When a valid call senior to the date of this application is being administered at or below the Point of Depletion, Denver Water will deliver augmentation water in an amount equal to out-of-priority depletions at or above the location where the call, including an adjudicated exchange, is being administered on South Boulder Creek. 17.5. Volume: The required amount of augmentation water will be provided from the sources described in Paragraphs 15 and 16 above. Depletions that accrue to the stream in the same month of pumping will be quantified at the end of the month and replaced the following month. Daily depletions will be quantified by dividing the calculated monthly depletion by the number of days in the month. Due to the very small volume of daily stream depletions, daily stream depletions may be aggregated as directed by the Division Engineer and replaced by one or more releases of short duration. 18. Proposed Terms and Conditions: 18.1. Transit Losses: Transit losses from the delivery of replacement water to the point of replacement shall be assessed by the Division Engineer pursuant to statute, from the point at which replacement(s) are introduced to the natural stream to the Point of Depletion. 18.2. Operation of Plan for Augmentation: Denver Water will operate the plan for augmentation in accordance with the final decree entered in this matter so as to not injuriously affect the owner of or persons entitled to use water under a vested water right or a decreed conditional water right. 19. Pumping and Augmentation Plan Accounting: All ground water pumped from the Gross Reservoir Well shall be measured monthly using a totalizing flow meter. In addition to any measuring devices specifically required by this decree, Denver Water shall install and properly maintain such other measuring devices and recorders acceptable to the Division Engineer for the administration of this augmentation plan and needed to complete accounting required by the final decree. Denver Water shall submit its accounting to the Division Engineer monthly or more frequently if requested by the Division Engineer. Denver Water's accounting shall include: (1) the monthly amount of ground water pumped from the Gross Reservoir Well; (2) the daily amount of stream depletions resulting from ground water pumped from the Gross Reservoir Well; (3) the name, location, and date of the calling water right; (4) the source of replacement water used to replace out-of-priority depletions; (5) the location of delivery of replacement water; and (6) transit losses, if any, for replacement water carried in the natural stream channel to the point of depletion. 20. Name and Address of Owner of the Land Upon Which Any Existing Diversion Structures are or Will be Constructed: The following list includes the names and addresses of landowners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. 20.1. Denver Water is the owner of the parcel upon which the Gross Reservoir Well will be located. WHEREFORE, Denver Water requests the Court enter a decree that grants an underground water right for the Gross Reservoir Well, approves the Plan for Augmentation for the Gross Reservoir Well, and for such other relief as this Court deems just and proper.

2022CW3046 Order granting motion for no publication order in WD1. WD2 will publish in Case No. 2022CW3015.

2022CW3047 CITY OF THORNTON (“Thornton”), c/o Water Resources Division, 12450 Washington Street, Thornton, CO 80241. John P. Justus and Karoline M. Henning, Hoskin Farina & Kampf, P.C., 200 Grand Avenue, Suite 400, Post Office Box 40, Grand Junction, Colorado 81502. **APPLICATION FOR CORRECTION FOR AN ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINT OF DIVERSION PURSUANT TO § 37-92-305(3.6), C.R.S., IN WELD COUNTY** (“Application”). Name of Structure: Burman Section 18 Well System, Well No. 1; Date of original and all relevant subsequent decrees: entered on September 10, 1953, Case No: CA-11217 by the District Court, County of Larimer (adjudicating water rights in District No. 3 of Water Division No. 1); Well Permit No. 142-RD. Legal Description: Said well system is located on the farm in Weld County . . . About 2,000 acres, being those parts of Section 18, Township 7 North Range 65 West of the 6th P.M., as follows: The south 50.5 acres of

the NW 1/4; the north 40 acres of the SW 1/4; also part of the SW 1/4 NE 1/4; the S 1/2 N 1/2 SW 1/4; that part SW 1/4 SW 1/4 lying north of Larimer and Weld Canal; that part SE 1/4 SW 1/4 lying north and west of said canal, also a part NW 1/4 SE 1/4 of said Section 18; all more particularly described in Warranty Deed of Harry B. Burman to Florence Burman of record in Book 1160 Page 427, Weld County, Colorado, records . . . located about 1275 east and 15 feet south of the west quarter corner of said Section 18. The point is identified as location 2 on the map attached to the Application as Exhibit A. Detailed description of proposed correction to an established but erroneously described point of diversion: Complete statement of correction to an established but erroneously described point of diversion, including whether it is erroneously described. *See* §§ 37-92-305(3.6)(a) & (b), C.R.S.: Applicant owns the Burman Section 18 Well System, Well No. 1 (“Well”). Applicant’s predecessors in interest first appropriated water from the Well on July 1, 1937, and the Well has been used to apply water to a beneficial use since that time. *See* Exhibit B, Decree, and Exhibit C, Registration of Well #1 (“Registration”), attached to the Application. The Well is not located at its decreed location and the available evidence is that it was not located at that decreed location at the time of entry of the Decree. The actual, but erroneously described, point of diversion is located in the SW 1/4 of the NW 1/4, Section 18, Township 7 North, Range 65 West of the 6th P.M., at UTM x coordinates 524439.00 and UTM y coordinates 4491886.0. *See* Location 1 in Exhibit A, attached to the Application. The Decree states that the Well is at a depth of 65 feet with a casing diameter of 36 inches, and that the first appropriation date was July 1, 1937. *See* Exhibit B, attached to the Application. The subsequent registration for that well, filed in February 1960, also states that the Well is at a depth of 65 feet with a casing diameter of 36 inches, and that the first use of that structure was on July 1, 1937, consistent with the Decree. *See* Exhibit C, attached to the Application. The Registration also states that the location of the Well is located in the SW 1/4 of the NW 1/4, Section 18, Township 7 North, Range 65 West, of the 6th P.M., the current location of the Well. Registration suggests that the location of this structure has remained consistent since 1937 notwithstanding the description in the Decree. This evidence tends to show that the location of the Well has been at the current location since the date of appropriation in July 1, 1937, prior to the entry of the Decree. Despite the erroneously described location, Applicant, and its predecessors in interest have, pursuant to the Decree, placed water to a beneficial use from the Well’s present location since the issuance of the Decree. Applicant seeks a decree for the actual location of the Well to correct the erroneously described location in the Decree. The legal description of the corrected point of diversion: Public Land Survey System (PLSS): SW1/4 of the NW1/4 of Section 18, Township 7 North, Range 65 West of the 6th P.M., derived from CDSS Map Viewer. Location information in UTM format (preferred): Northing 524439.0, Easting 4491886.0, Zone 13, derived from CDSS Map Viewer. *See* location 1 on Exhibit A, attached to the Application. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Applicant is the owner of the land on which the well is located. Quantity of water: Absolute 450 gallons per minute or 1 cubic foot per second; Amount of water decreed: Absolute 1 cubic foot per second. Uses: irrigation purposes. Number of pages of Application: 4 pages, plus additional exhibit pages.

2022CW3048 LOWER POUUDRE AUGMENTATION COMPANY, NEW CACHE LA POUUDRE IRRIGATING COMPANY AND THE CACHE LA POUUDRE RESERVOIR COMPANY, 33040 Railroad Avenue, P.O. Box 104, Lucerne, CO 80646, (970) 352-0222. Please send all future correspondence and pleadings to Daniel K. Brown, Esq., and Whitney Phillips Coulter, Esq., Fischer, Brown Bartlett, Larsen & Irby, P.C., 1319 E. Prospect Road, Fort Collins, CO 80525. **APPLICATION TO ADD MEMBER WELL IN CONSOLIDATED CASES 2004CW25/2006CW295 IN LARIMER AND WELD COUNTIES.** 2. Augmentation Plan: Applicant operates a plan for augmentation (“LPAC

Plan”) decreed in Consolidated Case Nos. 2004CW25/2006CW295, Water Division No. 1, entered on January 21, 2014 (“LPAC Decree”). Paragraph 24.1.1 of the LPAC Decree allows for the addition of Member Wells. 3. Wells to be added to the LPAC Decree: The structures that are augmented in the LPAC Plan are listed on Exhibit C to the LPAC Decree. Applicants propose to add the well described below (the “Klaus Well”) into the LPAC Decree as a structure to be augmented.

Well name	WDID	Owner	Case No.	Permit	TwN	Range	Section	1/4 / 1/4	1/4	W(ft)	X(Ft)	T(gpd/ft)	Sy
Klaus Well No. 1	0306402	Roger Spade (65%) and Mary Lou Spade (35%)	W-1575	14727-R	6N	66W	19	SW	SW	9,944	6,777	73,579	0.2

The Klaus Well will be operated, and all out-of-priority depletions replaced, in accordance with the terms and conditions of the LPAC Decree. No decreed priorities are sought by this application. The Klaus Well may only operate under the LPAC Plan so long as it has a valid well permit.4. Names and Addresses of Owner of the Structure: Roger Spade and Mary Lou Spade, 12245 Weld County Road 66, Greeley, Colorado 80631. 5. Names and Addresses of Landowners: The land on which the Well exists is owned as follows: Kevin and Cindy McRae, 12301 Weld County Road 66, Greeley, Colorado 80631. (3 pages).

2022CW3049 CITY AND COUNTY OF DENVER, ACTING BY AND THROUGH ITS BOARD OF WATER COMMISSIONERS (“Denver Water” or “Applicant”), 1600 West 12th Avenue, Denver, Colorado 80204, Telephone: 303-628-6460 (c/o Daniel J. Arnold, James M. Wittler, Crystal J. Easom at the above address). **APPLICATION FOR FINDING OF REASONABLE DILIGENCE, CONCERNING THE SOUTH PLATTE RIVER AND ITS TRIBUTARIES IN DOUGLAS AND JEFFERSON COUNTIES.** Application eight (8) pages 2. Name of Structure: Foothills Tunnel and Conduit No. 26. A figure depicting the Foothills Tunnel and Conduit No. 26 is attached hereto as Exhibit A. 3. Type of Structure: The Foothills Tunnel consists of a 10’6” finished inside diameter concrete lined tunnel connecting an intake structure located within the Strontia Springs Reservoir to a cement-mortar lined steel pipeline (Conduit No. 26), which in turn connects to the headwork structure of the Foothills Water Treatment Plant. The Foothills Tunnel is 17,935 feet in length. Conduit No. 26 is 1,720 feet in length. The capacity of the Foothills Tunnel and Conduit No. 26, operating under the full head of the Strontia Springs Reservoir, is 750 million gallons daily or 1,162 cubic feet per second (“cfs”). 4. Description of the Foothills Tunnel and Conduit No. 26 Water Right: A. Name of Water Right: Foothills Tunnel and Conduit No. 26 Water Right (“Subject Water Right”). B. Original Decree: Case No. 1980CW0408, Water Division No. 1, December 19, 1983. C. Subsequent Decrees Awarding Findings of Diligence and Amounts Placed to Beneficial Use: (1) Decree: Case No. 1987CW0087, Water Division No. 1 September 29, 1989. Amount placed to beneficial use: 300 cfs. (2) Decree: Case No. 1995CW0202, Water Division No. 1, May 24, 1996. Amount placed to beneficial use: 413 cfs. (3) Decree: Case No. 2002CW0094, Water Division No. 1, March 26, 2003. (4) Decree: Case No. 2009CW0046, Water Division No. 1, September 9, 2009. (5) Decree: Case No. 2015CW3114, Water Division No. 1, April 25, 2016. D. Legal Description: The Foothills Tunnel and Conduit No. 26 divert waters from the South Platte River by means of a dam across the channel of the South Platte River known as the Strontia Springs Diversion Dam in the northwest quarter (NW 1/4) of the northwest quarter (NW 1/4) of Section 21, Township 7 South, Range 69 West of the 6th P.M. in Jefferson and Douglas Counties, State of Colorado. E. Source: The South Platte River and its tributaries lying above the Strontia Springs Diversion Dam. F. Appropriation Date: March 21, 1962. G. Amount: 361 cfs Conditional, 413 cfs Absolute, 774 cfs Total. H. Use: All municipal uses including domestic use, irrigation, mechanical use, manufacturing use, generation of power, power generally, fire protection, use of sewage treatment, street sprinkling, watering of parks, lawns and grounds, recreation and for the replacement,

adjustment, and regulation of the units of the Denver Municipal water system within themselves and with other water users. **CLAIM FOR FINDING OF REASONABLE DILIGENCE 5. Diligence Activities:** The Foothills Tunnel and Conduit No. 26 are existing structures. Completion of this appropriation will depend upon future hydrologic circumstances that would allow waters under the conditional water right to be diverted, or otherwise captured, possessed, and controlled and applied to beneficial use within a reasonable time. The following activities describe Denver Water’s steady application of effort to complete the appropriation in a reasonably expedient and efficient manner under all the facts and circumstances: A. Accounting and Measurement: (1) During the diligence period, Denver Water maintained monthly accounting sheets which tracked availability and diversions of water under the Subject Water Right. (2) Denver Water and the United States Geologic Survey (“USGS”) continue to partner in the necessary measurement of water flow in streams pursuant to annual cooperative agreements. Denver Water uses data available from these gauges for water rights administration, water supply analysis and availability, long-term trending, water rights accounting. Since 2016, Denver Water has contributed approximately \$1,489,307 towards this effort. As of 2018, 30 stream gages are maintained in this partnership. B. South Platte Watershed: (1) Since 2014, Denver Water’s From Forests to Faucets program completed forest restoration work on approximately 76,000 acres within the South Platte Watershed. (2) In 2017, Denver Water partnered with the Coalition for Upper South Platte (“CUSP”) for stream restoration work along Horse Creek, a tributary of the South Platte River above Strontia Springs Reservoir. The total Denver Water contribution was approximately \$200,000. (3) In 2018, Leonard Rice Water Engineers, Inc. completed an assessment to identify the Upper Blue River and Upper South Platte River Watersheds Zones of Concern which should be prioritized for wildfire risk reduction. The total project cost was approximately \$290,000. (4) In 2019, Denver Water and the United States Geological Survey entered into a joint funding agreement to characterize and quantify sources of phosphorous in the South Platte River and Cherry Creek. The total contribution from Denver Water was approximately \$12,000. (5) In 2019, Denver Water and CUSP partnered to conduct an assessment of sedimentation due to wildfires in the North Fork of the South Platte. The total project cost was approximately \$14,000. (6) In 2019, SWCA Environmental Consultants provided environmental engineering and science services for a sediment study on Strontia Springs Reservoir. The total project cost was approximately \$76,000. (7) As a condition of receiving a right-of-way easement from the United States Department of the Interior, Bureau of Land Management, necessary to build and operate the Foothills Project, which includes Strontia Springs Diversion Dam and Reservoir, Denver Water was required to develop, implement, and operate a water management plan to provide flows in the South Platte River downstream from Strontia Springs Diversion Dam to Chatfield Reservoir. The Waterton Canyon Water Management Plan included a requirement to provide average daily flows of 60 cfs from May 15 to September 15 and average daily flows of 30 cfs from September 16 to May 14. The right-of-way easement was granted on August 16, 1978, and Denver Water has been operating its facilities pursuant to the Waterton Canyon Water Management Plan ever since water was initially stored in Strontia Springs Reservoir on October 18, 1982. The easement was amended on April 15, 2004, to establish the terms by which the required flow downstream of the Old Last Chance Ditch headgate may be reduced. Denver Water obtained water rights in 2005CW0316 intended to preserve and protect this permit requirement from impairment by other water users that may seek to divert water within the reach of the South Platte River covered by the Waterton Canyon Water Management Plan. C. Strontia Springs Reservoir: (1) Denver Water completed annual operations and maintenance, including annual dam safety inspections with the State Engineer’s Office and Federal Energy Regulatory Commission (“FERC”), drill of the Emergency Action Plan, and survey of the dam for movement. (2) In 2016, Infrastructure & Marine Consultants, LLC provided project management and inspections services for the ERDS project at Strontia Springs Dam. The total project cost was approximately \$240,000. (3) In 2018, Olsson Associates, Inc. provided continued support to Denver Water through the final phases and task of the FERC hydroelectric power exemption process. The total project cost was approximately \$61,000. (4) In 2020, Carollo Engineers, Inc. provided electrical engineering for the Strontia Springs Reservoir electrical systems analysis. The total project cost was approximately \$44,000. (5) In 2019, Industrial Constructors-Managers, Inc. completed the Strontia Springs Dam Foothills Intake Tower Gate no. 3 repairs. The total project cost was approximately \$157,000. (6) In

2020, Gracon, LLC completed the Strontia Springs Dam outlet works intake gates refurbishment. The total project cost was approximately \$382,000. (7) In 2021, Canyon Industries, Inc. began the design of the Strontia Springs 1.25 MW hydro turbine and generator. The contractor will also be responsible to furnish, startup, and commission the hydro turbine and generator equipment. Currently, the total project cost is approximately \$201,000. D. Foothills Water Treatment Plant: (1) In 2016, Garney Companies, Inc. installed a pump station to recover and reuse the water from the underdrains of the drying beds for a total project cost of approximately \$1,457,000. (2) In 2016, CH2M Hill Engineers, Inc. designed the replacement of four unit substations and four variable frequency drives for a total project cost of approximately \$300,000. (3) In 2016, Guarantee Electrical Contracting, LLC installed new impressed current cathodic protection systems for corrosion protection of critical treatment plant pipelines. The total project cost was approximately \$1,637,000. (4) In 2018, USA Construction, Inc. completed hydroelectric plant maintenance at the Foothills Water Treatment Plant. The total project cost was approximately \$616,000. (5) In 2020, General Electric Contracting, LLC replaced power panels for filters and ancillary systems at Foothills Water Treatment Plant. The total project cost was approximately \$53,000. (6) In 2021, Glacier Construction Company completed conversion of the ammonia system used at Foothills Water Treatment Plant to liquid ammonium sulfate. The total project cost was approximately \$1,575,000. E. Amounts Expended: Over the last diligence period, Denver Water has spent at least \$5,149,000 on infrastructure necessary to realize the full beneficial use of the Subject Water Right when hydrologic circumstances allow. 6. Names and Addresses of Landowners Where Structures are Located: Other than Denver Water, there are no landowners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool for the water rights described herein. Thus, no landowner notice is required for this Application. WHEREFORE, Denver Water request the Court enter a decree finding Denver Water has exercised reasonable diligence in the development of the Subject Water Right described herein, and to continue the conditional water right in full force as decreed, and for other such relief as this Court deems just and proper.

2022CW3050 PROTEST TO FINAL ABANDONMENT LIST OF WATER RIGHTS INVOLVING WATER RIGHT IN WELD COUNTY. Protestant: Howard Rasmussen C/O Cynthia Rasmussen-Dykes, Agent, 18 Tide Mill Road, Portland, ME 04102-1940. Telephone: (207) 272-8890.

2022CW3051, 2015CW3151, 2009CW69 and 2001CW078 SLATE DITCH COMPANY, a Colorado mutual ditch company, David Wamsley, President, 10936 Blue Sky Drive, Fort Lupton, CO 80621, wamsleyv@msn.com; 303-857-2271. Please send pleadings to: Steven P. Jeffers, Esq., Madoline Wallace-Gross, Esq. Lyons Gaddis, PC 950 Spruce Street, Unit 1B Louisville, CO 80027, sjeffers@lyongaddis.com; mwg@lyongaddis.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN WELD COUNTY.** 2. **Name of structure:** Slate Ditch Enlargement. 3. **Describe conditional water right from Judgment and Decree:** A) **Original decree:** Case No. 2001CW078 on June 9, 2003. B) **Diligence Decrees:** Case No. 2009CW69 on November 16, 2009, and Case No. 2015CW3151 on April 26, 2016. C) **Legal Description:** The headgate is located in the SW 1/4 NE 1/4 SW 1/4 of Section 35, T2N, R67W, 6th P.M., Weld County, CO, at a point 1,400 feet from the south line and 700 feet from the west line of Section 35. A map showing the location of the ditch and headgate is attached as **EXHIBIT A**. D) **Source:** Little Dry Creek. E) **Appropriation Date:** May 1, 2001. F) **Amount:** 6.0 cfs, CONDITIONAL. G) **Use:** Irrigation of approximately 300 acres, including 258 acres between the Slate Ditch and Lupton Meadows Ditch in portions of the SW 1/4, SE 1/4, and NE 1/4 of Section 35, portions of the SW 1/4 and NW 1/4 of Section 36, and portions of the SW 1/4 and NW 1/4 of Section 25, all in T2N, R67W, 6th P.M, and 42 acres between an extension of the Slate Ditch and the Lupton Meadows Ditch in portions of the SW 1/4 of Section 24, T2N, R67W, 6th P.M. The general location of the irrigated area is shown on attached **EXHIBIT A**. 4. **Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures:** The Slate Ditch Company has

continued to maintain the ditch and enlarged portions of the ditch. During the subject diligence period, the Company conducted the following work at a cost of approximately \$30,000: A) General maintenance such as yearly weed spraying and algae mitigation. B) Cleaned ditch, removed tumble weeds, branches and trash. C) Graded ditch for improved water flow. D) Fixed wash out areas. E) Cut down and removed several cottonwood trees to increase ditch flow. F) Road grading along ditch. G) Obtained a portion of new road access on opposite side of ditch. H) Widened 300 feet of the ditch along County Road 14 1/2. I) Installed new weir just downstream from old weir as suggested by the State. J) Removed old weir for improved water flow. K) Installed new water check board at head gate. 5. **If a claim to make absolute, water applied to beneficial use:** N/A 6. **Name and address of owner of land upon which any new diversion structure or modification of any existing diversion structure is or will be constructed.** Applicant owns the ditch and diversion structure. The land upon which the headgate is located is owned by Baja Berg, LLC, whose mailing address according to the assessor is 5901 CR 21, Fort Lupton, CO 80621. Number of pages in the application: 4, excluding the exhibit.

2022CW3052 (Former Case Nos. 15CW3045 and 00CW262) **APPLICATION OF THE CITY OF WESTMINSTER FOR A SEXENNIAL FINDING OF REASONABLE DILIGENCE IN ADAMS, JEFFERSON AND WELD COUNTIES, COLORADO.** Name and address of Applicant: City of Westminster (“Westminster”), 4800 West 92nd Avenue, Westminster, Colorado 80030; (303) 658-2400. Applicant’s Attorney: Lee H. Johnson, Mason H. Brown, Katrina B. Fiscella, Carlson, Hammond & Paddock, LLC, 1900 Grant Street, Suite 1200, Denver, Colorado 80203, Phone Number: (303) 861-9000.

2. Name of Structures: In Case No. 00CW262, Westminster adjudicated four conditional exchanges; the Jim Baker Reservoir Exchange, the West Gravel Lakes Exchange, the Wattenberg Lake Exchange, and the Metro/BDCWWTP Exchange, all as described in the decree in Case No. 00CW262. These conditional exchanges involve the following structures: Jim Baker Reservoir, West Gravel Lakes, Wattenberg Lake, the Metropolitan Waste Water Reclamation District Plant, Westminster's Big Dry Creek Wastewater Treatment Plant, the Church Ditch, the Farmers’ High Line Canal, the Croke Canal, the Kershaw Ditch, the Manhart Ditch, the Lower Clear Creek Ditch, the Brantner Ditch, the Brighton Ditch, the Wattenberg Well Field and the Wattenberg Pipeline, all as described in the decree in Case No. 00CW262. A general map of Westminster’s Water Supply System is attached as Exhibit A. The locations of the above-named structures are as follows: A. Jim Baker Reservoir is located in the S1/2 of the NE1/4 and the N1/2 of the SE1/4 of Section 7, Township 3 South, Range 68 West of the 6th P.M., in Adams County, Colorado. Westminster provides the following coordinates to help further identify the approximate location of the Jim Baker Reservoir outlet works utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (496995 E, 4406098 N). B. The West Gravel Lakes are located in portions of Section 25 and 36, Township 2 South, Range 68 West of the 6th P.M., Adams County, Colorado. The outfall of the West Gravel Lakes is located in the W1/2 of the NW1/4 of Section 30, Township 2 South, Range 67 West of the 6th P.M., Adams County, Colorado. Westminster provides the following coordinates to help further identify the approximate location of the West Gravel Lakes outlet works pump house utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (505031 E, 4411328 N). C. Wattenberg Lake will be located in Sections 25 and 36, Township 1 North, Range 67 West of the 6th P.M., and Section 30, Township 1 North, Range 66 West of the 6th P.M. Wattenberg Lake may be filled by releases from the Brantner Ditch, the Brighton Ditch, the Wattenberg Pipeline located NE1/4 of Section 1, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado, and the Wattenberg Well Field located immediately adjacent to Wattenberg Lake and the South Platte River, more particularly located in the S1/2 of the NE1/4 and the E1/2 of the SW1/4 and the SE1/4 of Section 25, Township 1 North, Range 67 West of the 6th P.M., Weld County, Colorado and the W1/2 of the SW1/4 of Section 30, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. D. The outfall from the Metro Wastewater Reclamation District Plant, (“Metro”) is located at a point on the East bank of the South Platte River in Section 1, Township 3 South, Range 68 West, which lies 1,400 feet East of the SW corner of said Section 1, County of Adams, State of Colorado. Westminster provides the following coordinates to help

further identify the approximate relevant location utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (503898 E, 4406978 N). E. The outfall from Westminster's Big Dry Creek Wastewater Treatment Plant ("BDCWWTP") is located at a point on the north bank of Big Dry Creek 400 feet east of Huron Street in the NW1/4 of the SW1/4 of Section 27, Township 1 South, Range 68 West, of the 6th P.M., County of Adams, State of Colorado. Westminster provides the following coordinates to help further identify the approximate relevant location utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (500574 E, 4420578 N). F. The Church Ditch, also known as the Golden City and Ralston Creek Ditch, is located on the north bank of Clear Creek at a point in the NE1/4 of Section 32, Township 3 South, Range 70 West, Jefferson County, Colorado, 1450 feet S69°30'W from the northeast corner of said section. Westminster provides the following coordinates to help further identify the approximate relevant location utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (478991 E, 4400296 N). G. The Farmers' High Line Canal, located: (i) On the North bank of Clear Creek in the SW1/4 of Section 27, Township 3 South, Range 70 West, a short distance below the Ford Street Bridge across Clear Creek in the City of Golden, Jefferson County, Colorado. Westminster provides the following coordinates to help further identify the approximate relevant location utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (481286 E, 4400999 N). (ii) At a point on the West or Upper Bank of Farmers' High Line Canal where the Farmers' High Line Canal crosses Little Dry Creek in the NE1/4 of Section 13, Township 3 South, Range 70 West, Jefferson County, Colorado. Westminster provides the following coordinates to help further identify the approximate relevant location utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (489905 E, 4410896 N). H. The Croke Canal, located: (i) The Croke Canal headgate on the north bank of Clear Creek in the NW 1/4 NE 1/4 of Section 26, Township 3 South, Range 70 West, 6th P.M., Jefferson County, Colorado. Westminster provides the following coordinates to help further identify the approximate relevant location utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (483408 E, 4402089 N). (ii) At a point on Ralston Creek where the Croke Canal crosses Ralston Creek in Section 1, Township 3 South, Range 70 West, 6th P.M., Jefferson County, Colorado, at a point near the center of said Section 1. Westminster provides the following coordinates to help further identify the approximate relevant location utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (485119 E, 4407842 N). I. The Kershaw Ditch located on the North Bank of Clear Creek in the NE1/4 of the NW1/4 of Section 18, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado. Westminster provides the following coordinates to help further identify the approximate relevant location utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (496254 E, 4405228 N). J. The Manhart Ditch located on the North bank of Ralston Creek in the SW1/4 of Section 12, Township 3 South, Range 69 West of the 6th P.M., Jefferson County, Colorado. Westminster provides the following coordinates to help further identify the approximate relevant location utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (494178 E, 4405876 N). K. The Lower Clear Creek Ditch is located on the north bank of Clear Creek at a point 1400 feet west and 1200 feet north of the SE corner of Section 4, Township 3 South, Range 68 West of the 6th P.M., Adams County Colorado. Westminster provides the following coordinates to help further identify the approximate relevant location utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (499883 E, 4407356 N). L. The Brantner Ditch is located on the west bank of the South Platte River in the NE 1/4 SW 1/4 of Section 4, Township 2 South, Range 67 West of the 6th P.M., County of Adams, State of Colorado. M. The Brighton Ditch is located on the west bank of the South Platte River in the SE 1/4 SE 1/4 of Section 11, Township 1 South, Range 67 West of the 6th P.M., County of Adams, State of Colorado. Westminster provides the following coordinates to help further identify the approximate relevant location utilizing the Universal Transverse Mercator

(UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (512719 E, 4424883 N). N. The Wattenberg Well Field is located immediately adjacent to Wattenberg Lake and the South Platte River, more particularly located in the S 1/2 of the NE 1/4 and the E 1/2 of the SW 1/4 and the SE 1/4 of Section 25, and the NE 1/4 of the NW 1/4 and the NW 1/4 of the NE 1/4 of Section 35, Township 1 North, Range 67 West of the 6th P.M., Weld County, Colorado and the W 1/2 of the SW 1/4 of Section 30, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. O. The Wattenberg Pipeline is located NE 1/4 of Section 1, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. **3. Description of conditional water rights:** In Case No. 00CW262, Westminster adjudicated conditional appropriative rights of exchange involving the water rights changed therein and stored at alternate places of storage, and/or municipal return flows, derived from the shares and interests changed in Case Nos. 00CW262, 93CW176, 00CW263 and 00CW264 and treated at either Metro or the BDCWWTP, upon which any required return flows have been paid or upon which the municipal returns exceed historical irrigation returns and which are therefore fully consumable. The decree in Case No. 00CW262 entered on April 14, 2009, Water Court, Water Division No. 1 and a corrected decree entered on September 17, 2009, *nunc pro tunc* April 14, 2009, Water Court, Water Division No. 1. A subsequent decree of diligence entered on April 18, 2016, in Case No. 15CW3045, Water Court, Water Division No. 1. The conditional exchanges adjudicated in Case No. 00CW262 involved “exchange to” points of diversion on the Farmers’ High Line Canal at Leyden Creek and the Croke Canal at Leyden Creek. In Case No. 15CW3045, Westminster dropped the Leyden Creek “exchange to” points. That applied solely to the specific Leyden Creek “exchange to” points identified in the decree in Case No. 00CW262, and no other decree or water right. Westminster seeks diligence as to all other “exchange to” points in Case No. 00CW262. The source of water diverted by exchange pursuant to the conditional exchanges includes Clear Creek, Ralston Creek, Little Dry Creek and the South Platte River. The conditional exchanges adjudicated in Case No. 00CW262 are more particularly described as follows: A. Jim Baker Reservoir Exchange: 1. The water described above, will be exchanged to the following locations when exchange potential exists: i. Church Ditch located as described in paragraph 2.F, above. ii. Farmers’ High Line Canal located as described in paragraph 2.G, above. iii. Croke Canal located as described in paragraph 2.H, above. 2. Point of substitution will be located as follows: The North bank of Clear Creek at a point in the NE 1/4 SW 1/4, Section 8, T. 3 S., R. 68 W., 6th P.M. approximately 1,970 feet East of the West Section line and approximately 2,285 feet North of the South Section line, as well as at the confluence of Little Dry Creek and Clear Creek in Section 9, T. 3 S., R. 68 W., 6th P.M., approximately 945 feet South of the North Section Line and approximately 1,105 feet East of the West Section line. 3. Amount Claimed: 40 c.f.s. 4. Appropriation Date: December 28, 2000. 5. Use of water: All beneficial uses of the municipal water system of Westminster as it presently exists and as it may hereafter be expanded or modified, including, but not limited to municipal, irrigation, domestic, commercial, industrial, recreation, fish and wildlife, augmentation, exchange, and storage for these purposes. B. West Gravel Lakes Exchange: 1. The water described above, will be exchanged to the following locations when exchange potential exists: i. Church Ditch located as described in paragraph 2.F, above. ii. Farmers’ High Line Canal located as described in paragraph 2.G, above. iii. Croke Canal located as described in paragraph 2.H, above. iv. Kershaw Ditch located as described in paragraph 2.I, above. v. Manhart Ditch located on Ralston Creek at a point described in paragraph 2.J, above. 2. Point of substitution will be located as follows: i. The South Platte River at the point of discharge from West Gravel Lakes located in the W 1/2 of the NW 1/4 of Section 30, Township 2 South, Range 67 West of the 6th P.M., Adams County, Colorado; ii. The Lower Clear Creek Ditch, the point of diversion of which is on the North Bank of Clear Creek at a point 1400 feet West and 1200 feet North of the Southeast corner of Section 4, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado, through either of two methods: (a) water in the West Gravel Lakes owned by Westminster may be removed from Westminster’s account and placed in Thornton’s account in place of Clear Creek water which would otherwise be diverted for Thornton’s shares in the Lower Clear Creek Ditch (“Bookover Exchange”); or (b) water from West Gravel Lakes may be pumped into the Lower Clear Creek Ditch, at a point located in the N 1/2 of Section 25, Township 2 South, Range 68 West of the 6th P.M., Adams County, Colorado, in place of Clear Creek water which would otherwise be diverted for

shareholders other than Thornton (“Ditch Exchange”). Either method may satisfy a portion of the demand of the Lower Clear Creek Ditch and in turn may cause the reduction of its diversions from Clear Creek. An equal amount of water may then be diverted by exchange at the exchange diversion points. The intra-ditch exchange in the Lower Clear Creek Ditch involving shares not owned by Westminster shall not operate to burden or otherwise limit future changes in use of water rights of such shares. Nothing under this application shall require the Lower Clear Creek Ditch Company, or its shareholders who are not subject to a separate agreement, to take delivery, or call for delivery of their water entitlement below the exchange point of discharge to the Lower Clear Creek Ditch. The need for water and the beneficial use of water by Lower Clear Creek Ditch Company stockholders below the discharge point shall be exclusively determined by the Company and its stockholders served thereby. 3. Amount Claimed: 100 c.f.s. 4. Appropriation Date: December 28, 2000. 5. Use of water: All beneficial uses of the municipal water system of Westminster as it presently exists and as it may hereafter be expanded or modified, including, but not limited to municipal, irrigation, domestic, commercial, industrial, recreation, fish and wildlife, augmentation, exchange, and storage for these purposes. C. Wattenberg Lake Exchange: 1. The water described above, will be exchanged to the following locations when exchange potential exists: i. Church Ditch located as described in paragraph 2.F, above. ii. Farmers’ High Line Canal located as described in paragraph 2.G, above. iii. Croke Canal located as described in paragraph 2.H, above. iv. Kershaw Ditch located as described in paragraph 2.I, above. v. Manhart Ditch located on Ralston Creek at a point described in paragraph 2.J, above. vi. Lower Clear Creek Ditch located on Clear Creek at a point described in paragraph 2.K, above, for storage in West Gravel Lakes. 2. Point of substitution will be located as follows: The outfall of the Wattenberg Lake. Wattenberg Lake is located as described in paragraph 2.C, above. 3. Amount Claimed: 50 c.f.s. 4. Appropriation Date: December 28, 2000. 5. Use of water: All beneficial uses of the municipal water system of Westminster as it presently exists and as it may hereafter be expanded or modified, including, but not limited to municipal, irrigation, domestic, commercial, industrial, recreation, fish and wildlife, augmentation, exchange, and storage for these purposes. D. Metro/BDCWWTP Exchange. 1. The water described above, treated at either the Metro Plant or the BDCWWTP, upon which any required return flows have been made, or upon which the municipal returns exceed historical irrigation returns, and which are therefore fully consumable, will be exchanged when exchange potential exists and/or diverted directly to the following locations: i. Church Ditch located as described in paragraph 2.F, above. ii. Farmers’ High Line Canal located as described in paragraph 2.G, above. iii. Croke Canal located as described in paragraph 2.H, above. iv. Kershaw Ditch located on Clear Creek at a point described in paragraph 2.I, above, for storage in Jim Baker Reservoir. v. Manhart Ditch located on Ralston Creek at a point described in paragraph 2.J, above, for storage in Jim Baker Reservoir. vi. Lower Clear Creek Ditch located on Clear Creek at a point described in paragraph 2.K, above, for storage in West Gravel Lakes. vii. The Brantner Ditch located at a point described in paragraph 2.L, above. viii. The Brighton Ditch located at a point described in paragraph 2.M, above. ix. The Wattenberg Well Field located at a point described in paragraph 2.N, above. x. Wattenberg Pipeline located at a point described in paragraph 2.O, above. xi. Wattenberg Lake located as described in paragraph 2.C, above. 2. Point of substitution will be located as follows: i. The outfall of the Metropolitan Waste Water Reclamation District Plant located at a point on the East bank of the South Platte River in Section 1, Township 3 South, Range 68 West, which lies 1,400 feet East of the SW corner of said Section 1, County of Adams, State of Colorado. ii. The outfall of the BDCWWTP is located at a point on the north bank of Big Dry Creek 400 feet east of Huron Street in the Northwest 1/4 of the Southwest 1/4 of Section 27, Township 1 South, Range 68 West, County of Adams, State of Colorado. 3. Amount Claimed: 40 c.f.s. 4. Appropriation Date: December 28, 2000. 5. Use of water: All beneficial uses of the municipal water system of Westminster as it presently exists and as it may hereafter be expanded or modified, including, but not limited to municipal, irrigation, domestic, commercial, industrial, recreation, fish and wildlife, augmentation, exchange, and storage for these purposes. **4. Detailed outline of what has been done toward completion of the appropriation and application to a beneficial use:** A. The conditional exchanges decreed in Case No. 00CW262 are part of Westminster’s Clear Creek Water Supply System, an integrated system under § 37-92-301(4)(b), C.R.S. During the diligence period, Westminster has continued the development of its Clear Creek Water Supply System. Activities have included, among

other things: acquisition of additional interests in water on Clear Creek and its tributaries and the South Platte River; prosecuting change of use proceedings; exercising conditional exchanges and making portions absolute or obtaining diligence decrees on the remaining conditional portions; and, participation in numerous Water Court cases for purposes of protecting, maintaining and developing Westminster's Water Supply System. Expenses associated with these activities were incurred during the diligence period. B. In adjudicating the conditional exchanges in Case No. 00CW262, Westminster sought to incorporate the proposed Wattenberg Lake into Westminster's Water Supply System. Wattenberg Lake remains under construction and not yet fully completed and operational. Wattenberg Lake will consist of multiple cells of lined gravel lake storage located on lands owned by Westminster. The owner of the mineral interests associated with said lands is Aggregate Industries ("AI"). Pursuant to a Storage Facility Agreement, AI is conducting gravel mining activities on the property and will ultimately deliver lined gravel lake storage to Westminster upon completion of its mining activities. During the diligence period, Westminster took title to the first such lined gravel lake storage cell from AI. Said storage cell, however, is not yet fully operational. Westminster has incurred engineering expenses associated with making the delivered cell operational. Moreover, AI's mining efforts on the property are ongoing. Expenses associated with these activities have been incurred during the diligence period. C. One of the sources of water to be exchanged via the conditional exchanges in Case No. 00CW262 is Westminster fully consumable effluent. During the diligence period, Westminster incurred operation and maintenance expenses associated with the BDCWWTP. Westminster also paid certain fees to the Metro Wastewater Reclamation District for treatment and discharge of Westminster's effluent at the Metro Plant. D. The decree in Case No. 00CW262 identifies several different means to deliver water into Wattenberg Lake. One such method of water delivery is via the Brighton Ditch. Prior to the current diligence period, Westminster entered into a carriage agreement with the Brighton Ditch Company for the delivery of water to Wattenberg Lake. During the current diligence period, Westminster has continued to pay annual maintenance fees to the Brighton Ditch Company consistent with the requirements of its carriage agreement. E. Westminster is the owner of a storage account at the West Gravel Lakes, which is used, in part, for storage of water pursuant to the decree in Case No. 00CW262. Westminster has incurred expenses during the diligence period associated with its storage account at the West Gravel Lakes, including but not limited to expenses associated with the operation and maintenance of its storage account and the Lower Clear Creek/Colorado Agricultural ditches as well as pumping costs associated with the operation of the storage account. F. During the diligence period, Westminster has operated and maintained Jim Baker Reservoir. Activities include, but are not limited to, monitoring lake levels, operating, maintaining and repairing inlet and outlet works, accounting and record keeping activities, wetlands monitoring and general reservoir maintenance activities. Operation and maintenance of the reservoir is an integral component of the Jim Baker Reservoir Exchange. Operation and maintenance expenses were incurred during the diligence period, including, but not limited to, City staff time and expenses and outside consultant expenses. G. During the diligence period, Westminster continued to operate under the carriage agreement with the Farmers' High Line Canal and Reservoir Company for the use of excess capacity in the Farmers' High Line Canal. This agreement allows Westminster to carry additional water through the Farmers' High Line Canal, including water exchanged to the Farmers' High Line Canal in accordance with the decree in Case No. 00CW262. Westminster is contractually obligated to pay an annual fee for use of the Farmers' High Line Canal. Westminster has continually made these payments during the diligence period. H. During the diligence period, Westminster has also paid funds in the form of ditch assessments to the Church Ditch Water Authority, the Farmers' High Line Canal and Reservoir Company, FRICO, the Manhart Ditch Company and the Kershaw Ditch Company. Said funds have been used, in part, to maintain the ditches necessary for operation of the conditional exchanges. I. During the diligence period, Westminster has diligently operated its portfolio of water rights, including appropriative rights of exchange. Westminster has obtained or is in the process of obtaining decrees from the Water Court changing the use of shares and/or making portions of various other conditional exchanges absolute and obtaining findings of diligence as to its water right portfolio. Costs associated with these efforts have been incurred during the diligence period. J. During the diligence period, Westminster has participated in a number of water court proceedings in an effort, in part, to protect and

maintain return flows to Big Dry Creek and the Clear Creek and South Platte River basins. Costs associated with these efforts were incurred during the diligence period. **5. Water applied to beneficial use:** N/A. **6. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** The majority of the relevant structures are existing structures and there is no need to modify those structures in order to accomplish the conditional exchanges. On information and belief, however, several of identified structures may need to be modified. The lands on which any such structures are located include lands owned by the following: City of Thornton, 9500 Civic Center Drive, Thornton, Colorado 80229-4326; Farmers Reservoir and Irrigation Company, 80 South 27th Avenue, Brighton, Colorado 80601; City of Arvada, 8101 Ralston Road, Arvada, Colorado 80002; Farmers' High Line Canal and Reservoir Company, 725 Malley Drive, Northglenn, Colorado 80233. Additional notice by certified or register mail, as set forth in § 37-92-302(2)(b), C.R.S., will be provided to the entities identified above for the Wattenberg Pipeline diversion point, the Ralston Creek diversion point to the Croke Canal and the Little Dry Creek diversion point to the Farmers' High Line Canal. The remaining structures involved with the conditional exchanges are all existing, not new, diversion or storage structures and no additional notice beyond the notice provided by newspaper publication and the water court resume is required. Applicant further notes that upon completion of construction, Wattenberg Lake may also be filled by the Brighton Ditch and/or the Brantner Ditch, both existing ditches. Westminster has a carriage agreement with the Brighton Ditch. Westminster does not currently have a carriage agreement with the Brantner Ditch. Consistent with Paragraph 21 of the decree in Case No. 00CW262, this application and any resulting decree does not seek to establish a carriage right in the Brantner Ditch. Any such carriage right shall be by separate agreement. **WHEREFORE**, Westminster requests the Court to enter its decree and ruling as follows: 1. Confirming that the conditional exchanges adjudicated in Case No. 00CW262 are part of Westminster's Clear Creek Water Supply System, an integrated system under § 37-92-301(4)(b), C.R.S.; 2. Entering a judgment and decree that Westminster has been reasonably diligent in the development of the conditional exchanges originally adjudicated in Case No. 00CW262 and confirmed in Case No. 15CW3045; and, 3. Any other ruling the Court deems appropriate in the above-captioned matter.

2022CW3053 COLORADO HISTORICAL SOCIETY ("CHS"), 1200 Broadway, Denver, Colorado 80203. Please direct communications regarding this case to Jen Mele, First Assistant Attorney General and Ema I.G. Schultz, Second Assistant Attorney General, Water Conservation Unit, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 7th Floor, Denver, Colorado 80203. Telephone: (720) 508-6282(Mele); (720) 508-6307 (Schultz). Email: jen.mele@coag.gov; ema.schultz@coag.gov. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE A PORTION OF CONDITIONAL WATER RIGHTS ABSOLUTE IN CLEAR CREEK AND JEFFERSON COUNTIES.** Applicant, the Colorado Historical Society ("CHS"), hereby files this application for findings of reasonable diligence and to make a portion of conditional water rights absolute. **1. Name, mailing address, e-mail address, and telephone number of Applicant:** Colorado Historical Society 1200 Broadway, Denver, CO 80203 (303) 866-3682. hannah.rabicoff@state.co.us. **2. Description of structures and conditional water rights:** A. Prior Decrees: i. Original Decree: Case No. 13CW3161, District Court, Water Division No.1, entered April 19, 2016 B. Source: Clear Creek. The source of substitute supply for all exchanges is one inch of the Church Ditch water right owned by the Applicant, changed in consolidated Case Nos. W-8036(75) and W-8256(76) and in consolidated Case Nos. 91CW68 and 91CW69. C. Date of appropriation: December 27, 2013 D. Uses: The decree in consolidated Case Nos. 91CW68 and 91CW69 confirmed the use of the one inch of the Church Ditch water right owned by the Applicant to be used to augment stream depletions associated with the withdrawal of the tributary ground water by the Georgetown Loop Railroad Well and to allow for storage for such augmentation use. The appropriate rights of exchange decreed herein are for the purpose of operating exchanges for augmentation use pursuant to the augmentation plan decreed in Case No. 84CW166, for augmentation of drinking and sanitary use of the Georgetown Loop Railroad Well. The Church Ditch to Lebanon Mill

Reservoir Exchange will be used for storage in the Lebanon Mill Reservoir and its alternate point of storage for the purpose of augmentation of the Georgetown Loop Railroad Well as well as for the uses decreed in Case No. 06CW37. E. Descriptions of exchange from points, exchange to points, and rate of exchanges: i. Church Ditch to Idaho Springs Reservoir Exchange a. Exchange from point: The Church Ditch augmentation station, located on the north bank of Clear Creek in the NE 1/4 of the NE 1/4 of Section 32, Township 3 South, Range 70 West of the 6th P.M. b. Exchange to point: point of diversion for the Idaho Springs Reservoir. The Idaho Springs Reservoir is an on-channel reservoir located on Chicago Creek, in the West 1/2 of Section 6, Township 5 South, Range 73 West, 6th P.M. and the East 1/2 of Section 1, Township 5 South, Range 74 West, 6th P.M. c. Maximum rate of exchange: 0.01 c.f.s, conditional ii. Idaho Springs Reservoir to Georgetown Loop Railroad Well Exchange a. Exchange from point: Confluence of Chicago Creek and Clear Creek. The confluence of Chicago Creek and Clear Creek is located in the SE 1/4 of the SE 1/4 of Section 35, Township 3 South, Range 73 West, 6th P.M. at a point approximately 530 feet from the South section line and 780 feet from the East section line of said Section 35 b. Exchange to point: Georgetown Loop Railroad Well, located in the NE 1/4 of the SE 1/4 of Section 18, Township 4 South, Range 74 West of the 6th P.M., Clear Creek County, Colorado, approximately 1950 feet from the south Section line and 500 feet from the east Section line, Section 18, T4S, R74W. The well is located within 100 feet of Clear Creek c. Maximum rate of exchange: 70 g.p.m. (0.156 c.f.s), conditional iii. Church Ditch to Georgetown Loop Railroad Well Exchange a. Exchange from point: The Church Ditch augmentation station, located on the north bank of Clear Creek in the NE 1/4 of the NE 1/4 of Section 32, Township 3 South, Range 70 West of the 6th P.M. b. Exchange to point: Georgetown Loop Railroad Well, located in the NE 1/4 of the SE 1/4 of Section 18, Township 4 South, Range 74 West of the 6th P.M., Clear Creek County, Colorado, approximately 1950 feet from the south Section line and 500 feet from the east Section line, Section 18, T4S, R74W. The well is located within 100 feet of Clear Creek c. Maximum rate of exchange: 0.01 c.f.s., conditional iv. Church Ditch to Lebanon Mill Reservoir Exchange a. Exchange from point: The Church Ditch augmentation station, located on the north bank of Clear Creek in the NE 1/4 of the NE 1/4 of Section 32, Township 3 South, Range 70 West of the 6th P.M. b. Exchange to point: Lebanon Mill Reservoir, an on-channel reservoir on Clear Creek, located in the SW 1/4 of the SE 1/4 of Section 18, Township 4 South, Range 74 West of the 6th P.M., Clear Creek County, Colorado, approximately 872 feet from the south Section line and 2,040 feet from the east Section line c. Maximum rate of exchange: 0.01 c.f.s., conditional. See map attached as Exhibit 1 for location of relevant structures. **3. Outline of claim to make a portion of the conditional exchanges absolute.** A. CHS operated the following exchanges decreed in Case No. 13CW3161 with permission from the Division of Water Resources from 2018 through 2021: i. Church Ditch Augmentation Station to Idaho Springs Reservoir ii. Church Ditch Augmentation Station to Georgetown Loop Railroad Well iii. Idaho Springs Reservoir to Georgetown Loop Railroad. The following table shows the four decreed conditional exchanges, the extent to which the three exchange were operated and are claimed absolute, and the remaining conditional portion of the exchanges.

Exchange	Decreed Conditional Exchange Rate (cfs)	Max Rate Exchanged (cfs)	Remaining Conditional Exchange (cfs)
Church Ditch Aug Station to Idaho Springs Res	0.01	0.007	0.003
Church Ditch Aug Station to GLRR Well Depletion Pt	0.01	0.008	0.002
Idaho Springs Res to GLRR Well	0.156	0.076	0.08
Church Ditch Aug Station to Lebanon Mill Res	0.01	0.00	0.01

4. Outline of work completed towards diligence: The diligence period for the exchanges described in paragraph 2 is April 2016 to April 2022. “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.” § 37-92-301(4)(b), C.R.S. The subject conditional exchanges, the Lebanon Mill Reservoir, GLRR Cistern, Lebanon Mill Well, other decreed appropriative rights of exchange, and Georgetown Loop Well together constitute features of an integrated water supply system designed to provide a sufficient and reliable water supply at the Georgetown Loop Railroad. A detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the diligence period follows. This list is not intended to be exclusive and may be supplemented by additional evidence. A. CHS has undertaken many actions in beginning the process of permitting the Lebanon Mill Dam. These actions include a physical and topographic survey of the Lebanon Mill Dam site with a surveyor and engineer. CHS engaged the services of ERO Resources Corporation to assist with development and permitting for Lebanon Reservoir. B. Following submission of the initial 404 Permit Application, CHS reviewed and responded to comments from the U.S. Army Corps of Engineers and revised key components of the application. ERO Resources Corporation also developed additional materials for the application. C. Public comment was received on the 404 Permit Application. CHS participated in meetings with commenters and with the U.S. Army Corps of Engineers in 2016. Following public comments, CHS drafted, revised, and finalized the preliminary design for Lebanon Mill Dam and submitted the design memo to the State Engineer’s Dam Safety Division. CHS responded to the public comments, continued developing mitigation and sediment plans, conducted water sampling, and developed long-term cost estimates for the project. D. In approximately May 2016, in response to an immediate need for the water to allow year-round operations at the Georgetown Loop Railroad Visitor Center, CHS began planning the GLRR Cistern. E. In 2017, CHS continued its permitting effort with meetings with the U.S. Army Corps of Engineers and the Upper Clear Creek Water Association. On November 30, 2017, CHS filed its application in Case No. 17CW3185, which included adding the GLRR Cistern as an additional place of storage for the Lebanon Mill Reservoir Water Right and adding uses to the Lebanon Mill Reservoir Water Right. The final decree in Case No. 17CW3185 was entered on January 2, 2020. CHS also operated a substitute water supply plan during this time to allow for use of the Georgetown Loop Well. F. As part of the 404 Permit efforts, CHS worked during the diligence period with the Colorado Department of Public Health and Environment to investigate potential water quality concerns related to the Lebanon Mill Dam and the location of the dam in relation to mine tailings. G. CHS met with the Town of Silver Plume on multiple occasions to discuss potential use of the Town’s water and billing and delivery details. H. CHS engaged the services of the Applegate Group to serve as engineering and water resources support for the Georgetown Loop Railroad water systems. Applegate Group evaluated Lebanon Mill Well pumping volumes and records for consistency with the relevant decrees. I. CHS engaged the Applegate Group to design the GLRR Cistern and completed all permitting necessary for the GLRR Cistern. CHS built and began operating the GLRR Cistern in 2019. J. Prior to 2018, Applegate discussed operation of the subject exchanges with the District 7 water commissioner by telephone. In 2018, after obtaining approval from the District 7 water commissioner via email, Applegate coordinated and Historic Rail Adventures (“HRA”) operated on behalf of CHS a portion of the subject exchanges. In 2019, after obtaining approval from the District 7 water commissioner via telephone, Applegate coordinated and HRA operated on behalf of CHS a portion of the subject exchanges. In 2020, after obtaining approval from the District 7 water commissioner via email, Applegate coordinated and HRA operated on behalf of CHS a portion of the subject exchanges on a regular basis through the season. In 2021, after Applegate obtained approval from the District 7 water commissioner via email, HRA on behalf of CHS operated a portion of the subject exchanges. K. CHS spent approximately \$800,719 in its efforts to investigate, plan, design, and permit the Lebanon Mill Dam and to plan, design, and construct the GLRR Cistern. L. CHS spent approximately \$800,719 in its efforts to investigate, plan, design, and permit the Lebanon Mill Dam and to plan, design, and construct the GLRR Cistern. M. CHS has used its Church Ditch inch and paid a total of approximately \$2,350 during the diligence period for the annual lease of the Church Ditch Augmentation Station. N. CHS has paid a total of approximately \$910 during the diligence period for the annual carriage charge for Church Ditch water. O. CHS applied for diligence on the Lebanon Mill Reservoir water storage right in Case No. 21CW3062 and has diligently prosecuted the case. The referee entered his ruling in that case on April 12, 2022. 5.

Name of owners of land upon which structures are located: A. Colorado Historical Society, State of Colorado. B. City of Northglenn 11701 Community Center Drive, Northglenn, CO 80233. C. City of Idaho Springs PO Box 907 Idaho Springs, CO 80452. D. The City of Black Hawk P.O. Box 68 Black Hawk, Colorado 80422. E. Church Ditch Water Authority, 2350 West 112th Avenue, Northglenn, Colorado 80234. WHEREFORE, CHS requests this Court enter a decree finding that CHS has made the portion of the exchanges operated as described in paragraph 3, above, absolute, and for the remainder of the water rights has exercised reasonable diligence in the development of the conditional water rights, and to continue the remaining conditional water rights in full force as decreed, and for such other relief as this Court deems just and proper. In the alternative CHS requests this Court enter a decree finding that CHS has exercised reasonable diligence in the development in the entirety of the subject water rights and to continue them in full force as decreed and for such other relief as this Court deems just and proper.

2022CW3054 (15CW3075, 03CW145, 95CW235, 88CW38, 84CW69, W-1515-79, W-1515) GENESEE WATER & SANITATION DISTRICT (c/o Richard J. Mehren, Lindsey A. Ratcliff, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Boulevard, Suite 240, Boulder, Colorado 80302, (303) 443-8782) **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN JEFFERSON COUNTY.** 1. Name, address, telephone number, and email address of Applicant: Genesee Water & Sanitation District, c/o Chris Brownell, District Manager, 2310 Bitterroot Lane, Golden, CO 80401, (303) 278-9780, cbrownell@geneseewater.com 2. Description of conditional water right (“Subject Conditional Water Right”): 2.1 Names of structures: Cold Spring Gulch Reservoir (WDID 0903705) and Cold Spring Gulch Reservoir Pipeline (WDID 0901010). 2.2 Original decree: Case No. W-1515, entered September 11, 1975, District Court for Water Division No. 1, State of Colorado. 2.3 Previous diligence decrees: Case No. W-1515-79, entered April 2, 1980; Case No. 84CW69, entered April 29, 1987; Case No. 88CW38, entered November 16, 1989; Case No. 95CW235, entered October 29, 1996; Case No. 2003CW145, entered June 30, 2009; and Case No. 15CW3075, entered April 26, 2016; all in the District Court for Water Division No. 1, State of Colorado. 2.4 Related decree: Case No. 2009CW270, entered October 22, 2012, District Court for Water Division No. 1, State of Colorado approved the Genesee Augmentation Reservoir Nos. 1 and 2 as alternate places of storage for the Subject Conditional Water Right. 2.5 Decreed location of reservoir and intake structure: The Cold Spring Gulch Reservoir site is located in Section 25, Township 4 South, Range 71 West, of the 6th P.M., in Jefferson County, Colorado. The intake point of the Cold Spring Gulch Reservoir Pipeline will be located on the left bank of Bear Creek at a point whence the NW corner of Section 31, Township 4 South, Range 70 West, of the 6th P.M., bears North 15° 15' West, 350 feet, in Jefferson County, Colorado and will divert water from Bear Creek at a rate of up to 8.75 cfs. The decreed locations of the Cold Springs Gulch Reservoir site and the Cold Springs Gulch Reservoir Pipeline is shown on the map attached hereto as **Exhibit A**. 2.6 Source of water: Cold Spring Gulch and Bear Creek. 2.7 Date of appropriation: October 2, 1971. 2.8 Amount of water: 225 acre-feet, conditional. 2.9 Use of water: Recreation, irrigation, domestic and all municipal purposes including, without limitation, fire protection, commercial and industrial use, fish and wildlife propagation within Genesee Augmentation Reservoirs Nos. 1 and 2 and Cold Spring Gulch Reservoir, stock watering, exchange, replacement, and augmentation purposes. 3. Outline of work and expenditures during the diligence period towards completion of appropriation and application of water to a beneficial use: The Subject Conditional Water Right is part of Genesee’s extensive integrated project to supply water service to the inhabitants of a large residential and business development in Jefferson County, Colorado. “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). Consequently, all work and expenditures by Genesee in connection with its municipal water system directly and indirectly constitute part of the District’s reasonable diligence in developing the Subject Conditional Water Right. The diligence period for the Subject Conditional Water Right is April 2016 through April 2022 (“Diligence Period”). During the Diligence Period, Genesee has worked diligently to develop the Subject Conditional Water Right, complete the appropriation, and place the water to beneficial use, as demonstrated by the following

activities and expenditures: 3.1 Since the date of filing its last diligence application regarding the Subject Conditional Water Right, Genesee has continued to investigate its options for development of its previously decreed conditional storage water rights. To this end, Genesee has continued its efforts to maximize use of its existing water rights and has explored options for construction or acquisition of alternate storage space for its conditional storage water rights. 3.2 Genesee has undertaken a variety of projects for capital improvements to its water system during the Diligence Period, including but not limited to the Genesee Augmentation Reservoir No. 1 Enlargement Project, relocation and replacement of two pressure reducing stations, upgrades to the Base Pump Station and Larkspur Pump Station including six new pumps, and an ongoing customer water meter replacement program. Genesee's expenses related to capital improvements during the Diligence Period amount to \$3,118,085.86. 3.3 Genesee has undertaken water system maintenance activities during the Diligence Period, including but not limited to maintenance of the Genesee Augmentation Reservoir Nos. 1 and 2, maintenance of Genesee's augmentation wells, maintenance of Genesee's diversion, pumping, and regulating facilities, maintenance of Genesee's transmission and distribution piping network, and maintenance of Genesee's fire hydrants and associated metering. As a result of the foregoing maintenance operations during the Diligence Period, Genesee has incurred expenses amounting to \$434,981.69. 3.4 Genesee expended approximately \$33,906.00 in engineering fees and approximately \$186,542.50 in legal fees related to its water right matters including, without limitation, the protection of its water rights during the Diligence Period. 4. Remarks: Genesee does not seek to make any part of the Subject Conditional Water Right absolute at this time. 5. Names and addresses of owners or reputed owners 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 or upon which water is or will be stored, including any modification to the existing storage pool: Genesee Water & Sanitation District, 2310 Bitterroot Lane, Golden, CO 80401; Thomas Massopust, P. O. Box 567, Evergreen, CO 80439; Margo Constable, Donald McKenna, P. O. Box 7, Idledale, CO 80453; Dale M. Lutz Trust, P. Michele Lutz Trust, 2604 Cold Springs Gulch Road, Idledale, CO 80453; Scott A. Parish Trust, 2195 Pine Drop Lane, Golden, CO 80401; Bonnie and Joseph Delibero, 2241 Rockcress Way, Golden, CO 80401; Mark Stromberg, 2231 Rockcress Way, Golden, CO 80401; Genesee Foundation, 24425 Currant Drive, Golden, CO 80401; City and County of Denver, c/o Denver Assessors Office, 1445 Cleveland Place, Denver Annex 1, CO 80202; Quentin and Winifred Felch, P. O. Box 158, Idledale, CO 80453-0158; Payne Gulch LLC, 950 South Cherry Street, Suite 1000, Denver, CO 80246; Brian and Debra Leitch, 2520 Juniper Court, Golden, CO 80401; Marilyn and Larry Dale, 2521 Juniper Court, Golden, CO 80401-8003; Clifford J. Enten, 2501 Juniper Court, Golden, CO 80401; Gary and Teresa Stewart, 2511 Juniper Court, Golden, CO 80401; Kathleen and James, Jr. Bresee, 25576 Elk Range Road, Evergreen, CO 80439; Henry S. and Jannine S. Givray, 1735 North Honore Street, Chicago, IL 60622; Dennis J. Steh, Patricia A. Olive, 26025 Elk Range Road, Evergreen, CO 80439; William and Elizabeth Bent, 2889 Highlands View Road, Evergreen, CO 80439; Winfall Privacy Trust, 2888 Highlands View Road, Evergreen, CO 80439; Jefferson County, 100 Jefferson County Parkway, Golden, CO 80419; Castle Springs Manor, LLC, P. O. Box 26, Idledale, CO 80453; Deborah A. Matthews, P. O. Box 26, Idledale, CO 80453. Based on the foregoing, Genesee requests that the Court enter a decree (i) granting this Application; (ii) finding that Genesee has exercised reasonable diligence toward the completion of the appropriation of the Subject Conditional Water Right; and (iii) continuing in full force and effect for an additional diligence period the Subject Conditional Water Right.

2022CW3055 CITY OF FORT COLLINS, c/o Kendall Minor, Utilities Executive Director, Jason Graham, Director of Water Utilities, and Donnie Dustin, Water Resources Engineer, P.O. Box 580, Fort Collins, CO 80522; Email: kminor@fcgov.com; jgraham@fcgov.com; ddustin@fcgov.com; Telephone: (970) 416-2232; (970) 221-6921; (970) 416-2053. Please direct all correspondence concerning this Application to: Stuart B. Corbridge, Esq. and Alison I.D. Gorsevski, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Email: sbc@vrlaw.com; adg@vrlaw.com; Telephone: (303) 443-6151; and Eric R. Potyondy, Esq., Fort Collins City Attorney's Office, 300 LaPorte Avenue, Fort Collins, CO 80521; Email: epotyondy@fcgov.com; Telephone: (970) 416-2126. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN LARIMER COUNTY**. Fort Collins is a Colorado

municipal corporation with home-rule authority. It owns and operates a municipal water supply system to provide potable water supplies to customers located within its municipal water service area, and also a wastewater treatment system to collect and treat wastewater resulting from water use by customers located within its municipal wastewater service area. Fort Collins also owns lands that require non-potable water supplies for uses pertaining to Fort Collins' activities on these lands. 2. Prior Decree. The water storage right for the Halligan Reservoir enlargement described in this application was originally decreed on April 4, 2016, in Case No. 2013CW3185, Water Court, Water Division 1 (“Halligan Reservoir Enlargement Water Right”). The decree entered in Case No. 2013CW3185 is referred to in this application as the “13CW3185 Decree.” This is the first application for findings of reasonable diligence for the Halligan Reservoir Enlargement Water Right. 3. Description of Halligan Reservoir Enlargement Water Right. a. Name of structure: Halligan Reservoir (a/k/a North Poudre Reservoir No. 16), an on-channel reservoir. The storage pool for this reservoir includes both the water storage right decreed in Case No. 11217, Larimer County District Court, and the Halligan Reservoir Enlargement Water Right pursuant to the proposed enlargement of the storage pool. i. Location: (1) The storage pool for the Halligan Reservoir Enlargement Water Right is generally located in portions of Sections 28, 29, 32, 33, and 34, T11N, R71W, 6th P.M., Larimer County. (2) Legal description of location of dam: The centerline of the proposed dam for the enlarged Halligan Reservoir will cross the North Fork of the Cache la Poudre River at a point in the NE1/4 SW1/4 of Section 34, approximately 1,630 feet from the South section line and 1,719 feet from the West section line, Township 11 North, Range 71 West, of the 6th P.M., Larimer County, Colorado. Depending on final design of the dam and reservoir, the dam will be constructed across the North Fork of the Cache la Poudre River within approximately 1,500 feet of the proposed centerline described above. The UTM coordinates of the dam’s center point based on the centerline described above are Northing 4525085 m, Easting 471435 m, Zone 13, NAD83. The proposed dam and the enlarged Halligan Reservoir are generally depicted on the map provided as **Exhibit A**. ii. Surface area of high water line: Approximately 460 acres, as enlarged. iii. Total storage capacity: Approximately 22,700 acre-feet of total active capacity, as enlarged. iv. Length of the dam: Approximately 600 feet. v. Height of the dam: Approximately 116.5 feet. b. Sources: Halligan Reservoir, as enlarged, will be an on-channel reservoir. The sources for filling the Halligan Reservoir Enlargement Water Right include Six Mile Creek and Meadow Creek, which are tributaries to the North Fork of the Cache la Poudre River, and the North Fork of the Cache la Poudre River, which is tributary to the Cache la Poudre River. c. Date of Appropriation: December 10, 2013. d. Amount: 16,250 acre-feet, conditional, with the right to one refill, conditional. e. Uses: The decreed uses for the Halligan Reservoir Enlargement Water Right are identified and described with specificity in the 13CW3185 Decree. The following is a summary of those uses; this summary is not intended to alter the 13CW3185 Decree or its description of the decreed uses. In general, the Halligan Reservoir Enlargement Water Right may be used for the following municipal and related beneficial uses within Fort Collins' service area as it now exists, or may from time to time be expanded: all municipal uses, including but not limited to, domestic, industrial, commercial, hydroelectric power generation, irrigation (including, without limitation, agricultural irrigation), storage, stock watering, recreation, fish and wildlife propagation and maintenance, and environmental mitigation and restoration. Fort Collins will also reuse, successively use, and dispose of and fully consume the water available to the Halligan Reservoir Enlargement Water Right for the aforementioned uses. The use, reuse, successive use, and disposition to extinction of the water available to the Halligan Reservoir Enlargement Water Right may also include use for exchange, replacement, and augmentation, and to serve water users with whom Fort Collins has contracts to deliver water from its water system, and pursuant to contract exchanges or water trades made by mutual agreement with other water users, both within and outside of Fort Collins’ current or future service areas, provided these uses are in accordance with a decree that authorizes the use, or pursuant to a substitute water supply plan approved under C.R.S. § 37-92-308 or interruptible water supply agreement approved under C.R.S. § 37-92-309, or successor statutes. The 13CW3185 Decree also authorizes use of the Halligan Reservoir Enlargement Water Right by direct use and pursuant to contract exchanges or water trades made by mutual agreement with other water users, as an additional source of irrigation water for approximately 28,000 acres of already

irrigated land located within the service area of the North Poudre Irrigation Company, generally depicted on **Exhibit B**, which irrigated land generally falls within but is not limited to the following sections:

T6N/R68W	11
T7N/R67W	5, 6, 7, 8, 9, 16, 17
T7N/R68W	28, 33
T8N/R67W	30, 31, 32
T8N/R68W	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 24, 25, 26, 27, 30, 33, 35, 36
T8N/R69W	1, 3, 11, 12, 13, 24, 25
T8N/R70W	1, 11, 12, 13, 14
T9N/R68W	5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36
T9N/R69W	1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 34, 35, 36
T9N/R70W	36
T10N/R68W	30, 31
T10N/R69W	14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 34, 35, 36
T10N/R70W	18, 19, 20, 21, 22, 27, 28, 29

4. Amount Claimed as Absolute. Fort Collins is not seeking to make any portion of the Halligan Reservoir Enlargement Water Right absolute by this application, and only seeks a finding of reasonable diligence and continuation of the conditional water right. 5. Activities undertaken during the diligence period by Fort Collins toward completion of the appropriation and application of water to beneficial use, including expenditures. a. During the diligence period (running from January 1, 2014, through the date of filing the Application), Fort Collins has actively worked on the Halligan Water Supply Project (“Halligan Project”), which, when approved, will result in the enlargement of Halligan Reservoir. Fort Collins has undertaken the following activities during the diligence period, all of which are directly related to the Halligan Project and the Halligan Reservoir Enlargement Water Right: i. Fort Collins has worked to obtain the necessary federal, state, and local permits and authorizations for the Halligan Project. The Army Corps of Engineers released a draft Environmental Impact Statement (“EIS”) and a Conceptual Mitigation Plan for the Halligan Project on November 22, 2019. The final EIS is expected to be released in early 2023. ii. In May 2020, Fort Collins and Colorado Parks and Wildlife (“CPW”) began the process of developing a state Fish and Wildlife Mitigation and Enhancement Plan (“FWMEP”), which must be approved by the state prior to the commencement of construction under the Halligan Project. The FWMEP is expected to be presented to CPW in late 2022. iii. Fort Collins began preparing its request to the Colorado Department of Public Health and Environment (“CDPHE”) for Clean Water Act Section 401 Water Quality Certification for the Halligan Project. The 401 certification request is expected to be presented to CDPHE in early 2024. iv. Fort Collins hired a design engineer and construction contractor for the Halligan Project. v. Fort Collins conducted fieldwork at the proposed dam enlargement site, including surveying and geotechnical evaluations. vi. Preliminary design activities for the proposed dam enlargement began during the diligence period. To date, two viable dam concepts for enlarging the Halligan Reservoir have been identified. Fort Collins and its consultants have been working on the 30% design for the dam enlargement, and that design is expected to be completed in 2022. vii. Fort Collins has been working to acquire the real property rights needed for the design, construction, and operation of the enlarged Halligan Reservoir. viii. Fort Collins partnered with the United States Geological Survey and CPW to install a new stream gage upstream of Halligan Reservoir on the North Fork of the Cache la Poudre River. Stream flow data collected at the gage will inform the design

of the Halligan Project and future operations of the enlarged Halligan Reservoir and the Halligan Reservoir Enlargement Water Right. b. During the diligence period Fort Collins spent nearly \$13.5 million dollars on activities directly related to furthering the Halligan Project, including but not limited to those activities described in paragraph 5.a. c. Fort Collins is a municipal entity that operates a complex and interrelated system for water delivery to its constituents and other entities and related wastewater treatment and water reuse. The majority of its system operations are integrated. During the diligence period, Fort Collins has undertaken the following activities and incurred costs associated with its integrated water delivery system, including: i. Fort Collins spent over \$11.5 million dollars on land acquisition, design, and construction of Rigden Reservoir. ii. Fort Collins spent significant time and resources on planning activities to integrate the Halligan Reservoir Enlargement Water Right into its overall water supply system for the city, including preparing operational models that contemplate use of that right for the delivery of water. iii. Fort Collins participated in proceedings before the Colorado Water Quality Control Commission with respect to effluent discharged from Fort Collins' wastewater treatment facilities, which effluent will be comprised in part of water derived from Fort Collins' use of the Halligan Reservoir Enlargement Water Right. d. On November 30, 2016, Fort Collins filed an application in Case No. 16CW3169 for appropriative rights of substitution and exchange that have as a source of substitute supply the Halligan Reservoir Enlargement Water Right (among other sources). Fort Collins prosecuted that application during the diligence period, and a decree was entered in Case No. 16CW3169 on January 25, 2018. e. Fort Collins participated in various water court cases and proceedings before the State Engineer's Office as an opposer to monitor the impact of the rights claimed in those cases and to protect the Halligan Reservoir Enlargement Water Right from injury, including the following: Case Nos. 92CW158, 04CW25/06CW295, 06CW259, 07CW190, 08CW277, 13CW3015, 13CW3037, 13CW3071, 13CW3141, 13CW3159, 13CW3166, 13CW3186, 14CW3008, 14CW3144, 15CW3095, 15CW3157, 15CW3162, 15CW3163, 15CW3167, 15CW3169, 15CW3172, 16SE04, 16CW3073, 16CW3093, 16CW3170, 16CW3172, 16CW3173, 16CW3174, 16CW3194, 16CW3195, 16CW3196, 17CW3046, 17CW3057, 17CW3160, 17CW3094, 17CW3160, 17CW3194, 17CW3198, 17CW3199, 17CW3203, 18CW3064, 18CW3076, 18CW3216, 19CW3007, 19CW3019, 19CW3059, 19CW3165, 19CW3169, 19CW3239, 20CW30, 20CW3000, 20CW3009, 20CW3041, 20CW3054, 20CW3113, 20CW3157, 20CW3174, 20CW3208, 21CW3035, 21CW3093, 21CW3104, 21CW3143, 21CW3168, 21CW3179, 21CW3199, 21CW3204, 21CW3229, and 21CW3231. f. Fort Collins incurred at least \$895,000 in outside legal costs for work on water matters, including but not limited to water court applications in which Fort Collins was the applicant or opposing the water rights applications of others and related water court expenses. Fort Collins staff spent time and resources during the prosecution of these applications, and Fort Collins also incurred costs for outside engineering consultants and work in some of these cases. 6. Continuing Need and Intent for Halligan Reservoir Enlargement Water Right. Fort Collins has a continuing need for the Halligan Reservoir Enlargement Water Right as described in the 13CW3185 Decree, up to the full volume of the conditional water right, including refill, for all decreed beneficial uses. Fort Collins maintains the intent to develop the conditional Halligan Reservoir Enlargement Water Right, including refill, as described in the 13CW3185 Decree, for all decreed beneficial uses, up to the annual volumetric limit. 7. Names and addresses of owners of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored. The list below includes Fort Collins' current understanding of the owners of land upon which the enlarged Halligan Reservoir and storage pool will be located: a. City of Fort Collins Utilities, P.O. Box 580, Fort Collins, CO 80522. b. North Poudre Irrigation Company, 3729 Cleveland Avenue, P.O. Box 100, Wellington, CO 80549. c. Free Enterprises, Inc., c/o Lee Stark, 1803 Garfield Ave., Loveland, CO 80538. d. State of Colorado, Division of Parks and Wildlife, 6060 Broadway Ave., Denver, CO 80216. e. United States of America, Bureau of Land Management, 1313 Sherman Street, Denver, CO 80203-2236. f. The Landowners Assoc. for Phantom Canyon Ranches, 1738 Bonny Dr., Loveland, CO 80538-4128. g. The Revocable Trust of Gary C. and Mary J. Packard, 865 Three Corner Gate Rd., Livermore, CO 80536. h. Geo A. Henderson Co., Inc., c/o Chris Vandemoer, P.O. Box 668, Sterling, CO 80751-0668. WHEREFORE, Fort Collins seeks entry of a decree that: 1) includes a finding of reasonable diligence for the conditional Halligan Reservoir Enlargement Water Right; 2)

confirms Fort Collins’ right to complete the appropriation of the Halligan Reservoir Enlargement Water Right and divert water under that right up to the annual fill and refill volumes in accordance with the provisions of the 13CW3185 Decree; and 3) continues the conditional Halligan Reservoir Enlargement Water Right for another diligence period. (11 pgs., 2 Exhibits)

2022CW3056 BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM, CSU Real Estate Office, 2537 Research Blvd. Suite 200, Fort Collins, CO 80524. Serve all pleadings on Kristin H. Moseley and Daniel J. Condren, Somach Simmons & Dunn, 1155 Canyon Boulevard, Suite 110, Boulder, CO 80302; Telephone: (303) 449-2834; kmoseley@somachlaw.com; dcondren@somachlaw.com. **APPLICATION FOR CONDITIONAL STORAGE RIGHT AND PLAN FOR AUGMENTATION IN DENVER COUNTY**. 2. Introduction: As part of the ongoing redevelopment of the City and County of Denver’s National Western Complex, Colorado State University (“CSU”) is constructing a campus building, research facility and associated grounds known as the CSU Spur Hydro Project (“Spur Hydro”). This includes construction of a precipitation capture system designed to capture and store rainfall and stormwater runoff for irrigation and research purposes. This application seeks storage rights for the precipitation capture system components, and to account for and replace all depletions to the South Platte River caused by this precipitation capture system. A map of the Spur Hydro project is attached hereto as Figure 1. **FIRST CLAIM: APPLICATION FOR WATER STORAGE RIGHT (CONDITIONAL)**. 3. Name of Structure: CSU Spur Precipitation Capture System (“Capture System”). 4. Legal Description of Structure: The Capture System consists of a green roof and storage cisterns that will be generally located within the WRC in the NW1/4 of the NW1/4 of Section 23, Township 3 South, Range 68 West of the 6th P.M. in the City and County of Denver, State of Colorado. Precise locations are shown in Figure 1. 5. Source: Precipitation runoff that is tributary to the main stem of the South Platte River. 6. Total Storage Capacity: 0.13 acre-feet, cumulative:

Capture System Storage Facility	Storage Volume
Green Roof	28,000 gallons (0.09 AF)
Rainwater Harvesting Tank	3,400 gallons (0.01 AF)
Runoff Storage Tank	9,400 gallons (0.03 AF)

7. Amount Claimed: 0.13 acre-feet, conditional, with the right to continuously refill, along with the right to reuse. Absolute: 0 acre-feet. 8. Appropriation Date: 8.1. Date of Appropriation: April 28, 2022. 8.2. How Appropriation was Initiated: Filing of the application in this matter. 8.3. Date water applied to beneficial use: N/A, conditional water right. 9. Place of Use: At the CSU Spur as shown on Figure 1. 10. Uses: Outdoor irrigation, runoff reduction, research. 11. Owner of land on which the CSU Spur Precipitation Capture System is located: Applicant. **SECOND CLAIM: APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION**. 12. Name of Structure to be Augmented: Capture System. 13. Decree for Structure: An application for a conditional storage right is pending as part of this application in the First Claim for Relief. 14. Legal Description for Structure: Described in paragraph 4 above. 15. Statement of Plan for Augmentation: The Capture System will collect and store precipitation in the form of rainfall and stormwater runoff in the storage vessels described in paragraph 16 below (Green Roof; above-ground Rainwater Storage Tank; below-ground Stormwater Runoff Storage Tank). Precipitation inflows in excess of the Capture System’s storage capacity (“overflow”) will be discharged from the storage vessels to on-site storm drains and conveyed back to the South Platte River. When the Capture System storage right is in priority under the appropriation date claimed in the First Claim for Relief above, CSU will store the precipitation in the Capture System for later beneficial use and not make replacements. When the Capture System storage right is out-of-priority, CSU will account for precipitation stored in the Capture System as 100% consumptive and make replacements for out-of-priority depletions in time, location and amount to the South Platte River. 16. Sources of Consumptive Use: Sources of consumptive use consist of ET from

the green roof, roof runoff collected in the Rainwater Harvesting Tank, and ground-level stormwater runoff collected in the Runoff Storage Tank, as shown in the table below:

Storage Vessel	Location	Contributing Runoff	Storage Volume
Green Roof	CSU Hydro Building roof	Green roof area, 0.13 acres	28,000 gallons (0.09 AF)
Rainwater Harvesting Tank	Above ground tank in backyard area	Roof and green roof underdrain, 0.31 acres	3,400 gallons (0.01 AF)
Stormwater Runoff Storage Tank	Underground vault/tank in backyard area	Stormwater drainage area, 26.2 acres	9,400 gallons (0.03 AF)
Total:		26.64 acres	0.13 acre feet

16.1. Green Roof. The proposed green roof, shown on Figure 1, includes a gravel drain layer, soil media, an underdrain, and the vegetated surface. Only rainfall that falls directly onto the green roof facility is stored; there is no run-on from the surrounding roof area. The runoff storage volume of 28,000 gallons is the volume of void space in the soil material. Of the water stored in the Green Roof, only the quantity that is evapotranspired by the vegetation is considered a depletion. The green roof consists of two parts, identified in Figure 1 as Green Roof 1 and Green Roof 2. Water that is not evapotranspired by Green Roof 1 drains directly to the backyard. Water that is not evapotranspired by Green Roof 2 drains to the Highbay Laboratory Tank and the Rainwater Harvesting Tank.

16.2. Rainwater Harvesting Tank. The rainwater harvesting tank has been designed as a 3,400-gallon above ground storage tank to collect runoff from the CSU Hydro Building Roof (see Figure 1), including runoff from the green roof underdrain. Runoff captured in the rainwater harvesting tank will be used for irrigation in the backyard and research in the Highbay Laboratory. It is assumed that the Highbay Laboratory uses up to 100 gallons per day of water stored in the rainwater harvesting tank. In the case that there is more runoff than available storage volume in the tank, excess runoff (overflow) is currently modeled to discharge to the site stormwater system. Depletions from the rainwater harvesting tank will be accounted for as total inflow to the rainwater harvesting tank minus the volume of overflows. In other words, all runoff stored in the tank accounted for as 100% consumptive.

16.3. Runoff Storage Tank. A 9,400-gallon storage tank will collect a portion of urban stormwater runoff conveyed through the storm water drain shown on Figure 1 to be used for research in the Highbay Laboratory and for simulating urban runoff in two bioretention test-plots. This storm drain collects runoff from approximately 26.2 acres of urbanized area that lies to the north and east of the Hydro Building. The water diverted to the runoff storage tank will be a small fraction of the overall runoff in this storm drain system, which is treated and detained in Pond H, to the west of the Hydro Building, prior to discharge to the South Platte River. Water stored in the runoff storage tank will be accounted for as 100% consumptive. Depletions from the runoff storage tank are assumed to occur at a constant rate of 8,600 gallons per month based on an assumed maximum laboratory research usage of 300 gallons per day during weekdays (annual average of 22 weekdays per month) and two monthly applications of 1,000 gallons of runoff to the bioretention test plots.

17. Timing, Amount and Location of Depletions: 17.1. Timing of depletions:

Depletions are equal in amount and time to diversions of captured precipitation in the Capture System. CSU will measure and account for depletions on a daily basis. Corresponding replacements for out-of-priority depletions will be made within 24-hours after the precipitation is stored.

17.2. Amount of depletions: The maximum amount of total annual depletions to the South Platte River required to be replaced under this plan for augmentation has been calculated at 0.67 acre-feet.

17.3. Location of Depletions: Depletions will accrue to the South Platte River at the outfall location shown in Figure 1, located in the SE1/4 of the SW1/4, SW1/4, Section 14, Township 3 South, Range 68 West, at a point approximately 140 feet from the south section line and 910 feet from the west section line (UTM 502121 Easting and 4403809 Northing, Zone 13).

18. Replacement Supply: Water leased from Denver Water pursuant to Contract No. 505106 dated February 9, 2022, for 2 acre-feet per year (Exhibit A). The Denver Water rights (“Lease Water”) may include any water rights owned by the City and County of Denver Board of Water Commissioners and

legally available to Denver Water for augmentation and replacement. Applicant reserves the right, pursuant to C.R.S. § 37-92-305(8), to use additional or alternative sources of water for replacement under this plan for augmentation or an approved substitute water supply plan, on a temporary or permanent basis, including water leased or owned by Applicant, subject to approval by the Water Court and/or the State Engineer's Office. Applicant further reserves the right to use additional or alternative sources of water for replacement under this plan for augmentation pursuant to an interruptible water supply agreement approved pursuant to C.R.S. § 37-92-309. 19. Location of Replacements: Lease Water will be introduced by Denver Water at any location and from any source selected by Denver Water, including the following locations, as generally depicted on Figure 2: 19.1. Chatfield Reservoir, the outlet works of which are located in the NE Corner of Section 1, Township 6 South, Range 69 West of the 6th Principal Meridian in Jefferson and Arapahoe Counties. 19.2. The South Platte Water Renewal Facility Wastewater Treatment Plant Outfall, which is located in the SE 1/4 of the SE 1/4 of Section 28, Township 4 South, Range 68 West of the 6th P.M., 128 feet from South section line and 34 feet from East section line, Denver County, Colorado. 19.3. The Farmers and Gardeners Ditch Water Right measurement location identified in paragraph 25 of the decree entered in Case No. 2009CW084 WD1, which is described as being located at the Denver stream gage (station number 06714000) currently located approximately 90 feet upstream of the Nineteenth Street Bridge in Denver, Colorado and approximately 0.4 miles downstream of Cherry Creek, in the NW 1/4 of the SE 1/4 of Section 28, Township 3 South, Range 68 West of the 6th P.M. 19.4. Lawn Irrigation Return Flows quantified under the decree entered in Case No. 2004CW121 WD1 for replacement and exchange immediately above the Burlington Administration Point, located at the Burlington Ditch headgate which is located on the east bank of the South Platte River, in the NE1/4 of the SW1/4, Section 14, T3S, R68W, 6th P.M., in City and County of Denver, Colorado, 2456.2 feet east of the west line of the southwest quarter and 2347.7 feet north of the south line of said southwest quarter of Section 14. The headgate is located at approximately latitude 039° 47' 24.69" N, longitude 104°58' 9.97" W. The UTM coordinates are approximately NAD 1983 UTM Zone 13S 502616.89 mE 4404471.42 mN. 20. Owner of land on which the WRC Precipitation Capture System is located: Applicant. The Application and Exhibits in original format is 21 pages.

2022CW3057 (88CW219; 98CW312; 05CW248; 14CW3140) DREAM WEAVER HOLDINGS, LLC, P.O. Box 983, Broomfield, CO 80038 (c/o Jennifer M. DiLalla, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Blvd., Suite 240, Boulder, CO 80302 (303) 443-8782) **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN WELD COUNTY** 1. Name, address, and telephone number of Applicant: Dream Weaver Holdings, LLC ("Dream Weaver") c/o Jon P. File, P.O. Box 983, Broomfield, CO 80038 2. Stromquist Pond No. 1 (WDID 0603392): 2.1 Original decree: Case No. 88CW219, entered July 8, 1992, District Court, Water Division No. 1. 2.2 Subsequent decrees awarding diligence or making absolute: Case No. 98CW312, entered September 21, 1999; Case No. 05CW248, entered November 12, 2008; Case No. 14CW3140, entered April 21, 2016; all in the District Court, Water Division No. 1. 2.3 Legal description: SE1/4 Sec. 20 and SW1/4 Sec. 21, T2N, R68W of the 6th P.M., Weld County, Colorado, with the center point of the reservoir being approximately 590 feet west of the east section line and 2,000 feet north of the south section line of said Sec. 20, as shown on **Exhibit A**. 2.4 Sources and points of diversion: Boulder Creek and Idaho Creek via the Carr and Tyler Ditch and the Delehant Ditch. Water can be diverted from Boulder Creek into Idaho Creek at a point 100 feet south of the west one-quarter corner of Sec. 29, T2N, R68W of the 6th P.M., Weld County, Colorado, and then can be diverted from Idaho Creek at the following locations, all as shown on **Exhibit A**: 2.4.1 The headgate of the Carr and Tyler Ditch is located on Idaho Creek at a point in the NW1/4 NE1/4 Sec. 29, T2N, R68W of the 6th P.M., approximately 175 feet south of the north line and 1,475 feet west of the east line of said Sec. 29. 2.4.2 The headgate of the Delehant Ditch is located on Idaho Creek at a point in the SW1/4 NE1/4 Sec. 29, T2N, R68W of the 6th P.M., approximately 2,300 feet west of the east line and 1,400 feet south of the north line of said Sec. 29. 2.5 Appropriation date: July 1, 1982. 2.6 Uses: Irrigation, domestic, recreation, fish and wildlife propagation, replacement, and augmentation. The lands to be irrigated are located as follows, as shown on **Exhibit A**: 2.6.1 SE1/4 SE1/4 Sec. 20, T2N, R68W of the 6th P.M., lying east of the CB&Q Railroad right-of-way. 2.6.2 S1/2 N1/2 Sec. 21, T2N, R68W of the 6th P.M. (lying west of the

Weld County Road); the SW1/4 of said Sec. 21; and a triangular tract of land in the SW corner of the SW1/4 SE1/4 of said Sec. 21 lying west of the Weld County Road and consisting of one acre (more or less); excepting 8 acres conveyed to the Great West Sugar Company, and also excepting a part of the SW1/4 SW1/4 lying west of the railroad and consisting of approximately 10 acres. 2.6.3 A part of the NE1/4 NE1/4 Sec. 29, T2N, R68W of the 6th P.M., lying east of the railroad right-of-way and west of the Weld County Road, and north of the centerline of the farm lane. 2.6.4 Approximately 7.49 acres in the N1/2 SW1/4 Sec. 21, T2N, R68W of the 6th P.M., described as follows: beginning at a point south and east of the centerline of the railroad whence the center of said Sec. 21 bears N 64°20' E 1,326 feet; S 61°20' E 399 feet; S 32°50' W 678 feet to the south line of the N1/2 SW1/4 of said Sec. 21, then N 88°13' W to a point 50 feet from the centerline of the railroad, then N 34°49' E 908 feet to the point of beginning. 2.6.5 SE1/4 NE1/4 and NE1/4 SE1/4 Section 20, T2N, R68W of the 6th P.M. 2.7 Amount: 406 acre-feet per year (“afy”) (156.5 afy CONDITIONAL and 249.5 afy ABSOLUTE for all decreed purposes). 3. Detailed outline of work and expenditures toward completion of the appropriation and application of the water to beneficial use: 3.1 Diligence Period: The diligence period for the conditional portion of the Stromquist Pond No. 1 water right is April 2016 through April 2022 (“Diligence Period”). 3.2 Integrated system: Along with Stromquist Pond No. 2 and the diversion structures described in paragraph 2.4 above, Stromquist Pond No. 1 is part of Dream Weaver’s extensive integrated water storage and supply system. “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 the water rights for all features of the entire project or system.” C.R.S. § 37-92-301(4)(b). 3.3 Diligence work and expenditures: During the Diligence Period, Dream Weaver has worked diligently to develop the conditional portion of the water right decreed to Stromquist Pond No. 1, complete the appropriation, and put the water to beneficial use, as demonstrated by the activities and expenditures described in paragraphs 3.3.1 through 3.3.5 below. The list of tasks and expenses recited below is representative but not exhaustive. 3.3.1 In 2022, Dream Weaver completed its 7-year project to enlarge Stromquist Pond No. 1 to its full decreed capacity of 406 acre-feet. In connection with that work to achieve the pond’s decreed capacity, Dream Weaver spent approximately \$300,000 to install riprap around the entire perimeter of the pond and for erosion-control; and spent approximately \$250,000 on engineering, labor, and fuel. 3.3.2 Throughout the Diligence Period, Dream Weaver devoted significant time to operation, maintenance, repair, and rehabilitation of Stromquist Ponds Nos. 1 and 2 (“Stromquist Ponds”) and the diversion structures described in paragraph 2.4 above. 3.3.3 Dream Weaver participated as an objector in the following cases in this Court to protect its interests in the Stromquist Ponds and the integrated water storage and supply system: Case Nos. 16CW3052; 16CW3075; 16CW3119; 16CW3160; 17CW3031; 17CW3074; 17CW3202; 19CW3063; 19CW3064; 19CW3236; 20CW3053; 21CW3138; and 21CW3236. 3.3.4 Dream Weaver devoted significant time and resources to appropriating new absolute and conditional water rights for the Stromquist Ponds and the integrated water storage and supply system. Dream Weaver filed an application in pending Case No. 21CW3237 for confirmation of those water rights. 3.3.5 Dream Weaver continued to store water in Stromquist Pond No. 1 under its decreed priority. 4. Names and addresses of owner(s) or reputed owner(s) of the land upon which any new or existing diversion or storage structure, or modification to any existing diversion or storage structure, is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Dream Weaver owns the land on which Stromquist Pond No. 1 is located. WHEREFORE, Dream Weaver asks the Court to enter a decree (i) granting this Application, (ii) finding that Dream Weaver exercised reasonable diligence in developing the appropriation of the conditional portion of the Stromquist Pond No. 1 water right during the Diligence Period, and (iii) continuing the conditional portion of the Stromquist Pond No. 1 water right in full force and effect for an additional diligence period.

2022CW3058 (07CW298) THE CITY OF AURORA, COLORADO, acting by and through its Utility Enterprise, 15151 E. Alameda Parkway, Suite 3600, Aurora, CO 80012, 303-739-7370. Please direct all pleadings to: John M. Dingess, Austin Hamre, Teri L. Pettit, Hamre, Rodriguez, Ostrander & Dingess, P.C., 3600 South Yosemite Street, Suite 500, Denver, Colorado 80237, 303-779-0200. **APPLICATION**

TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE, FOR A FINDING OF REASONABLE DILIGENCE, AND TO CONTINUE CONDITIONAL WATER RIGHTS IN ADAMS, ARAPAHOE, DENVER, DOUGLAS, JEFFERSON, AND WELD COUNTIES. 2. **NAMES OF STRUCTURES.** (See **Exhibit A** attached hereto)

2.1. **Cherry Creek Reservoir:** The reservoir outlet works are located on Cherry Creek in the NW 1/4 NE 1/4 of Section 2, T5S, R67W, 6th P.M. The approximate latitude of this point is 39° 39' 08" N. and the approximate longitude is 104° 51' 20" W. The UTM Zone 13, NAD83 (meters) coordinate for this structure are 512,501.1 East and 4,388,988.6 North.

2.2. **Strontia Springs Dam and Reservoir and the Diversion System (“Strontia”):** Strontia is constructed on the South Platte River in Douglas County, with east-end of dam (right) abutment located at a point from whence the NW corner of Section 21, T7S, R69W, 6th P.M. bears North 52° West a distance of 1,300 feet. The approximate (right) abutment latitude is 39° 25' 56" N and approximate longitude 105° 07' 31" W. The UTM Zone 13, NAD83 (meters) coordinate for this structure are 489,208.6 East and 4,364,749.1 North.

2.3. **Aurora-Walker Reservoir Outlet:** The outlet of the Aurora-Walker Reservoir is, or will be located on the west bank of the South Platte River in the W 1/2 of the NW 1/4 of Section 31, T1N, R66W of the 6th P.M., Weld County, Colorado. The UTM Zone 13, NAD83 (meters) coordinate for this structure are 514,922.5 East and 4,428,619.8 North.

2.4. **Aurora-Everist Reservoir Outlet:** The outlet of the Aurora-Everist Reservoir is, or will be located on the west bank of the South Platte River in the W 1/2, NE 1/4 of Section 30, T2N, R66W of the 6th P.M., Weld County, Colorado. The UTM Zone 13, NAD83 (meters) coordinate for this structure are 515,692.3 East and 4,440,285.2 North.

3. **DESCRIPTION OF CONDITIONAL WATER RIGHTS.**

3.1. **Original Decree:** Water Division 1, Case No. 07CW298.

3.2. **Date of Original Decree:** April 28, 2016.

3.3. **Dates of Subsequent Decrees:** None.

3.4. **Conditional Appropriative Rights of Exchange:**

3.4.1. **Aurora-Walker Reservoir Exchange.** Aurora will operate exchanges between the following exchange-from and exchange-to points at the flow rates indicated.

3.4.1.1. **Exchange-from Points.** The following points constitute the “exchange from” points for use by Aurora for the exchanges:

3.4.1.1.1. Aurora-Walker Reservoir, the outlet for which is described in paragraph 2.3. above.

3.4.1.2. **Exchange-to Points.** The following points constitute the “exchange to” points for use by Aurora for the exchanges:

3.4.1.2.1. Cherry Creek Reservoir, the outlet for which is described in paragraph 2.1., above, in the amount of 25 c.f.s., conditional.

3.4.1.2.2. Strontia Springs Dam and Reservoir and the Diversion System, which is described in paragraph 2.2., above, in the amount of 50 c.f.s., conditional.

3.4.2. **Aurora-Everist Reservoir Exchange.** Aurora will operate exchanges between the following exchange-from and exchange-to points at the flow rates indicated.

3.4.2.1. **Exchange-from Points.** The following points constitute the “exchange from” points for use by Aurora for the exchanges:

3.4.2.1.1. Aurora-Everist Reservoir, the outlet for which is described in paragraph 2.4. above.

3.4.2.2. **Exchange-to Points.** The following points constitute the “exchange to” points for use by Aurora for the exchanges:

3.4.2.2.1. Cherry Creek Reservoir, the outlet for which is described in paragraph 2.1., above, in the amount of 25 c.f.s., conditional.

3.4.2.2.2. Strontia Springs Dam and Reservoir and the Diversion System, which is described in paragraph 2.2., above, in the amount of 150 c.f.s., conditional.

3.4.3. **Source:** South Platte River and Cherry Creek.

3.4.4. **Date of Appropriation of Exchange:** December 17, 2007.

3.4.5. **Exchange Amounts:** The following table summarizes the exchanges described above.

Exchange From Points	Exchange To Points	
	Cherry Creek Reservoir	Strontia Springs Reservoir
Aurora-Walker Reservoir	25 c.f.s.	50 c.f.s.
Aurora-Everist Reservoir	25 c.f.s.	150 f.s.

3.4.5.1. **Maximum Exchange Rates.** The cumulative rate of exchange of any combination of exchanges decreed herein shall not exceed 200 c.f.s. in the South Platte River, and 25 c.f.s. in Cherry Creek, where individual exchanges overlap.

3.4.5.2. **Exchange Volumetric Limits.** The exchange volumetric limits for the appropriative rights of exchange decreed herein are as follows:

3.4.5.2.1. The maximum annual volumetric limit that can be exchanged from Aurora-Walker Reservoir and Aurora-Everist Reservoirs into Strontia Springs, in aggregate, is 12,800 acre-feet.

Reservoir and Aurora-Everist Reservoirs into Strontia Springs, in aggregate, during any 20-year period shall not exceed 102,000 acre-feet (i.e., an average of 5,100 acre-feet per year on a 20-year rolling average basis). 3.4.5.2.3. The maximum annual volumetric limit that can be exchanged from Aurora-Walker Reservoir and Aurora-Everist Reservoirs into Cherry Creek Reservoir, in aggregate, is 5,200 acre-feet. 3.4.5.2.4. Diversions by exchange from Aurora-Walker Reservoir and Aurora-Everist Reservoirs into Cherry Creek Reservoir, in aggregate, during any 20-year period shall not exceed 40,000 acre-feet (i.e., an average of 2,000 acre-feet per year on a 20-year rolling average basis). 3.4.6. Sources of Substitute Supply: Aurora's substitute supply of water shall be of a quality and continuity to meet the requirements of use to which the senior appropriation has normally been put. The sources of substitute supply are either reusable effluent or fully consumable first use water as described below, which has been stored in Aurora-Walker Reservoir or Aurora-Everist Reservoir. Such sources of substitute supply are delivered downstream of the proposed Exchange To Points, and may be used for exchange purposes to the claimed Exchange To Points only after such substitute supplies are first delivered to the South Platte River from the Aurora-Walker Reservoir and/or Aurora-Everist Reservoir at their respective outlets to the South Platte River. The sources of substitute supply are Aurora's reusable supplies from the Colorado River Basin, Arkansas River Basin, South Platte River Basin Water, and Denver Basin Aquifer Ground Water, and Aurora's contract effluent, Prairie Waters Project supplies, and Lawn Irrigation Return Flows as described in detail in the Original Decree in Case No. 07CW298 and in **Exhibit B** attached hereto. 3.4.7. Uses: The water diverted by exchange pursuant to the conditional appropriative rights of exchange confirmed by the Original Decree shall be used only for the uses authorized by the underlying decrees and/or change decrees for the sources of substitute supply described above for the particular sources of substitute supply used in the exchange at the time the water is diverted by exchange. 3.4.8. Place of Use: The location of use of water diverted by exchange pursuant to the conditional appropriative rights of exchange confirmed by the Original Decree shall be the place of use authorized by the underlying decrees and/or change decrees for the sources of substitute supply described above for the particular sources of substitute supply used in the exchange at the time the water is diverted by exchange. 4. The exchanges described herein are features or parts of a unified extensive system for gathering, treatment and distribution of water operated by Aurora. The operation of this exchange is not only dependent upon Aurora's demand and the stream exchange potential available but is also affected by the yield of other water rights and exchanges currently operated by Aurora. The existence of these other water rights and exchanges is necessary in order to allow Aurora to plan for growth and maintain flexibility and reliability in its water supply system. "When a project of 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). 5. **DETAILED OUTLINE OF WHAT HAS BEEN DONE TOWARD COMPLETION OR FOR COMPLETION OF THE APPROPRIATIONS AND APPLICATION OF WATER TO A BENEFICIAL USE AS CONDITIONALLY DECREED.** The water rights that are the subject of this application are part of Aurora's trans-basin municipal water supply system that is an integrated system of water rights and structures under C.R.S. § 37-92-301(4)(b). During the diligence period Aurora performed the following work and made the following expenditures toward completion of the appropriations and application of the water rights decreed in the Original Decree to beneficial use (expenditure numbers are rounded to the nearest \$1,000). 5.1. **Project Specific Efforts.** During the diligence period, Aurora has done at least the following project specific work toward completion of the appropriations and application of the conditional water rights decreed in Case No. 07CW298 to beneficial use: 5.1.1. During the subject diligence period, Aurora spent \$5,606,000 between the Everist and Walker complexes which included the final purchase of the Everist No.1 and Everist No.2 reservoirs, installation of telemetry and monitoring equipment at Everist and Walker, demolition of structures adjacent to the Everist facility. Private land adjacent to the Walker complex was purchased and the inlet pipeline was inspected at Walker. 5.1.2. Legal Activities. During the subject diligence period, Aurora spent in excess of \$1,200.00 on legal activities directly related to the subject conditional rights of exchange. 5.2. **System-wide Efforts.** During the diligence period, Aurora has accomplished at least the following systemwide efforts that will be used to operate or benefit the conditional rights. 5.2.1. South Platte River

Basin. Aurora made the following diligent efforts with regard its water supply system components in the South Platte River Basin which are necessary for continuation of its reusable supplies from the South Platte River Basin which are the source of the water for the exchanges sought herein. 5.2.1.1. *Spinney Mountain Reservoir*. Aurora expended substantial sums for facility upgrades during the diligence period, including internal outlet works inspections, applications of protective coatings on outlet pipes, assessment, design and extension of the storm drainage systems below the dam, installation of filter trench drains, measurement devices, and installation of heater jackets over valve operators. 5.2.1.2. *Metro Wastewater Reclamation District Charges*. Aurora expended approximately \$169,308,000 during this diligence period for fees for wastewater treatment of its water at the Metro Wastewater Reclamation facility. Such treatment is necessary for reuse of the water that is the subject of the exchanges herein within the South Platte River Basin and to comply with water reuse requirements. 5.2.1.3. *Sand Creek Water Reuse Plant Improvements*. Aurora operates the Sand Creek Water Reuse Plant, a 5-million-gallon per day facility, which provides treated water used for irrigation throughout the City and for discharge into Sand Creek for use as a replacement source for the exchanges herein. Aurora expended approximately \$12,074,000 for improvements to and operating costs for the Sand Creek plant during the diligence period. This work is necessary for reuse within the South Platte River Basin of the water that is the subject of the exchanges herein and also to comply with water reuse requirements. 5.2.1.4. *Griswold Water Treatment Plant Renovations*. This facility treats a portion of the raw water exchanged under the Original Decree before it is delivered to Aurora's customers. Approximately \$31,348,000 was spent by Aurora for improvements to this facility necessary to accommodate the water that is the subject of the exchanges herein. This includes expenditures directly by Aurora for renovation of the facility. 5.2.1.5. *Wemlinger Water Treatment Plant Expansion*. Aurora spent approximately \$41,293,000 for expansion of the Wemlinger Water Treatment Plant. This facility treats a portion of the raw water exchanged under the Original Decree before it is delivered to Aurora's customers. 5.2.1.6. *Improvements to Extend and Improve Water Service in and to Aurora*. At least \$50,290,000 was spent by Aurora for extension and upgrade of its water transmission system necessary to deliver the water that is the subject of the exchange herein to Aurora's customers. 5.2.1.7. *Automated Meter Reading System*. Aurora spent approximately \$6,052,000 for updates to its automated utility reading system. This is needed for efficient operation of Aurora's water supply and delivery system, including use of the water that is the subject of the exchange herein. 5.2.1.8. *Improvements to Sanitary Sewer System*. Up to \$57,462,000 was spent by Aurora for extension and upgrade of its sanitary sewer system necessary for wastewater treatment and reuse within the South Platte River Basin of the water that is the subject of the exchange herein. 5.2.1.9. *Prairie Waters Project*. The Prairie Waters Project is a large comprehensive water supply, storage and treatment project in which return flows to the South Platte River from Aurora's water sources, including the water that is the subject of the exchange herein, may be rediverted for subsequent reuse. To facilitate this project Aurora obtained various decrees in Case Nos. 06CW104, 03CW414, and 03CW415, Water Division 1. This project allows further reuse of much of the water decreed to Aurora. During the diligence period, Aurora obtained a decree in Case No. 15CW3064, finding reasonable diligence for the water rights originally decreed in Case No. 06CW104 (decreed December 1, 2017). On November 23, 2021 in Case No. 21CW3006 Aurora obtained a decree finding reasonable diligence for the Aurora-Everist No. 2 water rights originally decreed in Case No. 03CW414. On November 4, 2020, Aurora was granted a decree in Case No. 20CW3058 for findings of reasonable diligence for conditional storage rights for the Aquifer Recharge and Recovery Facility B (ARR-B) and the Tucson South Reservoir, originally decreed in Case No. 03CW414. On March 27, 2021, Aurora filed an application in Case No. 21CW3028 seeking diligence on the conditional rights originally decreed in 03CW415. On May 28, 2021 in Case No. 21CW3077 Aurora filed an application for a finding of diligence for the PWP InFill Wells originally decreed in Case No. 13CW3042, Water Division 1. Aurora has expended at least \$4,081,000 on several elements of the Prairie Waters Project during this diligence period. 5.2.1.10. *Lawn Irrigation Return Flows (LIRFs) Credits*. Aurora obtained a decree in Case No. 02CW341, Water Division 1, on September 25, 2008, quantifying LIRFs from its municipal system (and subsequent requantifications as required by the Decree in 02CW341), generated as a result of use of transmountain water rights, fully consumable in-basin water rights, decreed and permitted non-tributary sources and any

other fully consumable water available to Aurora. Aurora also installed seventeen new monitoring wells and expends manpower to monitor these wells every three months. Water that is transported under the exchanges herein and used in Aurora's service area can be reused under the decree in Case No. 02CW341. On April 15, 2018 the Court granted an Aurora motion to approve revised deep percolation percentages, revised unit response factors, and revised accounting forms. During this diligence period, Aurora has expended significant sums for engineering and legal costs required to requantify the LIRFs adjudicated in Case No. 02CW341 available for reuse.

5.2.1.11. *Rampart Reservoir and Delivery System*. Approximately \$13,588,000 was spent by Aurora during this diligence period for improvements to the Rampart Reservoir delivery system. This reservoir is used to store the water that is the subject of the exchanges herein before it is transported through parallel 54" and 40" pipelines to Aurora. Rampart Reservoir is important for regulation of the flow through these parallel pipelines.

5.2.1.12. *Binney Water Purification Facility*. This state-of-the-art water purification and recycling plant owned and operated by Aurora treats water for use throughout the City. Approximately \$13,489,000 was spent by Aurora during the diligence period for improvements to this facility.

5.2.1.13. *Aurora Know Your Flow Program*. During the diligence period, Aurora Water Conservation developed its voluntary *Know Your Flow Program* designed to help customers understand how efficiently they are using water. Through the program, Aurora Water Conservation estimates what a customer's water use could be for a given billing cycle if the customer were using water efficiently. The customer receives a monthly e-mail from Aurora Water Conservation showing the property's actual water use versus the customized recommended indoor and outdoor water use. Customers also receive weekly watering recommendations and tips during the irrigation season. The *Know Your Flow Program* was designed by Aurora to encourage more efficient use of the water that is the subject of this application.

5.2.2. Arkansas River Basin. Aurora made the following diligent efforts with regard to maintaining and enlarging its water supply system components in the Arkansas River Basin which are necessary for continuation of its reuseable supplies from the Arkansas River Basin and are the source of the water for the exchanges sought herein.

5.2.2.1. *Payment for purchase and lease of Rocky Ford Ditch shares*. During this diligence period, Aurora spent approximately \$796,000 for repayment of bonds and payments to note sellers, including principal and interest, that were issued or refunded for the purchase of original Rocky Ford Ditch shares changed in Case No. 83CW18, Water Division 2.

5.2.2.2. *Otero IGA*. Aurora and Otero County entered into an Intergovernmental Agreement on February 22, 1994, and amended that Agreement on October 29, 2001 under which Amendment Aurora agreed to make annual payments to Otero County concerning the Rocky Ford Ditch shares that are the source for the subject conditional water right. During this diligence period, Aurora made payments of approximately \$267,000.

5.2.2.3. *Pueblo Reservoir Storage*. During this diligence period, Aurora paid the Bureau of Reclamation approximately \$7,185,000 for storage use of Pueblo Reservoir, as well as for consultants and legal fees for the long-term storage contract.

5.2.2.4. *Assessments Paid for Use of Twin Lakes, Lake Henry/Lake Meredith, Rocky Ford Ditch*. During this diligence period, Aurora paid the following in annual assessments: approximately \$492,000 for Twin Lakes Company (necessary for storage); at least \$810,000 for the Colorado Canal/Lake Henry/Lake Meredith (necessary for storage); and approximately \$1,449,000 for the Rocky Ford Ditch for the shares attributable to the Subject Rocky Ford Ditch Water Right.

5.2.2.5. *Intergovernmental Agreement with SECWCD*. On October 3, 2003, Aurora entered into an Intergovernmental Agreement with the Southeastern Colorado Water Conservancy District ("SECWCD"), replacing an agreement between the parties dated December 7, 2001. Under this new IGA, Aurora and SECWCD agreed to support proposed federal legislation relating to the Fryingpan-Arkansas Project to include, among other things, re-operations of the existing water storage facilities, studies for enlargements to Pueblo and Turquoise Reservoirs, and confirming the authority of the Bureau of Reclamation to enter into contracts with Aurora for use of the facilities including long-term contracts. Aurora's ability to use Fryingpan-Arkansas facilities is expanded under this IGA and Aurora is obligated to make certain payments to SECWCD in consideration for the expanded use. Under this IGA, SECWCD also agreed not to oppose Aurora's attempts to contract with the Bureau of Reclamation for use of the Fryingpan-Arkansas Project facilities, to facilitate delivery of Aurora's water, and to settle opposition to each other's water court applications. During this diligence period, Aurora made payments of approximately \$913,000 to SECWCD

under this IGA. 5.2.2.6. *Intergovernmental Agreement with LAVWCD*. Pursuant to an Intergovernmental Agreement with the Lower Arkansas Valley Water Conservation District (“LAVWCD”), Aurora paid approximately \$1,000,000 to LAVWCD for the identification and implementation of infrastructure improvements, research, and investigations designed to assist in the permitting or implementation of water leasing programs in the Lower Arkansas Valley, as well as remediation and restoration efforts in the Fountain Creek Corridor. 5.2.2.7. *Agreements for Use of the Holbrook System Facilities*. On March 1, 2005, Aurora entered into two agreements pertaining to the use of the diversion, conveyance and storage facilities of the Holbrook Mutual Irrigating Company (“Holbrook”). Aurora and Holbrook extended this agreement on February 2, 2010. These agreements implement a program to recapture and store yield from foregone diversions of senior water rights. Aurora completed structural modifications to the Holbrook system facilities and filed a Substitute Water Supply Plan necessary to implement the program. An Amended Agreement was entered into on April 21, 2016. Further, Aurora initiated a study to examine enlargement of the Holbrook Reservoir to further facilitate operations. During this diligence period, Aurora made payments of approximately \$401,000 to Holbrook under this agreement. 5.2.2.8. *Recovery of Yield (“ROY”)*. On August 17, 2016, Aurora, along with Colorado Springs, the Pueblo Board of Water Works, the City of Fountain, and the Southeastern Colorado Water Conservancy District, obtained a decree in WD-2, Case No. 06CW120 adjudicating exchanges necessary as a result of the 2004 Regional Intergovernmental Agreement (“IGA”) between the various water providers and the City of Pueblo, whereby the water providers agreed to allow certain of their senior flows to pass through Pueblo’s RICD reaches on the condition those flows could be removed downstream and exchanged back upstream. In addition, the ROY participants, including Aurora, have made significant efforts to secure the Arkansas Gravel Pit Reservoir (“AGPR”) or a comparable facility. Aurora entered into a purchase Option Agreement with LaFarge West, Inc. in 2003 for development of the LaFarge Rich Pit for use by Aurora as the AGPR storage facility upon completion of gravel mining/mineral extraction by LaFarge. This Agreement has been extended several times. The ROY participants have also made efforts to investigate and negotiate alternative storage facilities for the AGPR. Recent negotiations include with Stonewall Springs Ranch, Southwest Sod Farms, and the Pueblo Board of Waterworks. Aurora has expended approximately \$22,000 on these efforts during the diligence period. 5.2.2.9. *Revegetation*. Aurora has expended approximately \$1,955,000 during this diligence period for revegetation, including expenditures for expert revegetation classifications and reports, actual revegetation and weed control costs, as well as farm equipment purchases, office overhead and personnel costs, under Case No. 83CW18. Aurora also expended additional sums for revegetation and continued farming of historically irrigated lands pursuant to the decree in Case No. 99CW169(A). On June 3, 2014, Aurora entered into an Intergovernmental Agreement with Otero County to clarify between the parties certain terms contained in the 99CW169(A) decree regarding revegetation. 5.2.3. Colorado River Basin. Aurora made the following diligent efforts with regard to its water supply system components in the Colorado River Basin that are necessary for continuation of its reusable supplies from the Colorado River Basin and are the source of the water for the exchanges sought herein. 5.2.3.1. *Homestake Project*. Once water is transported over the Continental Divide through the Otero Pump Station and Homestake Pipeline, Aurora transports its share to Spinney Mountain Reservoir in the South Platte Basin. Aurora has spent approximately \$20,374,000 toward further development of the Homestake Project’s conditional water rights. 5.2.3.2. *During this diligence period, Aurora prosecuted Case No. 16CW3022, Water Division 5*. On September 17, 2017, the Division 5 Water Court entered a decree confirming diligence and continuing in effect the conditional water rights originally decreed in Case 88CW449, which comprise part of the Homestake Project. 5.2.3.3. *During this diligence period, Aurora prosecuted Case No. 16CW3131, Water Division 5*. On June 18, 2017, the Division 5 Water Court entered a decree confirming diligence and continuing in effect the conditional water rights originally decreed in Case 98CW270, which comprise part of the Homestake Project. 5.2.3.4. *During this diligence period, Aurora prosecuted Case No. 17CW3064, Water Division 5*. On June 10, 2018, the Division 5 Water Court entered a decree confirming diligence and continuing in effect the conditional water rights originally decreed in Case 95CW272-A, which comprise part of the Homestake Project. 5.2.3.5. *During this diligence period, Aurora assisted in the filing of an application and litigation of Case No. 20CW3024, Water Division 5, seeking a decree making conditional*

water rights absolute in part, confirming diligence and continuing in effect the remainder of the conditional water rights originally decreed in Case CA1193, which comprise part of the Homestake Project. 5.2.3.6. During this diligence period, Aurora entered into an Agreement and Intergovernmental Agreement with Colorado River Water Conservation District, Basalt Water Conservancy District, Board of County Commissioners of Eagle County, Board of County Commissioners of Pitkin County, Grand Valley Water Users Association, Orchard Mesa Irrigation District, and the Ute Water Conservancy District, effective date August 1, 2018 (the “Settlement Agreement”). *Inter alia*, the Settlement Agreement addressed resolution of 09CW142, Water Division 2, amongst certain parties thereto, and is filed in the Court’s file for Case No. 09CW142. As contemplated and limited by the terms of the Settlement Agreement, Aurora filed an application in Case No. 19CW3159, Water Division 5, seeking judicial determination of appropriative rights of exchange by which 900 acre feet of water of the Twin Lakes Reservoir and Canal Company (“Twin Lakes”), available to Aurora via its share ownership and over which Aurora has maintained dominion and control in any one year will be moved as follows. Water from Grizzly Reservoir will be placed into Lincoln Gulch, a tributary of Lincoln Creek, or bypassed from the Twin Lakes system’s Roaring Fork River basin facilities into other tributaries of the Roaring Fork River, and then exchanged from the confluence of the Roaring Fork and Fryingpan Rivers upstream on the Fryingpan River to Ruedi Reservoir and an additional exchange, as a component subset of the 900 acre feet, up to 450 acre feet in any one year from Ruedi Reservoir upstream to Ivanhoe Reservoir located upon Ivanhoe Creek for subsequent movement into Water Division 2.

5.3. Non-Basin Specific Efforts. 5.3.1. Study of Aurora’s Water Needs. Aurora spent approximately \$2,500,000 towards its Integrated Water Master Plan to assist in determining the City’s future water needs and developing a plan to meet those needs. This study will increase the overall efficiency of Aurora’s operations. 5.3.2. Aurora Raw Water System Model. Aurora spent additional sums for consultant fees to develop and support a computer model of Aurora’s raw water system. These costs are in addition to the modeling efforts included in the engineering and planning studies identified in paragraph 5.3.1, above. 5.3.3. Protection Efforts. Aurora spent approximately \$313,000 for legal services for participation in Water Division 1 cases to protect the rights and interests of Aurora with regard to its water supply system, including the subject groundwater and exchange rights.

5.4. Other. Aurora reserves the right to identify additional relevant efforts that may be later discovered or to make upward adjustments to amounts expended on certain projects. Aurora has an extensive water rights portfolio, an extensive and complex water supply, collection, treatment and reuse system, and an extensive number of agreements, contracts, leases, etc. related to its facilities and the use, reuse and storage of its water rights. It is involved in many legal actions related to the collection, treatment, reuse and protection of its water rights. Further, the management, protection, and operation of the water rights and the facilities system involve numerous City of Aurora departments and staff members throughout the state. Aurora made diligent efforts with regard to this application to determine and quantify all efforts made by the City toward completion of the appropriations and application of the water rights decreed in Case No. 07CW298 to beneficial use. However, it is reasonably possible that relevant efforts or expenditures may have been overlooked or need further upward adjustment.

6. CLAIM TO MAKE ABSOLUTE. Applicant has made the following portions of the subject conditional rights absolute (see **Exhibit C** attached hereto):

6.1. Aurora-Everist Reservoir to Cherry Creek Reservoir Exchange. 6.1.1. Date Water Applied to Beneficial Use: November 14, 2019 to November 19, 2019. 6.1.2. Amount: 8.397 c.f.s. 6.1.3. Uses: See paragraph 3.4.7., above. 6.1.4. Description of place of use where water was applied to beneficial use: See paragraph 3.4.8., above.

7. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored:

7.1. Aurora-Walker is owned by the City of Aurora. The outlet works for Aurora-Walker is located on lands owned by Carl F. Eiberger, 303 S. Broadway, Unit B-200, Denver, CO 80209; Aggregate Industries WCR-Inc., a Colorado corporation, 1687 Cole Boulevard, Suite 300, Golden, CO 80401. Aurora has an easement that allows the construction of the outlet works under the Aggregate Industries WCR-Inc. and Eiberger lands.

7.2. Aurora-Everist Reservoir and the land underlying the outlet works are owed by the Gomer Hill Living Trust, Dated May 25, 2000, for the benefit of Gomer Hill, the Julane M. Hill Living Trust, Dated

May 25, 2000, for the benefit of Julane M. Hill whose addresses are 12526 WCR 18, Ft. Lupton, CO 80621; L.G. Everist, Inc., an Iowa Corporation, whose addresses are 7321 East 88th Avenue, Suite 200, Henderson, CO 80604 and 350 S. Main Ave, #400, Sioux Falls, SD 57104. Aurora has an easement that allows the construction of the reservoir and outlet works under these lands. 7.3. **Strontia Springs Dam and Reservoir and the Diversion System** is owned by the City and County of Denver, acting by and through its Board of Water Commissioners, 1600 West 12th Avenue, Denver, CO 80204-3412. Land underlying the facility is owned by the Bureau of Land Management, 2850 Youngfield Street, Lakewood, CO 80215-7076. The Applicant has a right by contract to use the facility. This application consists of 16 pages plus an additional 11 pages of Exhibits.

2022CW3059 ERIK JENSEN AND MARY JENSEN, 2072 Summit St, Franktown, CO, 80116. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO, 80202. **APPLICATION FOR PLAN FOR AUGMENTATION IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS, AND THE NOT-NONTRIBUTARY UPPER DAWSON AQUIFER IN ELBERT COUNTY.** Subject Property: Approximately 120 acres on 3 contiguous parcels located in the SW1/4 of the NW1/4, the SE1/4 of the NW1/4, and the NE1/4 of the SW1/4, all in Section 27, Township 8 South, Range 65 West of the 6th P.M., Elbert County, State of Colorado, as shown on **Exhibit A** (“Subject Property”). Applicants are the sole owners of the Subject Property, therefore notice to any mortgage and lien holders was not required under C.R.S. 37-92-302(2)(b). Well Permits: There are currently no wells on the Subject Property. Well permits will be applied for prior to construction of any wells. Source of Water Rights: The Upper Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Previously Decreed Amounts: Applicants own the following annual amounts of groundwater as decreed in Case No. 95CW120, District Court, Water Division 1, on June 25, 1996, and as amended on August 27, 1997 (the “95CW120 Decree”). The groundwater was conveyed to the Applicants via the special warranty deed recorded at Reception No. 388723 on February 15, 2000 and the warranty deed recorded at Reception No. 436627 on July 2, 2003, at the Elbert County Clerk and Recorder’s Office. The volumes below are based on a 300-year withdrawal period:

Aquifer	Annual Amount (acre-feet)
Upper Dawson (NNT)*	9.61
Lower Dawson (NT)	9.21
Denver (NT)	12.92
Arapahoe (NT)	17.34
Laramie-Fox Hills (NT)	13.51

* The total annual amount of available Upper Dawson Aquifer groundwater is 12.6 acre-feet per year. 2.99 acre-feet per year is reserved for exempt purposes under the 95CW120 Decree. 95CW120 Decreed Uses: The water withdrawn from any well may be used, reused, and successively used and, after use, leased, sold or otherwise disposed of for municipal, domestic, industrial, commercial, irrigation, stock watering, recreational, fish and wildlife, and any other beneficial purpose, to be used on or off the land. Said water will be produced for immediate application to said uses, for storage and subsequent application to said uses, for exchange purposes, for replacement of depletions resulting from the use of water from other sources, and for augmentation purposes. Jurisdiction: The Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-203(1), 37-92-302(2). Summary of Plan for Augmentation: Groundwater to be Augmented: Up to 9 acre-feet per year for 300 years of not-nontributary Upper Dawson Aquifer groundwater. Water Rights to be Used for Augmentation: Return flows from the use of not nontributary and nontributary groundwater and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: The Upper Dawson Aquifer groundwater will be used on up to twelve (12) lots, in up to twelve (12) individual wells (0.75 acre-feet per well), for in-house use (0.3 acre-feet per

year per well, 3.6 acre-feet per year total), irrigation, including home lawn, garden, and trees, of up to 7,000 square-feet per lot (0.35 acre-feet per lot, 4.2 acre-feet per year total), stockwatering for up to 8 large domestic animals per lot (0.1 acre-feet per lot, 1.2 acre-feet total), and fire protection, on the Subject Property. Applicant reserves the right to amend the amount and uses without amending the application or republishing the same. Sewage treatment for in-house use will be provided by non-evaporative septic systems. Return flow from in-house use will be approximately 90% of that use, and return flow from irrigation use will be approximately 15% of that use. During pumping Applicants will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the Cherry Creek stream system and return flows accrue to that stream system and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicant will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post-pumping augmentation requirements. Applicants request the Court approve the above augmentation plan, find that Applicants have complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 4 pages.

2022CW3060 DANIEL KAUFFMAN, PO Box 18571, Fountain Hills, AZ 85269. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR PLAN FOR AUGMENTATION IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS, AND THE NOT-NONTRIBUTARY UPPER DAWSON AQUIFER IN ELBERT COUNTY.** Subject Property: Approximately 80 acres located in the N1/2 of the NW1/4 of Section 27, Township 8 South, Range 65 West of the 6th P.M., also known as 2074 Summit Road, Elizabeth, Elbert County, State of Colorado, as shown on **Exhibit A** (“Subject Property”). Applicant is the sole owner of the Subject Property, therefore notice to any mortgage and lien holders was not required under C.R.S. 37-92-302(2)(b). Well Permits: There is currently one exempt well on the Subject Property under Well Permit No. 233627. It will be re-permitted under the augmentation plan within 60 days of issuance of a decree in this case. Additional well permits will be applied for prior to construction of any wells. Source of Water Rights: The Upper Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Previously Decreed Amounts: Applicant owns the following annual amounts of groundwater as decreed in Case No. 95CW120, District Court, Water Division 1, on June 25, 1996, and as amended on August 27, 1997 (the “95CW120 Decree”). The groundwater was conveyed to the Applicant via the special warranty deed recorded at Reception No. 612426 on September 27, 2021 at the Elbert County Clerk and Recorder’s Office. The volumes below are based on a 300-year withdrawal period:

Aquifer	Annual Amount (acre-feet)
Upper Dawson (NNT)*	8.73
Lower Dawson (NT)	6.13
Denver (NT)	8.6
Arapahoe (NT)	11.53
Laramie-Fox Hills (NT)	9

* The total annual amount of available Upper Dawson Aquifer groundwater is 10.40 acre-feet per year. 1.67 acre-feet per year is reserved for exempt purposes under the 95CW120 Decree. 95CW120 Decreed Uses: The water withdrawn from any well may be used, reused, and successively used and, after use, leased, sold or otherwise disposed of for municipal, domestic, industrial, commercial, irrigation, stock watering, recreational, fish and wildlife, and any other beneficial purpose, to be used on or off the land. Said water will be produced for immediate application to said uses, for storage and subsequent application to said uses, for exchange purposes, for replacement of depletions resulting from the use of water from other sources, and for augmentation purposes. Jurisdiction: The Court has jurisdiction over the subject

matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-203(1), 37-92-302(2). Summary of Plan for Augmentation: Groundwater to be Augmented: Up to 6 acre-feet per year for 300 years of non-tributary Upper Dawson Aquifer groundwater. Water Rights to be Used for Augmentation: Return flows from the use of not tributary and nontributary groundwater and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: The Upper Dawson Aquifer groundwater will be used on up to eight (8) lots, in up to eight (8) individual wells (0.75 acre-feet per well), for in-house use (0.3 acre-feet per year per well, 2.4 acre-feet per year total), irrigation, including home lawn, garden, and trees, of up to 7,000 square-feet per lot (0.35 acre-feet per lot, 2.8 acre-feet per year total), stockwatering for up to 8 large domestic animals per lot (0.1 acre-feet per lot, 0.8 acre-feet total), and fire protection, on the Subject Property. Applicant reserves the right to amend the amount and uses without amending the application or republishing the same. Sewage treatment for in-house use will be provided by non-evaporative septic systems. Return flow from in-house use will be approximately 90% of that use, and return flow from irrigation use will be approximately 15% of that use. During pumping Applicants will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the Cherry Creek stream system and return flows accrue to that stream system and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicant will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post-pumping augmentation requirements. Applicants request the Court approve the above augmentation plan, find that Applicants have complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 4 pages.

2022CW3061 (12CW179) CITY OF AURORA, COLORADO, ACTING BY AND THROUGH ITS UTILITY please send all correspondence and pleadings to: Steven O. Sims, #9961 and Dulcinea Z. Hanuschak, #44342, BROWNSTEIN HYATT FARBER SCHRECK, LLP at 410 17th Street, Suite 2200, Denver, CO 80202 Phone Number: (303) 223-1100 Fax Number: (303) 223-1111 Email: ssims@bhfs.com; dhanuschak@bhfs.com **ENTERPRISE APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN ADAMS, ARAPAHOE, DOUGLAS, AND WELD COUNTIES.** 1. Name, Address and Telephone Number of Applicant: City of Aurora, Colorado, a municipal corporation of the Counties of Adams, Arapahoe and Douglas acting by and through its Utility Enterprise (“Aurora Water” or “Applicant”) 15151 East Alameda Parkway, Suite 3600 Aurora, Colorado 80012-1555 Telephone: 303-739-7370 2. Description of the Subject Water Rights: Aurora Water is the owner of and seeks a finding of reasonable diligence for the Rumsey Recharge Facility and the Rumsey Reservoir No. 1 and the Rumsey Reservoir No. 2 (collectively, the “Subject Water Rights”). The Subject Water Rights are conditional water rights that were originally decreed in Case No. 12CW179 (decree entered April 27, 2016) to Aurora Water’s predecessors-in-interest, Sorin Natural Resources Partners, LLC and Big Thompson Investment Holdings, LLC. 3. **CONDITIONAL RECHARGE RIGHT** 3.1 Name of Structure: Rumsey Recharge Facility 3.2 Legal Description: The Rumsey Recharge Facility is located within the Rumsey North parcel as shown on Exhibit A. Seven ponds have been constructed within the Rumsey Recharge Facility at the locations described below. 3.2.1 North Ponds (Nos. 1-6): SW 1/4 of SE 1/4 , Section 35, Township 5 North, Range 66 West, 1,140’ FSL, 1,780’ FEL. 3.2.2 West Pond: SW 1/4 of SW 1/4, Section 35, Township 5 North, Range 66 West, 870’ FSL, 1,270’ FWL. 3.2.3 Applicant may seek to construct or otherwise develop additional recharge ponds on the Rumsey Farm but addition of new recharge facilities will be limited to operations decreed separately by the Water Court after the filing of a new application, publication, and entry of a decree. 3.3 Points of Diversion: 3.3.1 Godfrey Ditch: the decreed point of diversion for the Godfrey Ditch headgate is located in the SE 1/4 of Section 3, Township 4 North, Range 66 West, 6th P.M. (WDID No. 0200830), decreed capacity of 57.71 c.f.s.; 3.3.2 Union Ditch: the decreed point of diversion of the Union Ditch headgate is located in the NE 1/4 of Section 18, Township 4 North, Range 66 West of the 6th P.M. (WDID No. 0200828), decreed capacity of 194.0 c.f.s.; 3.4 Source: Water available from the South Platte River and its tributaries. 3.5 Date of Appropriation: July 31, 2012 3.6 Amount: 5.0 c.f.s. total, **CONDITIONAL**, to be measured at either the Godfrey Ditch Headgate or the Union Ditch Headgate,

or any combination thereof. 3.7 Delivery: In addition to the conditional amount described above, consumptive use water associated with the Applicant's Godfrey Ditch and Big Bend Ditch water rights changed in Case No. 12CW179 may also be delivered via existing ditches or new pipelines to the Rumsey Recharge Facility where it will be distributed among the recharge ponds as shown on Exhibit A. 3.8 Decreed Uses: augmentation, replacement, recharge, and exchange associated with the plan for augmentation decreed in Case No. 14CW3046 and any other plans for augmentation that Applicant may decree in the future. Augmentation and replacement uses are fully consumptive. 4. **CONDITIONAL STORAGE RIGHTS** 4.1. Name of Structure: Rumsey Reservoir No. 1 4.1.1 Legal Description: Rumsey Reservoir No. 1 will be constructed within the Rumsey South parcel as shown on Exhibit A, or within the NW 1/4 SW 1/4 Section 3, and the SE 1/4 of Section 4, Township 4 North, Range 66 West of the 6th P.M. in Weld County, Colorado. 4.1.2 Source: Water available from the South Platte River and its tributaries. 4.1.3 Name and capacity of ditch or ditches to fill Rumsey Reservoir No. 1 and legal description: 4.1.3.1 Godfrey Ditch, located as described above, with a decreed capacity of 57.71 c.f.s. 4.1.3.2 Union Ditch, located as described above, with a decreed capacity of 194 c.f.s. 4.1.4 Date of Appropriation: July 31, 2012 4.1.5 Amount: 1,000 acre-feet **CONDITIONAL**, with a right of refill of an additional 250 acre-feet. The rate of diversion is 50 c.f.s, in combination with the diversion to Rumsey Reservoir No. 2. 4.1.6 Uses: irrigation, augmentation, replacement, application to recharge and exchange, with right to completely consume the consumable portion of the water by first use, including use for augmentation and replacement in the plans for augmentation approved in Case No. 12CW179 and Case No. 14CW3046 and other plans for augmentation that Applicant may get decreed in the future. Irrigation uses shall be limited to the Rumsey North and Rumsey South parcels. 4.1.7 Surface Area: Approximately 100 acres. 4.1.7.1 Vertical Height of Dam: N/A, a lined reservoir will be constructed in place and will be below grade; it will be a non-jurisdictional dam. Rumsey Reservoir No. 1 will be constructed as to not intercept ground water and will comply with the State Engineer's Office's lining criteria for reservoirs. 4.1.7.2 Length of Dam: N/A. 4.1.8 Total Capacity of Reservoir: 1,000 acre-feet **CONDITIONAL** 4.1.8.1 Active Capacity: 1,000 acre-feet 4.1.8.1 Dead Storage: 0 acre-feet 4.2 Name of Structure: Rumsey Reservoir No. 2 4.2.1 Legal Description. Rumsey Reservoir No. 2 will be constructed within the Rumsey Property as depicted on Exhibit A or within the S 1/2 SE 1/4 Section 34 and S 1/2 SW 1/4 Section 35, Township 5 North, Range 66 West of the 6th P.M. in Weld County, Colorado. 4.2.2 Name and capacity of ditch or ditches to fill Rumsey Reservoir No. 2 and legal description: 4.2.2.1 Godfrey Ditch, located as described above, with a decreed capacity of 57.71 c.f.s. 4.2.2.2 Union Ditch, located as described above, with a decreed capacity of 194 c.f.s. 4.2.3 Source: Water available from the South Platte River and its tributaries. 4.2.4 Date of Appropriation: July 31, 2012 4.2.5 Amount: 1,000 acre-feet, **CONDITIONAL**, with a right of refill of an additional 250 acre-feet. The rate of diversion is 50 c.f.s. in combination with the diversion to Rumsey Reservoir No. 1. 4.2.6 Uses: irrigation, augmentation, replacement, application to recharge and exchange, with right to completely consume the consumable portion of the water by first use, including use for augmentation and replacement in the plans for augmentation approved in Case No. 12CW179 and Case No. 14CW3046 and other plans for augmentation that Applicant may get decreed in the future. Irrigation uses shall be limited to the Rumsey North and Rumsey South parcels. 4.2.7 Surface Area: approximately 70 acres 4.2.7.1 Vertical Height of Dam: N/A, the lined reservoir will be constructed below grade and will be a non-jurisdictional dam. Rumsey Reservoir No. 2 will be constructed as to not intercept ground water and will comply with the State Engineer's Office lining criteria. 4.2.7.2 Length of Dam: N/A 4.2.8 Total Capacity of Reservoir: 1,000 acre-feet **CONDITIONAL** 4.2.8.1 Active Capacity: 1,000 acre-feet 4.2.8.2 Dead Storage: 0 acre-feet 5. Detailed Outline of Activity During the Diligence Period: During the diligence period, the Applicant has made substantial expenditures, including consultant engineering and legal costs associated with acquiring the Subject Water Rights. The following summary of Applicant's diligence activities is not exclusive and may be supplemented with additional evidence of these or of other diligence activities: 5.1 On June 29, 2021, Aurora Water purchased the Subject Water Rights, other water rights associated with the Subject Water Rights, and approximately 517 acres of land, including land on which infrastructure for the Subject Water Rights is located, at a cost of approximately \$21,000,000.00. 5.2 In connection with this water and associated land purchase, Aurora Water expended approximately \$124,216 in legal fees and

\$40,000 in engineering fees. 5.3 Aurora Water expended approximately \$12,000 on ditch and land management activities, including cleaning of lateral ditches that deliver water to the Rumsey Recharge Facility and ditch bank stabilization work. 6. Names(s) and Address(es) of Owner(s) of Structures: Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed, or upon which water is or will be stored, including any modification to the existing storage pool are: Applicant. Aurora Water shall not use any structure or land to which they do not have legal interest. WHEREFORE, Applicant requests: 1. A finding of reasonable diligence as to all of the Subject Water Rights; and 2. Such other relief as the Court deems just and proper. (Application and Exhibit A 7 pages)

2022CW3062 APPLICATION FOR GROUNDWATER RIGHTS AND TO ADD WELLS TO PLAN FOR AUGMENTATION PURSUANT TO PARAGRAPH 9.3 OF THE 02CW086 DECREE IN MORGAN COUNTY. Peter J. Ampe, Hill & Robbins, P.C., 1660 Lincoln St., Suite 2720, Denver, Colorado, 80264, peterampe@hillandrobbs.com. INTRODUCTION: Applicants request that the wells listed below be confirmed as having an irrigation use on different acres than the original decree and that the original decree remain valid. Applicants will continue to operate the requested wells under the terms and conditions of the plan for augmentation decreed in the Second Corrected Findings of Fact, Conclusions of Law, and Decree, Case No. 02CW86 (“02CW86 Decree”) when the Court enters a final decree in this case. 1. The name and address of the **APPLICANTS: RTP LAND CO LLC**, 9842 Hwy 52, Fort Lupton, CO, 80621. **RIVERSIDE IRRIGATION DISTRICT AND RIVERSIDE RESERVOIR AND LAND COMPANY**, 221 E. Kiowa Avenue, Fort Morgan, CO 80701, Telephone: 970-867-6586. **PART I: APPLICATION FOR GROUNDWATER RIGHT ID 34** 2. Name of water right: Midcap Well (Riverside ID 34, WDID 107653). 3. Owners: RTP LAND CO LLC. 4. Permit No.: 8637-R-R. The Division of Water Resources may issue a new permit for this water right. 5. Location: The well is located in the SW1/4NE1/4, Section 28 T04N, R57W, 6th P.M., UTM x: 605376.0, UTM y: 4460019.0. Acres irrigated are located in the NE1/4, Section 28; S1/2SE1/4, Section 21; W1/2NW1/4, Section 27; and, SW1/4SW1/4 Section 22, all T04N, R57W, 6th P.M., Morgan County, Colorado, comprising approximately 360 acres. 6. Appropriation Date: April 30, 2022. 7. Amount Claimed: 3.48 c.f.s., for the irrigation of up to 360 acres. 8. Source: Groundwater tributary to the South Platte River. 9. Use: Irrigation. 10. Name and Address of Owners of Land on which Structure Will be Located: P LAND CO LLC, 9842 Hwy 52, Fort Lupton, CO, 80621. **PART II: APPLICATION FOR GROUNDWATER RIGHT ID 35** 11. Name of water right: Weber Well (Riverside ID 35, WDID 108811). 12. Owners: RTP LAND CO LLC. 13. Permit No.: 1946-R. The Division of Water Resources may issue a new permit for this water right. 14. Location: The well is located in the SE1/4NE1/4 of Section 28, T04N, R57W, 6th P.M., Morgan County, Colorado at approximately UTM x: 605946.0, UTM y: 4459952.0. Acres irrigated are located in the NE1/4, Section 28; S1/2SE1/4, Section 21; W1/2NW1/4, Section 27; and, SW1/4SW1/4 Section 22, all T04N, R57W, 6th P.M., Morgan County, Colorado, comprising approximately 360 acres. 15. Appropriation Date: April 30, 2022. 16. Amount Claimed: 3.48 c.f.s., for the irrigation of 360 acres. 17. Source: Groundwater tributary to the South Platte River. 18. Use: Irrigation. 19. Name and Address of Owners of Land on which Structure Will be Located: RTP LAND CO LLC, 9842 Hwy 52, Fort Lupton, CO, 80621. **PART III: APPLICATION TO ADD WELLS TO AUGMENTATION PLAN** 20. Augmentation Plan: Paragraph 9.3 of the 02CW86 Decree allows the addition of wells to the plan subject to application and certain terms and conditions. Applicants Riverside Irrigation District and Riverside Reservoir and Land Company (“Riverside”) seek to add the wells described in paragraphs 2 through 19, above, to the Riverside Irrigation District and Riverside Reservoir and Land Company plan for augmentation. 21. 02CW86 Terms and Conditions: 21.1. Any well added to the 02CW86 Decree plan for augmentation must be operated and used, and out of priority depletions replaced, on terms and conditions at least as restrictive as decreed. Applicants will comply with the terms and conditions in the 02CW86 Decree for the operation of these wells in the 02CW86 Decree plan for augmentation. 21.2. A well added to the plan shall use the applicable wellhead depletion factors set out in paragraph 11.5.2 of the 02CW86 Decree, and shall use the methods for determining depletions from past and future pumping set out in paragraphs 11 through 11.5.4 of the

02CW86 Decree. Applicants will comply with these conditions. 21.3. Out of priority depletions resulting from the use of any well which Applicant requests the Court to add to this plan shall be replaced according to the following: Out of priority depletions resulting from use of the well that has occurred prior to the date the Court allows the well to be added to the plan, shall be replaced by the Applicant in compliance with an applicable water court decree or substitute supply plan approved by the State Engineer. Any out of priority depletions from prior use will be replaced under the existing plan for augmentation decreed in Case No. 02CW86. 21.4. Out of priority depletions from the use of the well that will occur after the court decree adding the well to the plan, whether or not the depletions result from pumping before or after the date the Court allows the well to be added to the plan, shall be replaced by the Applicant under the terms and conditions of this decree and any additional terms and conditions ordered by the Court in connection with adding the well. These wells will be operated, and depletions calculated, in accord with the 02CW086 Decree, including but not limited to the required accounting and reporting. 21.5. Riverside will replace all depletions resulting from the operation of these wells in time, location, and amount as required by the 02CW086 Decree in accordance with terms and conditions of the Decree. 21.6. Riverside will comply with all other terms and conditions of the 02CW086 Decree plan for augmentation. (Application: 6 Pages)

2022CW3063 SOUTH ADAMS COUNTY WATER AND SANITATION DISTRICT 6595 E. 70th Avenue, P. O. Box 597, Commerce City, CO 80037 (Richard J. Mehren, Joshua B. Boissevain, Lindsey A. Ratcliff, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Blvd., Suite 240, Boulder, CO 80302, (303) 443-8782) **APPLICATION FOR CHANGE OF WATER RIGHTS, CONDITIONAL APPROPRIATION OF RETURN FLOWS, APPROPRIATIVE RIGHTS OF SUBSTITUTION AND EXCHANGE, WATER EXCHANGE PROJECT, AND EXPANSION AND MODIFICATION OF PLAN FOR AUGMENTATION IN ADAMS, CLEAR CREEK, DENVER, JEFFERSON, AND WELD COUNTIES.**

1. Name, address, telephone number, and email of Applicant: South Adams County Water and Sanitation District (“South Adams” or the “District”), c/o Kipp Scott, Water Systems Manager, 6595 E. 70th Avenue, P. O. Box 597, Commerce City, Colorado 80037, kscott@sacwds.org (303) 288-2646 2. Description of application: South Adams, a special district formed under Colorado Statutes, supplies water to Commerce City and surrounding areas from a variety of sources including water from the South Platte River alluvium and from nontributary groundwater. A map depicting South Adams’ current service area and the locations of South Adams’ existing and proposed alluvial wells and nontributary wells is attached as **Exhibit A**. A major source of South Adams’ water supply is diverted by wells completed into the South Platte River alluvium. Those wells are or will be operated pursuant to South Adams’ existing plan for augmentation decreed in Consolidated Case Nos. W-8440-76 and W-8517-77 and subsequent Case Nos. W-8440-76A-D (generally referred to herein as “W-8440”) as that plan for augmentation has been expanded by Case Nos. 1997CW353, 2000CW102, 2001CW258, 2005CW115, 2006CW285, 2007CW303, 2010CW304, and 2015CW3177 and may be expanded by other future cases (collectively, the “South Adams Augmentation Plan”). South Adams seeks to: (a) change the use of 156 shares in the Fulton Irrigating Ditch Company (“Fulton Company”), 30 shares in the Little Burlington Division of the Burlington Ditch, Reservoir and Land Company (“Burlington Company”), and 11 shares in the Wellington Reservoir Company (“Wellington Company”) (collectively the “Subject Shares”) to allow the Subject Shares to be used for augmentation, municipal and other beneficial purposes by South Adams including within the South Adams Augmentation Plan; (b) appropriate the return flows associated with South Adams’ interest in the Fulton Company’s, Burlington Company’s and the Wellington Company’s water rights represented by the Subject Shares, (c) adjudicate conditional appropriative rights of substitution and exchange to facilitate South Adams’ use of the Subject Shares and other water rights previously changed by South Adams in Case Nos. 2001CW258 and 2010CW304 for augmentation, municipal and other beneficial purposes by South Adams including within the South Adams Augmentation Plan, (d) adjudicate conditional water exchange project rights to facilitate South Adams’ use of the Subject Shares and other water rights previously changed by South Adams in Case Nos. 2001CW258 and 2010CW304 for augmentation and replacement uses within the South Adams Augmentation Plan; and (e) expand and modify the South Adams Augmentation Plan. **CHANGE OF WATER RIGHTS** 3. Description of water

rights sought to be changed: The water rights sought to be changed are described as follows: 3.1 Fulton Ditch: 156 shares of the 7,185 total shares outstanding of the capital stock of the Fulton Irrigating Ditch Company (the “Fulton Shares”). Historical diversions of the Fulton Company water rights associated with the Fulton Shares are summarized in **Exhibit B-1**. The Fulton Shares were historically used for irrigation purposes on the tracts described in **Exhibit B-2** and depicted in **Exhibit B-3**. 3.1.1 Appropriation dates and amounts: The Fulton Company owns the following water rights:

Priority No.	Appropriation date	Amount (cfs)	Pro-rata interest being changed - 156 Shares (cfs)
8	May 1, 1865	79.7	1.73
43	July 8, 1876	74.25	1.61
51	November 5, 1879	50.23	1.09
56	November 1, 1882 ¹	N/A	N/A

3.1.2 Original decree: Case No. 6009, Arapahoe County District Court, entered April 28, 1883. 3.1.3 Decreed point of diversion: The decreed headgate location is near Section 9, between Sections 16 and 17, T2S, R67W of the 6th P.M. The actual point of diversion is located on the east bank of the South Platte River in the NE1/4 NE1/4 SE1/4 of Section 17, T2S, R67W of the 6th P.M. 3.1.4 Source: South Platte River. 3.2 Burlington Ditch, Reservoir and Land Company: South Adams seeks to change 30 shares of the 1,848.327 total shares outstanding of the capital stock of the Burlington Company, in the Little Burlington Division thereof (the “Burlington Shares”) (note that although 1,848.327 shares are used herein, this number is not intended to be determinative of the actual number). Historical diversions of the Burlington Company water rights associated with the Burlington Shares are summarized in **Exhibit C-1**. The Burlington Shares were historically used for irrigation purposes on the tracts described in **Exhibit C-2** and depicted in **Exhibit C-3**. 3.2.1 Relevant decrees: The decree entered on April 28, 1883 in Case No. 6009, District Court in and for Arapahoe County; the decree entered on June 7, 1911 in Civil Action No. 40300, District Court in and for the City and County of Denver; the decree entered on May 14, 1912 in Civil Action No. 52668, District Court in and for the City and County of Denver as amended on February 28, 1918; the decree entered on January 6, 1927 in Civil Action No. 95386, District Court in and for the City and County of Denver, the decree entered on July 8, 1893 in Case No. 1120. District Court in and for Arapahoe County; the decree entered on May 18, 1918 in Case No.1777, District Court in and for Park County; the decree entered on May 11, 2009 in Case No. 02CW403, District Court, Water Division No. 1; and the decree entered on August 14, 2001 in Consolidated Case Nos. 95CW226 and 95CW227, District Court, Water Division No. 1. 3.2.2 Appropriation dates and amounts: The Burlington Ditch, Reservoir and Land Company owns the following water rights for the Little Burlington Division:

Name	Source	Appr. date	Adj. date	Amount (cfs)	Pro-rata interest being changed - 30 Shares (cfs)
Duggan Ditch	South Platte River	4/1/1864	4/28/1883	16.28 ²	0.26
Burlington Ditch	South Platte River	11/20/1885	7/8/1893	200 ³	3.25
Burlington Ditch	First Creek	9/1/1886	7/8/1893	50	0.81
Burlington Ditch	Second Creek	11/15/1886	7/8/1893	250	4.06
Burlington Ditch	Third Creek	9/15/1887	7/8/1893	250	4.06

¹ The 244.62 cfs decreed to this priority was abandoned in Case No. A-16069, Denver District Court, 1938.

² The Duggan Ditch Right totals 27.4 cfs, of which 16.28 cfs is owned by the Burlington Company, 7.987 cfs is owned by the Wellington Company, and 3.133 cfs is owned by South Adams. The 3.133 cfs owned by South Adams is not a part of this change case.

³ The decree in Case No. 02CW403 reduced the November 20, 1885 water right to 200.00 cfs for use above Barr Lake. The Colorado Supreme Court upheld the Division 1 Water Court's decision in Case No. 09SA133.

Duck Lake	Geneva Creek	9/15/1904	5/18/1918	750 acre-feet	12.17 acre-feet
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3.2.3 Decreed points of diversion: The Duggan Ditch headgate was initially decreed as being located on Section 36, T2S, R68W of the 6th P.M. By later decrees the point of diversion of the Duggan Ditch was transferred to the headgate of the Burlington Ditch. As originally decreed, the Burlington Ditch South Platte River headgate was located at a point on the southeast bank of the South Platte River, about 200 feet east and 200 feet north of the center of Section 14, T3S, R68W of the 6th P.M., in said Water District No. 2, within Arapahoe County. In Case No. 02CW403 the decreed location of the Burlington Ditch South Platte River headgate was changed to the Globeville Area Flood Control Works, also known as the New Burlington Headgate, for the water rights that were the subject of that decree; that change was affirmed in *Burlington Ditch Reservoir & Land Co. v. Metro Wastewater Reclamation District*, 256 P.3d 345, 673-74), *as modified on denial of reh'g* (June 20, 2011). The New Burlington Headgate is decreed at a point on the east bank of the South Platte River in the NE1/4 SE1/4 of Section 14, T3S, R68W of the 6th P.M. The headgate is located at approximately latitude 39° 47' 24.69" N, longitude 104° 58' 9.97" W. The UTM coordinates are approximately NAD83 UTM Zone 13S 502616.89mE 4404471.42 mN. The decreed location of the Burlington Ditch First Creek headgate is in the NW1/4 of Section 14, T2S, R67W of the 6th P.M. The decreed and actual locations are the same. The decreed location of the Burlington Ditch Second Creek headgate is in the NW1/4 SW1/4 of Section 6, T2S, R66W of the 6th P.M. The actual location is in the NE1/4 of Section 7, T2S, R66W of the 6th P.M. The decreed location of the Burlington Ditch Third Creek headgate is in the NE1/4 SE1/4 of Section 32, T1S, R66W of the 6th P.M. The Burlington Ditch also has a decreed point of diversion from the Metro Pump Station, which discharges to the ditch in Section 12, T3S, R68W of the 6th P.M. under the decree entered in Case No. 02CW403.

3.3 The Wellington Reservoir Company: South Adams seeks to change 11 shares of the 1838.660 total shares outstanding of the capital stock of the Wellington Company (the "Wellington Shares"). (Note that although 1,838.660 shares are used herein, this number is not intended to be determinative of the actual number.) Historical diversions of the Wellington Company water rights associated with the Wellington Shares are summarized in **Exhibit D-1**. The Wellington Reservoir Shares were historically used for irrigation purposes on the tracts described in **Exhibit D-2** and depicted in **Exhibit D-3**. 3.3.1 Relevant decrees: The decree entered on April 28, 1883 in Case No. 6009, District Court in and for Arapahoe County; the decree entered on June 7, 1911 in Civil Action No. 40300, District Court in and for the City and County of Denver; the decree entered on April 27, 1923 in Civil Action No. 82042, District Court in and for the City and County of Denver; the decree entered on January 11, 1972 in Case No. W-186, District Court in and for Water Division No. 1; and the decree entered on June 21, 1922 Case No. 1839, District Court for Park County; and the decree entered on August 14, 2001 in Consolidated Case Nos. 95CW226 and 95CW227, District Court, Water Division No. 1. 3.3.2 Appropriation dates and amounts: The Wellington Reservoir Company owns the following water rights, which are diverted for use at the Burlington Ditch headgate:

Name	Source	Appr. date	Adj. date	Amount	Pro-rata interest being changed - 11 Shares
Duggan Ditch	South Platte River	4/1/1864	4/28/1883	7.987 cfs	0.05 cfs
Wellington Reservoir	Buffalo Creek	5/31/1892	6/21/1922	2,747.72 acre-feet	16.44 acre-feet
Wellington Reservoir Enlargement	Buffalo Creek	6/5/1920	6/21/1922	1,652.00 acre-feet	9.88 acre-feet
Mendenhall Feeder Ditch	Mendenhall Creek	9/3/1892	6/21/1922	25.00 cfs	0.15 cfs
Hicks Creek Feeder Ditch	Hicks Creek	12/31/1921	6/21/1922	25.00 cfs	0.15 cfs

3.3.3 Decreed points of diversion: The Duggan Ditch headgate was initially decreed as being located on Section 36, T2S, R68W of the 6th P.M. By later decrees the point of diversion of the Duggan Ditch was transferred to the headgate of the Burlington Ditch. In Case No. 02CW403 the decreed location of the Burlington Ditch South Platte River headgate was changed to the Globeville Area Flood Control Works, also known as the New Burlington Headgate, for the water rights that were the subject of that decree; that change was affirmed in *Burlington Ditch Reservoir & Land Co. v. Metro Wastewater Reclamation District*, 256 P.3d 345, 673-74), *as modified on denial of reh'g* (June 20, 2011). The New Burlington Headgate is decreed at a point on the east bank of the South Platte River in the NE1/4 SE1/4 of Section 14, T3S, R68W of the 6th P.M. The headgate is located at approximately latitude 39° 47' 24.69" N, longitude 104° 58' 9.97" W. The UTM coordinates are approximately NAD83 UTM Zone 13S 502616.89mE 4404471.42 mN. Wellington Reservoir is located on Buffalo Creek in Sections 29, 30, 31 and 32, T8S, R71W of the 6th P.M., Jefferson County. The Hicks Creek Feeder Ditch headgate is located in the NE1/4 SE1/4 SE1/4 of Section 32, T8S, R71W of the 6th P.M. The Mendenhall Feeder Ditch headgate is located in the SW1/4 NE1/4 SW1/4 of Section 30, T8S, R71W of the 6th P.M. 3.4 The water rights associated with the Fulton, Burlington, and Wellington Shares that are described in paragraphs 3.1 through 3.3, above, are collectively referred to in this Application as the "Subject Water Rights." 4. Detailed description of proposed changes: South Adams seeks approval of the following changes to the Subject Water Rights: 4.1 Change in type of use: In addition to continued use for their decreed agricultural irrigation uses, South Adams requests that the type of use of the Subject Water Rights be changed to include augmentation and replacement purposes, including within the South Adams Plan for Augmentation, recharge, replacement of return flow obligations associated with the water rights changed in Case Nos. W-8440, 01CW258 and 10CW304 and for any future changed water rights, and to all municipal purposes, including but not limited to domestic, industrial, commercial, irrigation out of South Adams' municipal system, stock watering, recreation, fish and wildlife preservation and propagation, fire protection, aquifer recharge, sewage treatment, mechanical, manufacturing, street sprinkling, augmentation, substitution, and exchange purposes, including, for all of the above-described purposes, both immediate application to such purposes and storage in the structures described in paragraph 4.6, below, for subsequent application to such purposes. South Adams will quantify the historical consumptive use of the water rights and the timing, amount, and location of return flows resulting from the historical use of the water rights, and will use, reuse, successively use, and fully consume all water diverted on the rights changed herein for which it has replaced all historical return flows requiring replacement. South Adams also seeks the right to deliver water available to the Burlington Shares and Wellington Shares to South Adams' Ford Water Recharge Facility located under the Burlington Ditch. 4.2 Change in place of use: In addition to irrigation use on lands within the Fulton Ditch system for the subject Fulton Shares and on lands within the Burlington Ditch system for the subject Burlington and Wellington Shares, which may continue for some time after entry of a decree in this case, South Adams requests that the place of use of the Subject Water Rights be changed to include lands within South Adams' present and future service area and to lands outside of South Adams' present and future service area within the South Platte River Basin that are served by South Adams' municipal water supply system, including areas served by its connections with other systems and areas served by any current or future water supply contract or obligation of South Adams. South Adams may also use the Subject Water Rights to meet its water augmentation, replacement, or other water delivery obligations in Water Division No. 1. 4.3 Delivery of Fulton Shares: South Adams does not seek a change in point of diversion of its Fulton Shares. South Adams will continue to take delivery of the Fulton Shares at the Fulton Ditch headgate. South Adams may deliver the Fulton Shares through any structure located on the Fulton Ditch including, without limitation the structures identified in paragraphs 7.1.1.1, 7.1.1.3 through 7.1.1.11, and 7.1.1.18, below. 4.4 Change in point of diversion for Burlington and Wellington Shares: Pursuant to the decree entered in Case No. 02CW403 and the Colorado Supreme Court's holding in *Burlington Ditch Reservoir & Land Co. v. Metro Wastewater Reclamation Dist.*, 256 P.3d 645, 673-74 (Colo. 2011), *as modified on denial of reh'g* (June 20, 2011), for the water rights at issue in that case, the decreed location of the Burlington Ditch South Platte River headgate was changed to the Globeville Area Flood Control Works, also described as the New Burlington Headgate. The New Burlington Headgate is used for the diversion of the Burlington and

Wellington Shares. Accordingly, South Adams requests that the point of diversion for the Burlington and Wellington Shares be changed to the Globeville Area Flood Control Works, also described as the New Burlington Headgate, located at the point described in paragraph 3.2.3, above. 4.5 Delivery of Burlington and Wellington Shares: South Adams will continue to take delivery of the Burlington and Wellington Shares at the New Burlington Headgate. South Adams may deliver the Burlington and Wellington Shares through any structure located on the Burlington Ditch system including, without limitation the structures identified in paragraphs 4.5.1 through 4.5.2, 7.1.1.1, 7.1.1.2, 7.1.1.6, 8.1.1.20, and 8.1.1.22, below. 4.5.1 Burlington Wellington – Sand Creek Augmentation Station, in the NW1/4 NE1/4 or the NE1/4 NW1/4 of Section 12, T3S, R68W of the 6th P.M. to release water down Sand Creek to the confluence of the South Platte River near the south quarter corner of Section 1, T3S, R68W of the 6th P.M. 4.5.2 Burlington Wellington – Ford Recharge, which releases water into the existing Ford Water Recharge Facility, located in portions of the NE1/4 SE1/4 of Section 20 and the N1/2 SW1/4 and the S1/2 NW1/4 of Section 21, T2S, R67W of the 6th P.M. 4.6 Places of storage: South Adams requests that the Subject Water Rights be changed, as specifically described below, to allow storage of fully consumable water derived from the Subject Water Rights for the changed uses described above in the storage facilities described in paragraphs 4.6.1 through 4.6.5, below. Fully consumable reusable effluent resulting from the initial use of the Subject Water Rights for the changed uses may be stored in any reservoir South Adams is authorized to use. 4.6.1 Wattenberg Reservoir: Located in Sections 25 and 36, T1N, R67W of the 6th P.M. and in Section 30, T1N, R66W of the 6th P.M. 4.6.2 North Reservoir Complex and South Reservoir Complex: Howe-Haller A and Howe-Haller B (f/k/a Howe-Haller), Hazeltine (f/k/a Hazeltine, Road Runners Rest II, and Brinkmann-Woodward), and Dunes Reservoirs, located in portions of Sections 2, 3, 4 and 9, T2S, R67W of the 6th P.M., and Tanabe Reservoir in Section 10, T2S, R67W of the 6th P.M. (collectively, the “North Reservoir Complex”) (f/k/a “Joint Denver Gravel Pit Lakes”) and/or the South Reservoir Complex, located in portions of Section 1, T3S, R68W of the 6th P.M. 4.6.3 Mann Lakes Reservoir: Located in Section 34 and the SE1/4 of Section 33, all in T1S, R67W of the 6th P.M. 4.6.4 Ragsdale Reservoir Complex: Consisting of Ragsdale Reservoir No. 1, Ragsdale Reservoir No. 2, and Ragsdale Reservoir No. 3 will be constructed in the following locations: Ragsdale Reservoir No. 1 will consist of one or more water storage cells that will be constructed in portions of Section 18 and the NE1/4 of Section 19, T2N, R66W of the 6th P.M., on the east side of the South Platte River. Ragsdale Reservoir No. 2 will consist of one or more water storage cells that will be constructed in portions of the NW1/4 of Section 17, T2N, R66W of the 6th P.M. Ragsdale Reservoir No. 3 will consist of one or more water storage cells that will be constructed in portions of the SW1/4 of Section 8, T2N, R66W of the 6th P.M. 4.6.5 In accordance with C.R.S. § 37-87-101(3)(a), any reservoir located on any of the ditch systems described in paragraph 3, above, and available for South Adams’ use. 5. Return Flow Obligations: South Adams will maintain return flows for the Subject Water Rights in amount, time and location to the extent necessary to prevent injury to water rights senior to the date of this Application. South Adams will meet its return flow obligations for the Subject Water Rights by use of the Subject Water Rights or the other sources of replacement water described in the attached **Exhibit E**, either directly, by substitution, by exchange, or following storage or recharge. South Adams also reserves the right to use other sources of water, in addition to those set forth in **Exhibit E**, for replacement of return flows for the Subject Water Rights provided the water is fully consumable and provided South Adams has given notice of its intent to use such water as required in the decree entered in this case. To the extent fully consumable water is used to meet return flow replacement obligations for the Subject Water Rights, an equivalent amount of water diverted under the Subject Water Rights and attributable to historical return flow will become fully consumable by South Adams. **APPROPRIATION OF RETURN FLOWS** 6. Appropriation of return flows: South Adams claims the right to retain and use for the changed uses described in paragraph 4, above, the historical return flow portion of South Adams’ Fulton Shares, Burlington Shares, and Wellington Shares whenever there is no call for water from water rights below the respective historical return flow location, or that call is junior to the date of this Application. 6.1 Date of appropriation: April 29, 2022. 6.2 How appropriation was initiated: By forming the intent to appropriate the return flows and by overt acts in furtherance of such intent, including: (1) adopting a resolution of the Board of Directors expressing its intent to appropriate water and directing the effectuation

of such intent and appropriation; and (2) filing the Application herein. 6.3 Date water first applied to beneficial use: Not applicable. 6.4 Source: South Platte River. 6.5 Amount claimed: South Adams claims all return flows associated with the subject Fulton Shares, Burlington Shares, and Wellington Shares to the extent available under this claimed appropriation. 6.6 Claimed uses: Those uses described in paragraph 4, above. **CONDITIONAL APPROPRIATIVE RIGHTS OF SUBSTITUTION AND EXCHANGE** 7. Conditional appropriative rights of substitution and exchange (“Appropriative Right of Exchange”): 7.1 Names of structures involved and legal descriptions: 7.1.1 Exchange-From-Points: 7.1.1.1 Ken Mitchell Lakes Exchange-From Point, the outfall for Ken Mitchell Lakes is located in the SE1/4 of Section 11, T1S, R67W of the 6th P.M. Water will be delivered to the Ken Mitchell Lakes Exchange-From Point by use of the augmentation stations described in paragraphs 7.1.1.1.1 through 7.1.1.1.6, below, or by use of any decreed point of diversion for Ken Mitchell Lakes. 7.1.1.1.1 Burlington Wellington – 148th Augmentation Station Brighton Lateral, in the NE1/4 of the SW1/4, Section 16, T1S, R66W of the 6th P.M., the outfall of which is via the outlet of Ken Mitchell Lakes. 7.1.1.1.2 Fulton – 148th Avenue Augmentation Station, located on the south edge of the SW1/4 of the NW1/4 of Section 17, T1S, R66W of the 6th P.M., the outfall of which is via the outlet of Ken Mitchell Lakes. 7.1.1.1.3 Fulton – 148th Avenue Augmentation Station on the Fulton Lateral, located on the SE corner of the SW1/4 of the NW1/4 of Section 18, T1S, R66W of the 6th P.M., the outfall of which is via the outlet of Ken Mitchell Lakes. 7.1.1.1.4 Fulton – 144th Direct Augmentation Station, located on the east edge of the NE1/4 NE1/4 of Section 24, T1S, R67W of the 6th P.M., the outfall of which is via the outlet of Ken Mitchell Lakes. 7.1.1.1.5 Fulton - Erger Direct Augmentation Station, located on the NW corner of the SE1/4 NW1/4 of Section 18, T1S, R66W of the 6th P.M., one outfall of which is via the outlet of Ken Mitchell Lakes. 7.1.1.1.6 Any additional augmentation station that delivers into Ken Mitchell Lakes that may be constructed in the future. 7.1.1.2 Burlington Wellington - United Augmentation Station, in the NW1/4 of Section 15, T1N, R66W of the 6th P.M., to release water to the South Platte River near the NE1/4 NW1/4 of Section 18, T1N, R66W of the 6th P.M. 7.1.1.3 Brighton’s South Drain Outfall, located in the SE1/4 NW1/4 NE1/4 of Section 12, T1S, R67W of the 6th P.M. 7.1.1.3.1 Fulton - Erger Direct Augmentation Station, as described in paragraph 7.1.1.1.5, above, one outfall of which is via Brighton’s South Drain Outfall. 7.1.1.4 Erger’s Pond Outfall, located in the N1/2 of Section 12, T1S, R67W, of the 6th P.M. 7.1.1.4.1 Fulton - Erger Direct Augmentation Station, as described in paragraph 7.1.1.1.5, above, one outfall of which is via Erger’s Pond. 7.1.1.5 Fulton - Headgate Augmentation Station, in the NW1/4 of Section 16, T2S, R67W of the 6th P.M., at or up ditch from 104th Avenue, to release water to the South Platte River near the east section line of Section 17, T2S, R67W of the 6th P.M. 7.1.1.6 North Reservoir Complex Outlet, to release water to the South Platte River at any of three locations: NW1/4 of Section 9; SW1/4 of Section 4, above the headgate of the Brantner Ditch; or near the north quarter corner of Section 3, all in T2S, R67W of the 6th P.M. Water will be delivered to the North Reservoir Complex Outlet by use of the augmentation stations described in paragraphs 7.1.1.6.1 through 7.1.1.6.3, below, or by use of any decreed point of diversion for the North Reservoir Complex. 7.1.1.6.1 Fulton - Gravel Lakes Augmentation Station, in the SE1/4 NE1/4 of Section 9, T2S, R67W of the 6th P.M., the outfall of which is via the North Reservoir Complex Outlet. 7.1.1.6.2 Burlington Wellington – Tanabe Augmentation Station, in the NW1/4 of Section 14, T2S, R67W of the 6th P.M., the outfall of which is via the North Reservoir Complex Outlet. 7.1.1.6.3 Any additional augmentation station that delivers into the North Reservoir Complex that may be constructed in the future. 7.1.1.7 Fulton - County Line Augmentation Station, in the SW1/4 NE1/4 of Section 5, T1S, R66W of the 6th P.M., to release water to the South Platte River near the north section line of Section 6, T1S, R66W of the 6th P.M. 7.1.1.8 Fulton – United Augmentation Station, in the SE1/4 NE1/4 of Section 17, T1N, R66W of the 6th P.M., to release water to the South Platte River near the NE1/4 NW1/4 of Section 18, T1N, R66W of the 6th P.M. 7.1.1.9 Fulton – Ft. Lupton Augmentation Station, in the NW1/4 SW1/4 of Section 9, T1N, R66W of the 6th P.M., to release water to the South Platte River near the NW1/4 SE1/4 of Section 31, T2N, R68W of the 6th P.M. 7.1.1.10 Fulton - Central Colorado Water Conservancy District Augmentation Station, in the NW1/4 of Section 8, T1N, R66W of the 6th P.M., to release water to the South Platte River near the SE1/4 NW1/4 of Section 7, T1N, R66W of the 6th P.M. 7.1.1.11 Fulton - 124th Avenue Augmentation Station, located on the north edge of the NE1/4 SW1/4 of Section 35, T1S, R67W of the 6th

P.M., the outfall of which is via the 124th Avenue Reservoir Outfall located in the NW1/4 SE1/4 of Section 35, T1S, R67W of the 6th P.M. 7.1.1.12 Lupton Bottom – Diversion Augmentation Station, in the NE1/4 NE1/4 of Section 12, T1N, R67W of the 6th P.M., to release water down Big Dry Creek to the confluence of the South Platte River near the NW1/4 NW1/4 of Section 7, T1N, R66W of the 6th P.M. 7.1.1.13 Lupton Bottom – South Platte Section 31 Exchange-From Point, a point on the South Platte River in the SE1/4 NW1/4 of Section 31, T2N, R66W of the 6th P.M. (“Section 31 Exchange-From Point”). Water will be delivered to the Section 31 Exchange-From Point by use of the augmentation stations described in paragraphs 7.1.1.13.1 through 7.1.1.13.4, below. 7.1.1.13.1 Lupton Bottom – Aurora Parker East Augmentation Station, in the SE1/4 NW1/4 of Section 31, T2N, R66W of the 6th P.M. 7.1.1.13.2 Lupton Bottom – Central Augmentation Station, in the SE1/4 NW1/4 of Section 31, T2N, R66W of the 6th P.M. 7.1.1.13.3 Lupton Bottom – Northglenn Augmentation Station, in the SE1/4 NW1/4 of Section 31, T2N, R66W of the 6th P.M. 7.1.1.13.4 Any additional augmentation station that delivers to the Lupton Bottom – South Platte Section 31 Exchange-From Point that may be constructed in the future. 7.1.1.14 Lupton Bottom – Aurora Everist South Augmentation Station, in the SE1/4 SW1/4 of Section 25, T2N, R67W of the 6th P.M. to release water to the South Platte River near the SE1/4 SW1/4 of Section 30, T2N, R66W of the 6th P.M. 7.1.1.15 Lupton Bottom – Aurora Everist Reservoir Complex Exchange-From Point, a point on the South Platte River near the SW1/4 NE1/4 of Section 30, T2N, R66W of the 6th P.M. (“Aurora Everist Exchange-From Point”). Water will be delivered to the Aurora Everist Exchange-From Point by use of the augmentation stations described in paragraphs 7.1.1.15.1 through 7.1.1.15.6, below, or by use of any decreed point of diversion for the Aurora Everist Reservoir Complex. 7.1.1.15.1 Lupton Bottom – Aurora Everist North Augmentation Station, in the SW1/4 NE1/4 of Section 25, T2N, R67W of the 6th P.M. 7.1.1.15.2 Lupton Bottom - Aurora Vincent Augmentation Station, in the NW1/4 SE1/4 of Section 25, T2N, R67W of the 6th P.M. 7.1.1.15.3 Lupton Bottom - Aurora Ft. Lupton East Augmentation Station, in the NE1/4 SW1/4 of Section 30, T2N, R66W of the 6th P.M. 7.1.1.15.4 Lupton Bottom - Aurora Hill-Oakley Augmentation Station, in the SE1/4 NW1/4 of Section 30, T2N, R66W of the 6th P.M. 7.1.1.15.5 Lupton Bottom – Aurora Everist South Augmentation Station, in the SE1/4 SW1/4 of Section 25, T2N, R67W of the 6th P.M. 7.1.1.15.6 Any additional augmentation station that delivers to the Lupton Bottom – Aurora Everist Exchange-From Point that may be constructed in the future. 7.1.1.16 Lupton Bottom – Sand Hill Augmentation Station, in the SE1/4 NW1/4 of Section 30, T2N, R66W of the 6th P.M. to release water to the South Platte River near the SE1/4 SW1/4 of Section 19, T2N, R66W of the 6th P.M. 7.1.1.17 Lupton Bottom – Confluence of Little Dry Creek and South Platte River Exchange-From Point, a point on the South Platte River near the SE1/4 NE1/4 of Section 12, T2N, R67W of the 6th P.M. (“Little Dry Creek Confluence Exchange-From Point”). Water will be delivered to the Little Dry Creek Confluence Exchange-From Point by use of the augmentation stations described in paragraphs 7.1.1.17.1 through 7.1.1.17.7, below. 7.1.1.17.1 Lupton Bottom - West Lateral Augmentation Station, in the SE1/4 NW1/4 of Section 36, T2N, R67W of the 6th P.M. 7.1.1.17.2 Lupton Bottom - Aurora Parker West Augmentation Station, in the SW1/4 NE1/4 of Section 36, T2N, R67W of the 6th P.M. 7.1.1.17.3 Lupton Bottom - East Lateral Augmentation Station, in the SE1/4 NE1/4 of Section 13, T2N, R67W of the 6th P.M. 7.1.1.17.4 Lupton Bottom - Vynckier Augmentation Station, in the SE1/4 NE1/4 of Section 11, T2N, R67W of the 6th P.M. 7.1.1.17.5 Lupton Bottom - Kuipers Augmentation Station, in the NW1/4 NE1/4 of Section 11, T2N, R67W of the 6th P.M. 7.1.1.17.6 Lupton Bottom - Sperl Augmentation Station, in the NW1/4 NE1/4 of Section 11, T2N, R67W of the 6th P.M. 7.1.1.17.7 Any additional augmentation station that delivers to the Lupton Bottom – Confluence of Little Dry Creek and South Platte River Exchange-From Point that may be constructed in the future. 7.1.1.18 Ragsdale Reservoir Complex Outlet, to release water to the South Platte River in the NE1/4 NE1/4 of Section 19, T2N, R66W of the 6th P.M. and/or in the NW1/4 NW1/4 of Section 18, T2N, R66W of the 6th P.M. Water will be delivered to the Ragsdale Reservoir Complex Outlet by use of the augmentation stations described in paragraphs 7.1.1.18.1 through 7.1.1.18.2, below, or by use any decreed point of diversion for the Ragsdale Reservoir Complex. 7.1.1.18.1 Fulton – Cannon Augmentation Station, located in the SE1/4 NE1/4 of Section 9, T2N, R66W, of the 6th P.M. Water would run westerly in an earthen ditch to the Cannon Pumphouse and would then be delivered to Ragsdale Reservoir or the South Platte River via the outlet(s) from Ragsdale Reservoir. 7.1.1.18.2 Any additional augmentation station that

delivers to outlet(s) from Ragsdale Reservoir that may be constructed in the future. 7.1.1.19 Mann Lakes Reservoir Outlet, in the SE1/4 NE1/4 of Section 34, T1S, R67W of the 6th P.M. to release water to the South Platte River in the SE1/4 NE1/4 of Section 34, T1S, R67W of the 6th P.M. 7.1.1.20 Confluence of Big Dry Creek and South Platte River Exchange-From Point, located in the NW1/4 NW1/4 of Section 7, T1N, R66W of the 6th P.M. Water will be delivered to the Confluence of Big Dry Creek and South Platte River Exchange-From Point by use of the augmentation stations described in paragraphs 7.1.1.20.1 through 7.1.1.20.5, below. 7.1.1.20.1 Brighton Ditch - Big Dry Augmentation Station, in an existing ditch turnout in the NW1/4 SW1/4 of Section 12, T1N, R67W of the 6th P.M., to release water down Big Dry Creek to the confluence of the South Platte River. 7.1.1.20.2 Leon South (#1) Augmentation Station, located in the SW1/4 SW1/4 of Section 13, T1N, R67W of the 6th P.M. Water is delivered through Big Dry Creek approximately 5.0 miles to its confluence with the South Platte River. 7.1.1.20.3 Leon North (#2) Augmentation Station, located in the SW1/4 SW1/4 of Section 13, T1N, R67W of the 6th P.M. Water is delivered through Big Dry Creek approximately 4.51 miles to its confluence with the South Platte River. 7.1.1.20.4 Rosenbrock Augmentation Station, located in the SW1/4 NW1/4 of Section 13, T1N, R67W of the 6th P.M. Water is delivered through Big Dry Creek approximately 3.71 miles to its confluence with the South Platte River. 7.1.1.20.5 Any additional augmentation station that delivers to the Confluence of Big Dry Creek and South Platte River Exchange-From Point that may be constructed in the future. 7.1.1.21 Wattenberg Reservoir Outlet, located near the NW1/4 SW1/4 or the SW1/4 NW1/4 of Section 30, T1N, R66W of the 6th P.M. Water will be delivered to the Wattenberg Reservoir Outlet by use of the augmentation stations described in paragraphs 7.1.1.21.1 through 7.1.1.21.2, below, or by use of any decreed point of diversion for Wattenberg Reservoir. 7.1.1.21.1 Brighton Ditch – Wattenberg Augmentation Station, located in the SW1/4 of Section 25, or the NW1/4 of Section 36, T1N, R67W of the 6th P.M., the outfall of which is via the outlet of Wattenberg Reservoir. 7.1.1.21.2 Any additional augmentation station that delivers to the outlet from Wattenberg Reservoir that may be constructed in the future. 7.1.2 Exchange-To-Points: 7.1.2.1 Fulton Ditch headgate, described in paragraph 3.1.3, above. 7.1.2.2 Brantner Ditch headgate, in the NE1/4 SW1/4 of Section 4, T2S, R67W of the 6th P.M. 7.1.2.3 Mann Lakes South Platte Diversion, in the SE1/4 SW1/4 of Section 34, T1S, R67W of the 6th P.M. 7.1.2.4 Brighton Ditch headgate, in the SE1/4 SE1/4 of Section 11, T1S, R67W of the 6th P.M. 7.1.2.5 Ragsdale Reservoir Complex Diversion Nos. 1-4 7.1.2.5.1 Ragsdale Reservoir Complex Diversion No. 1, Diversion No. 1 will divert surface water from the Cannon Pipeline, which is a drainage/seepage channel that runs along the eastern and northern boundary of Ragsdale Reservoir No. 1. The Cannon Pipeline is a perennial channel that discharges to the South Platte River in the N1/2 NW1/4 of Section 18, T2N, R66W of the 6th P.M. The diversion from the Cannon Pipeline will occur at a point located in the NE1/4 of Section 18 approximately 1,431 feet west and 902 feet south of the northeast corner of Section 18, T2N, R66W of the 6th P.M. (UTM 515696, 4443616). 7.1.2.5.2 Ragsdale Reservoir Complex Diversion No. 2, Diversion No. 2 will divert surface water from the east bank of the South Platte River at a point in the NE1/4 of Section 19 located 637 feet south of the north line and 1,556 feet west of the east line of said NE1/4 of Section 19, T2N, R66W of the 6th P.M. (UTM 515661, 4442086). 7.1.2.5.3 Ragsdale Reservoir Complex Diversion No. 3, Diversion No. 3 will divert surface water from the east bank of the South Platte River at a point in the SW1/4 of Section 18 located 819 feet north of the south line and 2,181 feet east of the west line of said SW1/4 of Section 18, T2N, R66W of the 6th P.M. (UTM 515153, 4442526). 7.1.2.5.4 Ragsdale Reservoir Complex Diversion No. 4, Diversion No. 4 will divert surface water from the east bank of the South Platte River at a point in the NW1/4 of Section 18 located 2,381 feet south of the north line and 1,340 feet east of the west line of said NW1/4 of Section 18, T2N, R66W of the 6th P.M. (UTM 514898, 4443161). 7.1.2.6 South Platte Diversion I, in the W1/2 of Section 30, T1N, R66W of the 6th P.M. 7.1.3 Description of Exchange Reach: The claimed exchange reach extends from its furthest downstream terminus at the location of the Little Dry Creek confluence (described in paragraph 7.1.1.17, above) upstream to the furthest upstream terminus at the location of the Fulton Ditch headgate (described in paragraph 3.1.3, above). South Adams requests the right to exchange from any of the exchange-from-points identified in paragraph 7.1.1, above, to any of the exchange-to-points identified in paragraph 7.1.2, above. In addition, South Adams requests the right to exchange water between any existing or yet-to-be constructed facilities within this

defined exchange reach and located in Weld County or Adams County. A map showing the locations of the structures involved and the overall exchange reach is attached as **Exhibit F**. The individual exchange reaches are summarized in the exchange matrix attached as **Exhibit G**, and shown on **Exhibit F**. 7.2 Sources: The Subject Water Rights; the 151.465 Burlington Company, 128.95 Wellington Company, 446 Fulton Company, 1.105 Brighton Ditch Company and 592 Lupton Meadows Ditch Company shares previously changed by South Adams in Case No. 2001CW258; and the 13.24 Burlington Company, 9.84 Wellington Company, and 104 Fulton Company shares previously changed by South Adams in Case No. 10CW304. 7.3 Date of appropriation: April 29, 2022. 7.4 How appropriation was initiated: By forming the intent to appropriate these rights of exchange and by overt acts in furtherance of such intent, including: (1) adopting a resolution of the Board of Directors expressing its intent to appropriate water and directing the effectuation of such intent and appropriation; and (2) filing the Application herein. 7.5 Date water applied to beneficial use: N/A, Conditional. 7.6 Amount claimed: 216.63 cfs; CONDITIONAL. The maximum rate of flow for the various intermediate exchanges within the overall exchange is set forth in **Exhibit G**. 7.7 Use of exchanged water: The exchanged water will be used for the uses described in paragraph 4, above. 7.8 Integrated System: The Appropriative Right of Exchange will be used as a part of South Adams' integrated system of water rights and structures under C.R.S. § 37-92-301(4)(b). **CONDITIONAL WATER EXCHANGE PROJECT APPROPRIATION** 8. Water exchange project ("Water Exchange Project"): When the point of delivery of water from the sources described in paragraph 8.2, below, is downstream of the locations where South Adams' wells that are included in the South Adams Augmentation Plan deplete the South Platte River, the sources of water described in paragraph 8.2, below, may be used to replace such upstream depletions by operation of a water exchange project as described in C.R.S. §§ 37-92-103(9) and 37-92-305(3)(a). The claimed Water Exchange Project described below will be incorporated into and will operate within the South Adams Augmentation Plan. 8.1 Names of structures involved and legal descriptions: 8.1.1 Water Exchange Project Exchange-From-Points: 8.1.1.1 Ken Mitchell Lakes Exchange-From Point, as described in paragraph 7.1.1.1., above. Water will be delivered to the Ken Mitchell Lakes Exchange-From Point by use of the augmentation stations described in paragraphs 8.1.1.1.1 through 8.1.1.1.6, below, or by use of any decreed point of diversion for Ken Mitchell Lakes. 8.1.1.1.1 Burlington Wellington – 148th Augmentation Station Brighton Lateral, as described in paragraph 7.1.1.1.1., above. 8.1.1.1.2 Fulton – 148th Avenue Augmentation Station, as described in paragraph 7.1.1.1.2, above. 8.1.1.1.3 Fulton – 148th Avenue Augmentation Station on the Fulton Lateral, as described in paragraph 7.1.1.1.3, above. 8.1.1.1.4 Fulton – 144th Direct Augmentation Station, as described in paragraph 7.1.1.1.4, above. 8.1.1.1.5 Fulton - Erger Direct Augmentation Station, as described in paragraph 7.1.1.1.5, above. 8.1.1.1.6 Any additional augmentation station that delivers into Ken Mitchell Lakes that may be constructed in the future. 8.1.1.2 Burlington Wellington - United Augmentation Station, as described in paragraph 7.1.1.2, above. 8.1.1.3 Brighton's South Drain Outfall, as described in paragraph 7.1.1.3, above. 8.1.1.3.1 Fulton - Erger Direct Augmentation Station, as described above in paragraph 7.1.1.1.5, one outfall of which is via Brighton's South Drain Outfall. 8.1.1.4 Erger's Pond Outfall, as described in paragraph 7.1.1.4, above. 8.1.1.4.1 Fulton - Erger Direct Augmentation Station, as described above in paragraph 7.1.1.1.5, above, one outfall of which is via Erger's Pond. 8.1.1.5 Fulton - Headgate Augmentation Station, as described in paragraph 7.1.1.5, above. 8.1.1.6 North Reservoir Complex Outlet, as described in paragraph 7.1.1.6, above. Water will be delivered to the North Reservoir Complex Outlet by use of the augmentation stations described in paragraphs 8.1.1.6.1 through 8.1.1.6.3, below, or by use of any decreed point of diversion for the North Reservoir Complex. 8.1.1.6.1 Fulton - Gravel Lakes Augmentation Station, as described in paragraph 7.1.1.6.1, above. 8.1.1.6.2 Burlington Wellington – Tanabe Augmentation Station, as described in paragraph 7.1.1.6.2, above. 8.1.1.6.3 Any additional augmentation station that delivers into the North Reservoir Complex that may be constructed in the future. 8.1.1.7 Fulton - County Line Augmentation Station, described in paragraph 7.1.1.7, above. 8.1.1.8 Fulton – United Augmentation Station, as described in paragraph 7.1.1.8, above. 8.1.1.9 Fulton – Ft. Lupton Augmentation Station, as described in paragraph 7.1.1.9, above. 8.1.1.10 Fulton - Central Colorado Water Conservancy District Augmentation Station, as described in paragraph 7.1.1.10, above. 8.1.1.11 Fulton - 124th Avenue Augmentation Station, as described in paragraph 7.1.1.11, above. 8.1.1.12 Lupton Bottom

– Diversion Augmentation Station, as described in paragraph 7.1.1.12, above. 8.1.1.13 Lupton Bottom – South Platte Section 31 Exchange-From Point, as described in paragraph 7.1.1.13, above. Water will be delivered to the Section 31 Exchange-From Point by use of the augmentation stations described in paragraphs 8.1.1.13.1 through 8.1.1.13.4, below. 8.1.1.13.1 Lupton Bottom – Aurora Parker East Augmentation Station, as described in paragraph 7.1.1.13.1, above. 8.1.1.13.2 Lupton Bottom – Central Augmentation Station, as described in paragraph 7.1.1.13.2, above. 8.1.1.13.3 Lupton Bottom – Northglenn Augmentation Station, as described in paragraph 7.1.1.13.3, above. 8.1.1.13.4 Any additional augmentation station that delivers to the Lupton Bottom – South Platte Section 31 Exchange-From Point that may be constructed in the future. 8.1.1.14 Lupton Bottom – Aurora Everist South Augmentation Station, as described in paragraph 7.1.1.14, above. 8.1.1.15 Lupton Bottom – Aurora Everist Reservoir Complex Exchange-From Point, as described in paragraph 7.1.1.15, above. Water will be delivered to the Aurora Everist Exchange-From Point by use of the augmentation stations described in paragraphs 8.1.1.15.1 through 8.1.1.15.6, below, or by use of any decreed point of diversion for the Aurora Everist Reservoir Complex. 8.1.1.15.1 Lupton Bottom – Aurora Everist North Augmentation Station, as described in paragraph 7.1.1.15.1, above. 8.1.1.15.2 Lupton Bottom – Aurora Vincent Augmentation Station, as described in paragraph 7.1.1.15.2, above. 8.1.1.15.3 Lupton Bottom – Aurora Ft. Lupton East Augmentation Station, as described in paragraph 7.1.1.15.3, above. 8.1.1.15.4 Lupton Bottom – Aurora Hill-Oakley Augmentation Station, as described in paragraph 7.1.1.15.4, above. 8.1.1.15.5 Lupton Bottom – Aurora Everist South Augmentation Station, as described in paragraph 7.1.1.15.5, above. 8.1.1.15.6 Any additional augmentation station that delivers to the Lupton Bottom – Aurora Everist Exchange-From Point that may be constructed in the future. 8.1.1.16 Lupton Bottom – Sand Hill Augmentation Station, as described in paragraph 7.1.1.16, above. 8.1.1.17 Lupton Bottom – Confluence of Little Dry Creek and South Platte River Exchange-From Point, as described in paragraph 7.1.1.17, above. Water will be delivered to the Little Dry Creek Confluence Exchange-From Point by use of the augmentation stations described in paragraphs 8.1.1.17.1 through 8.1.1.17.7, below. 8.1.1.17.1 Lupton Bottom – West Lateral Augmentation Station, as described in paragraph 7.1.1.17.1, above. 8.1.1.17.2 Lupton Bottom – Aurora Parker West Augmentation Station, as described in paragraph 7.1.1.17.2, above. 8.1.1.17.3 Lupton Bottom – East Lateral Augmentation Station, as described in paragraph 7.1.1.17.3, above. 8.1.1.17.4 Lupton Bottom – Vynckier Augmentation Station, as described in paragraph 7.1.1.17.4, above. 8.1.1.17.5 Lupton Bottom – Kuipers Augmentation Station, as described in paragraph 7.1.1.17.5, above. 8.1.1.17.6 Lupton Bottom – Sperl Augmentation Station, as described in paragraph 7.1.1.17.6, above. 8.1.1.17.7 Any additional augmentation station that delivers to the Lupton Bottom – Confluence of Little Dry Creek and South Platte River Exchange-From Point that may be constructed in the future. 8.1.1.18 Ragsdale Reservoir Complex Outlet, as described in paragraph 7.1.1.18, above. Water will be delivered to the Ragsdale Reservoir Complex Outlet by use of the augmentation stations described in paragraphs 8.1.1.18.1 through 8.1.1.18.2, below, or by use of any decreed point of diversion for the Ragsdale Reservoir Complex. 8.1.1.18.1 Fulton – Cannon Augmentation Station, as described in paragraph 7.1.1.18.1, above. 8.1.1.18.2 Any additional augmentation station that delivers to Ragsdale Reservoir Complex outlet(s) that may be constructed in the future. 8.1.1.19 Mann Lakes Reservoir Outlet, as described in paragraph 7.1.1.19, above. 8.1.1.20 Burlington Wellington – Sanstaad Augmentation Station, in the NW1/4 of Section 29, T2S, R67W of the 6th P.M., from which water will be conveyed to the Bull Seep, then re-diverted from the Bull Seep in the SE1/4 of Section 17, T2S, R67W of the 6th P.M. from which it will be conveyed to the South Platte River in the same quarter section. 8.1.1.21 Wattenberg Reservoir Outlet, as described in paragraph 7.1.1.21, above. Water will be delivered to the Wattenberg Reservoir Outlet by use of the augmentation stations described in paragraphs 8.1.1.21.1 through 8.1.1.21.2, below, or by use of any decreed point of diversion for Wattenberg Reservoir. 8.1.1.21.1 Brighton Ditch – Wattenberg Augmentation Station (Wattenberg Reservoir Outlet), as described in paragraph 7.1.1.21, above. 8.1.1.21.2 Any additional augmentation station that delivers to the outlet from Wattenberg Reservoir that may be constructed in the future. 8.1.1.22 Burlington Wellington – South Complex Augmentation Station, in the SE1/4 NE1/4 of Section 1, T3S, R68W of the 6th P.M., from which water will be conveyed into the Welby and Bambei-Walker storage reservoirs, or to the South Platte River as it flows through the N1/2 of Section 1, T3S, Range 68 West of

the 6th P.M. 8.1.2 Water Exchange Project Exchange-To-Points: The locations where South Adams' wells deplete the South Platte River which begins at an upstream point which is at or below the confluence of Sand Creek near the south quarter corner of Section 1, T3S, R68W of the 6th P.M., and extending downstream to a point in the City of Brighton at the Colorado State Highway 7 bridge at the southerly section line of Section 1, T1S, R67W of the 6th P.M. ("Depletion Reach"). 8.1.3 Description of Water Exchange Project Reach and Operations: The claimed Water Exchange Project will operate within the South Adams Augmentation Plan for the purpose of replacing stream depletions to the South Platte River that are caused by South Adams' wells. The claimed Water Exchange Project will operate on the South Platte River within the Depletion Reach. South Adams requests the right to operate the Water Exchange Project to exchange water from any of the exchange-from-points identified in paragraph 8.1.1, above, to the exchange-to-points identified in paragraph 8.1.2, above. In addition, South Adams requests the right to operate the Water Exchange Project to exchange water between any existing or yet-to-be constructed facilities within the Depletion Reach and located in Weld County or Adams County. A map showing the locations of the structures involved and the overall Water Exchange Project reach that comprises the Depletion Reach is attached as **Exhibit H**. The individual Water Exchange Project reaches within the Depletion Reach are summarized in the Water Exchange Project matrix attached as **Exhibit I**, and are also shown on **Exhibit H**. 8.2 Sources: The Subject Water Rights; the 151.465 Burlington Company, 128.95 Wellington Company, 446 Fulton Company, 1.105 Brighton Ditch Company, and 592 Lupton Meadows Ditch Company shares previously changed by South Adams in Case No. 2001CW258; and the 13.24 Burlington Company, 9.84 Wellington Company, and 104 Fulton Company shares previously changed by South Adams in Case No. 10CW304. 8.3 Date of appropriation: April 29, 2022. 8.4 How appropriation was initiated: By forming the intent to appropriate the Water Exchange Project and by overt acts in furtherance of such intent, including: (1) adopting a resolution of the Board of Directors expressing its intent to appropriate water and directing the effectuation of such intent and appropriation; and (2) filing the Application herein. 8.5 Date water applied to beneficial use: N/A, Conditional. 8.6 Amount claimed: 105 cfs; CONDITIONAL. The maximum rate of flow for the various intermediate Water Exchange Project exchanges within the overall Water Exchange Project is set forth in **Exhibit I**. 8.7 Use of exchanged water: Augmentation and replacement purposes within the South Adams Augmentation Plan. 8.8 Integrated System: The Water Exchange Project will be used as a part of South Adams' integrated system of water rights and structures under C.R.S. § 37-92-301(4)(b). **EXPANSION AND MODIFICATION OF THE SOUTH ADAMS AUGMENTATION PLAN** 9. Addition of sources of augmentation and replacement water to the South Adams Augmentation Plan and removal of sources of augmentation and replacement water from the South Adams Augmentation Plan: By the Intergovernmental Agreement for Exchange of Water between the City of Aurora ("Aurora") and South Adams signed on June 8, 2021 ("IGA"), Aurora conveyed the Subject Water Rights and Subject Shares to South Adams and South Adams agreed to convey to Aurora shares in the Lupton Meadow Ditch Company with a yield equivalent to the Subject Water Rights and Subject Shares. South Adams' conveyance of shares in the Lupton Meadows Ditch Company to Aurora under the IGA may occur in two phases. In the first phase, South Adams has conveyed to Aurora 125 Lupton Meadows Ditch Company shares historically delivered in the Lupton Bottom Ditch ("125 LMDC-LBD Shares") and 120 Lupton Meadows Ditch Company shares historically delivered in the Meadow Island No. 1 Ditch ("120 LMDC- MI#1 Shares"). The 125 LMDC-LBD Shares and the 120 LMDC-MI#1 Shares are referred to collectively herein as the "LMDC Shares." The LMDC Shares are currently included as a decreed source of augmentation and replacement water in the South Adams Augmentation Plan. Because the LMDC Shares have been conveyed to Aurora, they are no longer available for augmentation and replacement use by South Adams in the South Adams Augmentation Plan. South Adams' needs to remove the LMDC Shares from the South Adams Augmentation Plan to facilitate Aurora's use of the shares. Therefore, South Adams seeks to remove the LMDC Shares from the South Adams Augmentation Plan and add the Subject Water Rights and Subject Shares to the South Adams Augmentation Plan as a new source of augmentation and replacement water. 9.1 Addition of new sources of augmentation and replacement water to the South Adams Augmentation Plan: This Application seeks to add the changed Fulton, Burlington, and Wellington Shares as described in paragraphs 3 and 4 above as augmentation and

replacement supplies for use within the South Adams Augmentation Plan. 9.2 Removal of sources of augmentation and replacement water from the South Adams Augmentation Plan: This Application seeks to remove the following sources of water as augmentation and replacement supplies from the South Adams Augmentation Plan. 9.2.1 125 LMDC-LBD Shares: 125 shares decreed in Case No. 10CW304 as sources of augmentation and replacement water for use within the South Adams Augmentation Plan with a decreed average annual historical consumptive use credit of 142 acre-feet. 9.2.2 120 LMDC-MI#1 Shares: 120 shares decreed in Case No. 01CW258 as sources of augmentation and replacement water for use within the South Adams Augmentation Plan with a decreed average annual historical consumptive use credit of 140.5 acre-feet. 10. Addition of Appropriative Right of Exchange to the South Adams Augmentation Plan: This Application seeks to add the Appropriative Right of Exchange as described in paragraph 7, above, to the South Adams Augmentation Plan. 11. Addition of Water Exchange Project to the South Adams Augmentation Plan: This Application seeks to add the Water Exchange Project as described in paragraph 8, above, to the South Adams Augmentation Plan. 12. Potential Adjustment to the Gross Depletion Limit in 2001CW258 Decree, as modified by the 2006CW258 Decree: By this Application, South Adams may seek to adjust the limit established in paragraph 51 of the 2001CW258 Decree, as modified by the 2006CW258 Decree, on gross depletions to the South Platte River from pumping the South Adams Wells under the South Adams Augmentation Plan as needed to account for the removal of the Lupton Meadows Ditch Company shares described in paragraph 9.2, above, as sources of augmentation and replacement water from the South Adams Augmentation Plan and for the addition of the Subject Shares as new sources of augmentation and replacement water for use in the South Adams Augmentation Plan. 13. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: 13.1 Burlington Wellington – Sand Creek Augmentation Station: Burlington Ditch, Land and Reservoir Company 80 S. 27th Ave., Brighton, CO 80601 and City of Commerce City, 7887 E 60th Ave., Commerce City, CO 80022. 13.2 Burlington Wellington – Sanstaad Augmentation Station: Burlington Ditch, Land and Reservoir Company 80 S. 27th Ave., Brighton, CO 80601. 13.3 Burlington Wellington – Tanabe Augmentation Station: Burlington Ditch, Land and Reservoir Company 80 S. 27th Ave., Brighton, CO 80601 and City of Commerce City, 7887 E. 60th Ave., Commerce City, CO 80022. 13.4 Burlington Wellington - United Augmentation Station: Howard Binder Jr., 6155 County Road 23, Fort Lupton, CO 80621. 13.5 Ragsdale Reservoir Complex: Cannon Land Co., 3333 S. Wadsworth Blvd., Suite D-208, Lakewood, CO 80227. 13.6 Wattenberg Reservoir: City of Westminster, c/o Director of Public Works, 4800 West 92nd Ave., Westminster, CO 80030. 13.7 North Reservoir Complex and South Reservoir Complex: City and County of Denver Acting By and Through Its Board of Water Commissioners, 1600 W. 12th Ave., Denver, CO 80204-3412. 13.8 Mann Lakes Reservoir: Adams County, 4430 South Adams County Parkway, Brighton, CO 80601. 13.9 Mann Lakes Reservoir Outlet to the South Platte River: Adams County, 4430 South Adams County Parkway, Brighton, CO 80601. 13.10 Mann Lakes South Platte Diversion: Adams County, 4430 South Adams County Parkway, Brighton, CO 80601. 13.11 Brighton Ditch – Wattenberg Augmentation Station: City of Westminster, c/o Director of Public Works, 4800 West 92nd Ave., Westminster, CO 80030. 13.12 Fulton – County Line Augmentation Station: City of Brighton, 22 South 4th Ave., Brighton, CO 80601-2030. 13.13 Fulton – Cannon Augmentation Station: Cannon Land Co., 3333 S. Wadsworth Blvd., Suite D-208, Lakewood, CO 80227. 13.14 Fulton - Erger Direct Augmentation Station: MARRONE KENNETH M 50% UND INT AND MARRONE EAT LLC 50% UND INT, 2874 W 111th Way, Westminster, CO 80234. 13.15 Fulton – 144th Direct Augmentation Station: City of Brighton, 500 S. 4th Ave., Brighton, CO 80601. 13.16 Fulton – Gravel Lakes Augmentation Station: City and County of Denver Acting By and Through Its Board of Water Commissioners, 1600 W. 12th Ave., Denver, CO 80204-3412. 13.17 Lupton Bottom – Diversion Augmentation Station: Morton Lakes, LLC, 5775 Franklin St., Denver, CO 80216. 13.18 Lupton Bottom – Aurora Parker East Augmentation Station: South Platte Valley Historical Society, P.O. Box 633 Ft. Lupton, CO 80621. 13.19 Lupton Bottom – Aurora Everist South Augmentation Station: City of Aurora, 15151 E. Alameda Parkway, Suite 3600, Aurora, CO 80012. 13.20 Lupton Bottom - Aurora Vincent Augmentation Station: City of Aurora, 15151 E. Alameda

Parkway, Suite 3600, Aurora, CO 80012. 13.21 Lupton Bottom - Aurora Everist North Augmentation Station: LG Everist Inc., 350 S. Main Ave., Suite 400, Sioux Falls, SD 57104. 13.22 Lupton Bottom – Sand Hill Augmentation Station: David Bell, 7679 Youngfield St., Arvada, CO 80005. 13.23 Lupton Bottom - Aurora Parker West Augmentation Station: LG Everist Inc., 350 S. Main Ave., Suite 400, Sioux Falls, SD 57104. 13.24 Lupton Bottom - Vynckier Augmentation Station: Ramon Michel, 4638 Tilbury Ct., Firestone, CO 80504. 13.25 Lupton Bottom - Kuipers Augmentation Station: James and Mary Carlson, 10775 County Road 23, Fort Lupton, CO 80621. 13.26 Lupton Bottom - Sperl Augmentation Station: James and Mary Carlson, 10775 County Road 23, Fort Lupton, CO 80621. 13.27 South Platte Diversion I: City of Westminster, c/o Director of Public Works, 4800 West 92nd Ave., Westminster, CO 80030. 13.28 Duck Lake (a/k/a Altura Reservoir): Burlington Ditch, Land and Reservoir Company, 80 S. 27th Ave., Brighton, CO 80601 and Timberline Lodge at Duck Lake LLC, 2899 N. Speer Blvd., Suite #102, Denver, CO, 80211. 13.29 Wellington Reservoir: Wellington Reservoir Company 80 S. 27th Ave., Brighton, CO 80601. WHEREFORE, the District respectfully requests that the Court enter a decree: (a) approving South Adams’ claimed changes of water rights; (b) confirming South Adams’ claimed appropriation of return flows; (c) confirming South Adams’ claimed appropriative rights of substitution and exchange; (d) confirming South Adams’ claimed water exchange project; (e) approving South Adams claimed modification and expansion of the South Adams Augmentation Plan; and (f) granting all such other and further relief, whether legal or equitable, as the Court may determine necessary or desirable for the purpose of according full relief.

2022CW3064 (2012CW296) TOWN OF CASTLE ROCK, Attn: Mark Marlowe, Director of Castle Rock Water, 175 Kellogg Court, Castle Rock, CO 80109, (720) 733-6000, mmarlowe@crgov.com. Serve all pleadings on: Madoline Wallace-Gross and Anthony J. Basile, Lyons Gaddis, P.C., P.O. Box 978, Longmont, CO 80502-0978, (303)776-9900, mwg@lyonsgaddis.com; abasile@lyonsgaddis.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHTS PARTIALLY ABSOLUTE IN DOUGLAS AND JEFFERSON COUNTIES.** 2. **Original Decree for All Conditional Water Rights in this Application**: Case No. 12CW296, District Court, Water Division No. 1, entered April 19, 2016. 3. **Request for Findings of Reasonable Diligence and Findings of Partial Absolute for Conditional Rights of Exchanges and Conditional Surface Water Rights.** 3.1. **Structures Used in the Operation of Conditional Exchanges and Surface Water Rights**: Unless specified herein, all structures are located in Douglas County, Colorado. 3.1.1. Castle Pines Diversion Point S-1: Located in SE 1/4 SW 1/4 Section 21, T. 7 S., R. 67 W., 6th P.M., 20 feet from the south section line and 1530 feet from the west section line. The UTM coordinates are NAD 83, Zone 13, Easting: 508617.3, Northing: 4363495.8. 3.1.2. Castle Pines Diversion Point S-2: Located in NE 1/4 SW 1/4 Section 20, T. 7 S., R. 67 W., 6th P.M., 2540 feet from the south section line and 2590 feet from the west section line. The UTM coordinates are NAD 83, Zone 13, Easting: 507353.8, Northing: 4364228.7. 3.1.3. Castle Rock Surface Diversion No. 1: Located in the SW 1/4 NW 1/4 of Section 2, T. 8 S., R. 67 W., 6th P.M. 2083 feet from the north section line and 1086 feet from the west section line. The UTM coordinates are NAD 83, Zone 13, Easting: 511689, Northing: 4359580. 3.1.4. Castle Rock Surface Diversion No. 2: Located in the SW 1/4 SW 1/4 Section 21, T. 7 S., R. 67 W., 6th P.M., 791 feet from the south section line and 45 feet from the west section line. The UTM coordinates are NAD 83, Zone 13, Easting: 508165, Northing: 4363735. 3.1.5. Castle Rock Surface Diversion No. 3: Located in NW 1/4 SE 1/4 Section 20, T. 7 S., R. 67 W., 6th P.M., 1602 feet from the south section line and 1678 feet from the east section line. The UTM coordinates are NAD 83, Zone 13, Easting: 507640, Northing: 4363956. 3.1.6. Plum Creek Diversion: Located in the NE 1/4 SE 1/4 of Section 15, T. 7 S., R. 68 W., 6th P.M. 760 feet from the east section line and 1672 feet from the south section line. The UTM coordinates for the Plum Creek Diversion as decreed in Case No. 05CW270 are Latitude 39 26’ 21.66” North, Longitude 104 58’ 57.89” West, Zone 13, Easting 501485, Northing 4365534. 3.1.7. Chatfield Reservoir: An existing on-channel reservoir formed by Chatfield Dam located on the mainstem of the South Platte River. The right abutment of the dam is located in Douglas County, in Sections 6 and 7, T. 6 S., R. 68 W. of the 6th P.M. The UTM coordinates are NAD 83, Zone 13, Easting: 496384, Northing:

4376631. The left abutment of the dam is located in Jefferson County, in Section 1, T. 6 S., R. 69 W. of the 6th P.M. The UTM coordinates are NAD 83, Zone 13, Easting: 494078, Northing: 4379100. 3.1.8. Plum Creek Water Reclamation Authority (“PCWRA”) Wastewater Treatment Plant Outfall: Located in SW 1/4 SW 1/4 Section 21, T. 7 S., R. 67 W., 6th P.M., 770 feet from the south section line and 100 feet from the west section line. The UTM coordinates are NAD 83, Zone 13, Easting: 508172.0, Northing: 4363729.0. 3.1.9. Plum Creek Reservoir Outlet: Located in the NW 1/4 SW 1/4 Section 20, T. 7 S., R. 67 W., 6th P.M., 2,500 feet from the south section line, 500 feet from the west section line. The UTM coordinates are NAD 83, Zone 13, Easting: 506953.1, Northing: 436835.3. **CONDITIONAL RIGHTS OF APPROPRIATIVE EXCHANGE** 4. **Descriptions of Conditional Exchanges**: The conditional rights of appropriative exchange are depicted on the map attached hereto as **EXHIBIT A**. 4.1. Chatfield Reservoir to Castle Rock Surface Diversion No. 1 Exchanges; 4.2. Confluence of East and West Plum Creeks to Castle Pines Diversion Point S-1 Exchanges; 4.3. PCWRA Wastewater Treatment Outfall to Castle Pines Diversion Point S-1 Exchange; 4.4. Plum Creek Reservoir Outlet to Castle Pines Diversion Point S-1 Exchanges; 4.5. Confluence of East and West Plum Creeks to Castle Rock Surface Diversion No. 1 Exchanges; 4.6. PCWRA Wastewater Treatment Outfall to Castle Rock Surface Diversion No. 1 Exchange; 4.7. Plum Creek Reservoir Outlet to Castle Rock Surface Diversion No. 1 Exchanges; and 4.8. Chatfield Reservoir to Castle Rock Surface Diversion No. 1 Exchanges. 5. **Chatfield Reservoir to Castle Rock Surface Diversion No. 1 Exchanges**. 5.1. Downstream Terminus: Chatfield Reservoir described in paragraph 3.1.7. 5.2. Upstream Termini: Plum Creek Diversion, Castle Pines Diversion Points S-1 and S-2 and Castle Rock Surface Diversion Nos. 1, 2 and 3 described in paragraphs 3.1.1. to 3.1.5. 5.3. Sources of Substitute Supply: Any water or water rights owned, leased or otherwise available to Applicant and lawfully stored in Chatfield Reservoir, including but not limited to the following: 5.3.1. Effluent: Applicant’s effluent discharged from the PCWRA Outfall and stored in Chatfield Reservoir consisting of the following sources: 1) nontributary groundwater and fully-augmented not nontributary groundwater described in **EXHIBIT B**; and 2) Applicant’s deliveries from the Water Infrastructure System Efficiency (“WISE”) project described in **EXHIBITS C and D**, limited to 10,000 acre-feet over a 10-year period; 3) consumptive use credits from the Noe Ranch and Douglas Park Water Rights described in paragraph 5.3.3. and **EXHIBIT E**, to the extent such credits were not fully-consumed in the first use; and 4) water diverted under Castle Rock Surface Diversion Nos. 1 and 2 described in paragraphs 13 and 14. 5.3.2. Storage Right: 2,000 acre-feet, conditional, of water stored in priority pursuant to Applicant’s Chatfield Reservoir storage water right, which was decreed for all municipal uses in Case No. 89CW169, District Court, Water Division No. 1, entered on July 25, 1991, with an appropriation date of November 6, 1989. 5.3.3. Consumptive Use Credits: Consumptive use credits stored in Chatfield Reservoir pursuant to Applicant’s decree in Case No. 09CW166, District Court, Water Division No. 1, as described in **EXHIBIT E**, attributable to the 1) High Line Ditch Water Rights; 2) Noe Ranch Water Rights; 3) Douglas Park Water Rights; and 4) Ball Ditch Water Rights. 5.4 Amount of Exchange: 15 cfs combined total for all exchanges decreed, conditional. These exchanges may be operated up to a maximum of 2,000 acre-feet annually total and 32,200 acre-feet over a 20-year period in combination with the exchanges described in paragraph 12. 5.5 Date of Appropriation: December 18, 2012. 5.6 Decreed Uses of Exchanged Water: Direct use or storage for municipal, augmentation, replacement and exchange. 5.7 Claim to Make Absolute: 5.7.1 Flow Rate: 2.58 cfs, ABSOLUTE, of 15 cfs. 5.7.2 Uses: All decreed uses described in paragraph 5.6. 5.7.3 Date applied to beneficial use: April 19, 2022. 5.7.4 Evidence of Absolute Claim: See **EXHIBIT F**. 6. **Confluence of East and West Plum Creeks to Castle Pines Diversion Point S-1 Exchanges**. 6.1. Downstream Terminus: Confluence of East and West Plum Creeks in the SW 1/4 NE 1/4 Section 23, T. 7 S., R. 68 W., 6th P.M. 6.2. Upstream Termini: Castle Pines Diversion Points S-1 and S-2 described in paragraphs 3.1.1. to 3.1.2. 6.3. Sources of Substitute Supply: Consumptive Use Credits from Douglas Park Water Rights described in paragraph 5.3.3 and **EXHIBIT E**. 6.4. Amount of Exchange: 2.02 cfs combined total for all exchanges, conditional. 6.5. Combined Amount of Exchange: These exchanges may be operated up to a rate of 2.02 cfs total and a maximum of 452 acre-feet per year total in combination with the exchanges described in paragraph 9. 6.6. Date of Appropriation: December 18, 2012. 6.7. Decreed Uses of Exchanged Water: Direct use or storage for municipal, augmentation, replacement and exchange. 6.8.

Claim to Make Absolute: Not applicable. 7. **PCWRA Treatment Wastewater Treatment Outfall to Castle Pines Diversion Point S-1 Exchange**. 7.1. Downstream Terminus: PCWRA Outfall described in paragraph 3.1.8. 7.2. Upstream Terminus: Castle Pines Diversion Point S-1 described in paragraph 3.1.1. 7.3. Sources of Substitute Supply: Applicant's fully-consumable, reusable effluent derived from the following sources: 1) nontributary groundwater and fully-augmented not nontributary groundwater described in **EXHIBIT B**; and 2) deliveries from the WISE project described in **EXHIBITS C and D**, limited to 10,000 acre-feet over a 10-year period; 3) consumptive use credits from the Noe Ranch and Douglas Park Water Rights described in paragraph 5.3.3. and **EXHIBIT E**, to the extent such credits were not fully-consumed in the first use; and 4) water diverted under Castle Rock Surface Diversion Nos. 1 and 2 described in paragraphs 13 and 14. 7.4. Amount of Exchange: 10.8 cfs, conditional. This exchange may be operated up to a rate of 10.8 cfs and a maximum of 7,819 acre-feet annually and 112,900 acre-feet over a 20-year period in combination with the exchange described in paragraph 10. 7.5. Date of Appropriation: December 18, 2012. 7.6. Decreed Uses of Exchanged Water: Direct use or storage for municipal, augmentation, replacement and exchange. 7.7. Claim to Make Absolute: Not applicable. 8. **Plum Creek Reservoir Outlet to Castle Pines Diversion Point S-1 Exchanges**. 8.1. Downstream Terminus: Plum Creek Reservoir Outlet described in paragraph 3.1.9. 8.2. Upstream Terminus: Castle Pines Diversion S-1 and Castle Pines Diversion S-2 described in paragraphs 3.1.1. and 3.1.2. 8.3. Source of Substitute Supply: Any water or water rights owned, leased or otherwise available to Applicant and lawfully stored in Plum Creek Reservoir, including but not limited to the following: 8.3.1. Effluent described in paragraph 5.3.1. 8.3.2. Consumptive use credits from High Line, Noe Ranch, and Douglas Park Water Rights described in paragraph 5.3.3. and **EXHIBIT E**, and stored in Plum Creek Reservoir. 8.4. Amount of Exchange: 15 cfs, conditional. These exchanges may be operated up to a rate of 15 cfs and a maximum of 800 acre-feet annually total and an amount equal to 20 times Applicant's storage capacity in Plum Creek Reservoir (acre-feet) over a 20-year period in combination with the exchanges described in paragraph 11. 8.5. Date of Appropriation: December 18, 2012. 8.6. Decreed Uses of Exchanged Water: Direct use or storage for municipal, augmentation, replacement and exchange. 8.7. Claim to Make Absolute: Not applicable. 9. **Confluence of East and West Plum Creeks to Castle Rock Surface Diversion No. 1 Exchanges**. 9.1. Downstream Terminus: Confluence of East and West Plum Creeks described in paragraph 6.1. 9.2. Upstream Termini: Castle Rock Surface Diversion Nos. 1, 2 and 3 described in paragraphs 3.1.3. to 3.1.5. 9.3. Sources of Substitute Supply: Consumptive use credits associated with Douglas Park water rights described in paragraph 5.3.3. and **EXHIBIT E**. 9.4. Amount of Exchange: 2.02 cfs combined total for all exchanges, conditional. 9.5. Date of Initiation of Appropriation: August 20, 2013. 9.6. Decreed Uses of Exchanged Water: Direct use or storage for municipal, augmentation, replacement and exchange. 9.7. Claim to Make Absolute: 9.7.1. Flow Rate: 1.84 cfs, ABSOLUTE, of 2.02 cfs. 9.7.2. Uses: All decreed uses described in paragraph 9.6. 9.7.3. Date applied to beneficial use: June 1, 2019. 9.7.4. Evidence of Absolute Claim: See **EXHIBIT F**. 10. **PCWRA Wastewater Treatment Outfall to Castle Rock Surface Diversion No. 1 Exchange**. 10.1. Downstream Terminus: PCWRA Outfall described in paragraph 3.1.8. 10.2. Upstream Termini: Castle Rock Surface Diversion No. 1 described in paragraph 3.1.3. 10.3. Source of Substitute Supply: Effluent described in paragraph 7.3. 10.4. Amount of Exchange: 10.8 cfs, conditional. 10.5. Combined Amount of Exchange: This exchange may be operated up to a rate of 10.8 cfs and a maximum of 7,819 acre-feet annually total and 112,900 acre-feet over a 20-year period in combination with the exchange described in paragraph 7. 10.6. Date of Initiation of Appropriation: August 20, 2013. 10.7. Decreed Uses of Exchanged Water: Direct use or storage for municipal, augmentation, replacement and exchange. 10.8. Claim to Make Absolute: 10.8.1. Flow Rate: 4.03 cfs, ABSOLUTE, of 10.8 cfs. 10.8.2. Uses: All decreed uses described in paragraph 10.7. 10.8.3. Date applied to beneficial use: May 6, 2018. 10.8.4. Evidence of Absolute Claim: See **EXHIBIT F**. 11. **Plum Creek Reservoir Outlet to Castle Rock Surface Diversion No. 1 Exchanges**. 11.1. Downstream Terminus: Plum Creek Reservoir Outlet described in paragraph 3.1.9. 11.2. Upstream Termini: Castle Rock Surface Diversion Nos. 1, 2, and 3 described in paragraphs 3.1.3. to 3.1.5. 11.3. Sources of Substitute Supply: Water stored in Plum Creek Reservoir described in paragraph 8.3. 11.4. Amount of Exchange: 15.0 cfs, conditional. 11.5. Combined Amount of Exchange: These exchanges may be operated at a rate up to 15 cfs and up a

maximum of 800 acre-feet annually and an amount equal to 20 times Applicant's storage capacity in Plum Creek Reservoir (acre-feet) over a 20-year period in combination with the exchanges described in paragraph 8. 11.6. Date of Initiation of Appropriation: August 20, 2013. 11.7. Decreed Uses of Exchanged Water: Direct use or storage for municipal, augmentation, replacement and exchange. 11.8. Claim to Make Absolute: Not applicable. 12. **Chatfield Reservoir to Castle Rock Surface Diversion No. 1 Exchanges**. 12.1. Downstream Termini: Chatfield Reservoir described in paragraph 3.1.7. 12.2. Upstream Termini: Plum Creek Diversion, Castle Pines Diversion Points S-1 and S-2 and Castle Rock Surface Diversion Nos. 1, 2 and 3 described in paragraphs 3.1.1. to 3.1.5. 12.3. Sources of Substitute Supply: Water stored in Chatfield Reservoir as described in paragraph 5.3. 12.4. Amount of Exchange: 15 cfs combined total for all exchanges, conditional. 12.5. Combined Amount of Exchange: These exchanges may be operated up to a maximum of 2,000 acre-feet annually total and 32,200 acre-feet over a 20-year period in combination with the exchanges described in paragraph 5. 12.6. Date of Initiation of Appropriation: August 31, 2015. 12.7. Decreed Uses of Exchanged Water: Direct use or storage for municipal, augmentation, replacement and exchange. 12.8. Claim to Make Absolute: Not applicable. **CONDITIONAL SURFACE WATER RIGHTS** 13. **Castle Rock Surface Diversion No. 1**. 13.1. Legal Description of Structure: Castle Rock Surface Diversion No. 1 described in paragraph 3.1.3. 13.2. Source: East Plum Creek. 13.3. Amount: 30.0 cfs, conditional. 13.4. Date of Appropriation: August 31, 2015. 13.5. Decreed Uses: Direct use or storage for municipal, augmentation, replacement and exchange, with the right to use, reuse and successively use the return flows to extinction. 13.6. Claim to Make Absolute in Part: 13.6.1. Flow Rate: 4.52 cfs, ABSOLUTE, of 30 cfs. 13.6.2. Uses: All decreed uses described in paragraph 13.5. 13.6.3. Date applied to beneficial use: May 22, 2019. 13.6.4. Evidence of Absolute Claim: See **EXHIBIT F**. 14. **Castle Rock Surface Diversion No. 2**. 14.1. Legal Description of Structure: Castle Rock Surface Diversion No. 2 described in paragraph 3.1.4. 14.2. Legal Descriptions of Alternate Points of Diversion: 14.2.1. Castle Rock Surface Diversion No. 3 described in paragraph 3.1.5. 14.2.2. Castle Pines Diversion Point S-1 described in paragraph 3.1.1. 14.2.3. Castle Pines Diversion Point S-2 described in paragraph 3.1.2. 14.3. Source: East Plum Creek. 14.4. Amount: 30.0 cfs, conditional, cumulative with all alternate points of diversion. 14.5. Date of Appropriation: August 31, 2015. 14.6. Decreed Uses: Direct use or storage for municipal, augmentation, replacement and exchange, with the right to use, reuse and successively use the return flows to extinction. 14.7. Claim to Make Absolute: Not applicable. 15. **Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures**: During the relevant diligence period, from April 2016 to April 2022, Applicant has incurred more than \$104 million to conduct the following work specific to these conditional water rights, which are portions of Applicant's integrated system, as that term is used in C.R.S. § 37-92-301(4)(b): 15.1. Designed and constructed Castle Rock Diversion 1 at a cost of approximately \$750,000. 15.2. Completed the following work related to the Plum Creek Water Purification Facility: 15.2.1. Designed and constructed the Plum Creek Water Purification Facility with a treatment capacity of 4 MGD at a cost of approximately \$17,600,000. 15.2.2. Purchased and installed an additional Pall membrane equipment rack with a treatment capacity of 2 MGD at a cost of approximately \$1,006,000. 15.2.3. Conducted a Plum Creek Water Purification Facility Planning Study with Jar testing at a cost of approximately \$20,000. 15.2.4. Created a Basis of Design Report for the Plum Creek Water Purification Facility advanced treatment project (including biologically active carbon (BAC) filtration system) at a cost of approximately \$87,000. 15.2.5. Hired consultants for negotiating and implementing contracts related to the advanced treatment project at a cost of approximately \$25,000. 15.2.6. Completed pilot testing related to the advanced treatment project, including BAC filtration, as required by Colorado Department of Health and the Environment at a cost of approximately \$200,000. 15.2.7. Began design of the Plum Creek Water Purification Facility's advanced treatment at a cost of approximately \$1,300,000. 15.2.8. Began construction of the Plum Creek Water Purification Facility's advanced treatment at a cost of approximately \$30,000,000. 15.2.9. Relocated generator from PS Miller Water Treatment Plant to Plum Creek Water Purification Facility at a cost of approximately \$120,000. 15.2.10. Conducted an aquifer storage and recovery pilot study associated with Plum Creek Water Purification Facility at a cost of approximately \$500,000. 15.3. Conducted studies, designed and constructed the expansion to Plum Creek

Water Reclamation Authority's Wastewater Treatment Plant at a cost of approximately \$31,000,000. 15.4. Completed the following work related to Plum Creek Diversion and Castle Rock Reservoir No. 1 (also known as Sedalia Reservoir). 15.4.1. Purchased and designed upgrades to the Plum Creek Diversion and Castle Rock Reservoir No. 1 (also known as Sedalia Reservoir) at a cost of approximately \$10,500,000. 15.4.2. The Town spent approximately \$10,400,000 on the design and construction of the Plum Creek Diversion's pump station. 15.4.3. The Town spent approximately \$100,000 maintaining and upgrading the Plum Creek Diversion. 15.4.4. The Town spent approximately \$170,000 maintaining and upgrading the Ravenna Pump Station and Pipeline. 15.4.5. The Town spent approximately \$28,000 maintaining the Castle Rock Reservoir No. 1 (fka Sutton Reservoir). 15.5. Participated in the Chatfield Storage Reallocation Project at a cost of approximately \$2,600,000. 15.6. The Town diverted the water rights described above. 15.7. Began and/or continued to oppose applications that could injure Applicant's water rights, including these water rights, in Case Nos. 16CW3112, 16CW3138, 17CW3122, 17CW3176, 18CW3038, 18CW3039, 18CW3056, 18CW3066, 18CW320618CW3232, 19CW3211, 19CW3253, 20CW3005, 20CW3031, 20CW3214, 21CW3022, 21CW3091 and 21CW3193. 15.8. Filed applications in Case Nos. 16CW3102, 16CW3178, 17CW3044, 17CW3128, 17CW3161, 17CW3211, 19CW3030, 19CW3039, 19CW3042, 19CW3078, 19CW3229, 19CW3231, 19CW3232, 20CW3175, 21CW3046, 21CW3047, 21CW3109, 21CW3142 and 21CW3185. 16. **Owners of Land upon which Structures are Located.** 16.1. Castle Rock Surface Diversion Nos. 1 and 2 and Plum Creek Diversion are located on land owned by Applicant. 16.2. Castle Pines Diversion Point S-1 and the PCWRA Outfall are located on land owned by Douglas County Board of County Commissioners, 100 Third Street, Castle Rock, CO 80104. 16.3. Castle Pines Diversion Point S-2, Castle Rock Surface Diversion No. 3, and the Plum Creek Reservoir Outlet are located on land owned by Plum Creek Water Reclamation Authority, 5880 Country Club Drive, Castle Rock, CO 80108. 16.4. Chatfield Reservoir is located on land owned by U.S. Army Corps of Engineers, 9307 S. Wadsworth Blvd., Littleton, CO 80128. WHEREFORE, Applicant respectfully requests the Court enter a decree finding that Applicant has made a portion of the conditional water rights absolute and has been reasonably diligent in perfecting the remaining portions of the conditional water rights. Number of pages in application: 13, excluding exhibits.

2022CW3065 PREVIOUS CASE NO. 13CW3064 - PARKER WATER AND SANITATION DISTRICT, 18100 E. Woodman Drive, Parker, Colorado 80134 (Please address all correspondence and inquiries regarding this matter to Applicant's attorney: Robert F.T. Krassa, Krassa & Miller, LLC 2300 Canyon Blvd., Ste. 2, Boulder, CO 80302, 303-442-2156. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE PARTLY ABSOLUTE DOUGLAS COUNTY.** **Names of Structures:** Lake Gulch Reservoir, Lake Gulch Aqueduct, Rueter-Hess Reservoir and Newlin Gulch Aqueduct No. 2. **3. Describe conditional water right giving the following from the Referee's Ruling and Judgment and Decree:** a. Date of Original Decree: April 1, 1998. Case 85CW448(B), District Court, Water Division No. 1. Previous diligence decrees entered June 14, 2007 in Case 04CW109 and April 8, 2016 in Case 13CW3064 in said Court. Alternate points of diversion and storage confirmed in decree entered October 13, 2010 in Case 04CW348 in said Court. b. Location of structures: **Lake Gulch Reservoir (original location).** Location as originally decreed in said Case 85CW448(B): The axis of the dam generally follows the south section lines of Sections 22 and 23, Township 8 South, Range 66 West of the 6th P.M. in Douglas County, Colorado. The west abutment of the dam is approximately 100 feet west of the southeast corner of said Section 22, and the east abutment of the dam is approximately 1900 feet east of the southeast corner of said Section 22. **Rueter-Hess Reservoir (alternate location for Lake Gulch Reservoir water storage right).** Alternate storage location at Rueter Hess Reservoir formerly known as Newlin Gulch Reservoir, as decreed in said Case 04CW348: The axis of the dam intersects the thread of Newlin Gulch at a point in the SE/4SW/4 of Section 30, Township 6 South, Range 66 West of the 6th P.M. in Douglas County, Colorado, which point is approximately 98 feet north of the south section line and 2348 feet east of the west section line of said Section 30. The northwest abutment of the dam is in the SE/4SE/4 of Section 25, Township 6 South, Range 67 West of the 6th P.M., approximately 1026 feet west of the east section line, and approximately 708 feet north of the south section line, of said Section 25. The southeast

abutment of the dam is in the NE/4SE/4 Section 31, Township 6 South, Range 66 West of the 6th P.M., approximately 4227 feet east of the west section line and 2950 feet south of the north section line, of said Section 31. Lake Gulch Aqueduct (original location): Location as originally decreed in said Case 85CW448(B): point of diversion is on the west bank of Cherry Creek in the SE 1/4 NE 1/4 Section 1, Township 9 South, Range 66 West of the 6th P.M., at a point approximately 1100 feet west of the east section line, and 1800 feet south of the north section line, of said Section 1. Said ditch, pipe or tunnel thence runs in a northwesterly direction approximately 9500 feet to said Lake Gulch Reservoir. Newlin Gulch Aqueduct No. 2 (alternate location for Lake Gulch Aqueduct to store water out of Cherry Creek mainstem). Alternate location at Newlin Gulch Aqueduct No. 2 as decreed in said Case 04CW348 takes water from the surface flows of Cherry Creek by means of a low diversion dam or weir and suitable pumps and pipelines. Said diversion dam intersects the thread of Cherry Creek in the SE/4NW/4 of Section 3, Township 7 South, Range 66 West of the 6th P.M. in Douglas County at a point approximately 2090 feet south of the north section line of said Section 3, and approximately 1870 feet east of the west section line of said Section 3. This location was adjusted from the location originally decreed in Case 85CW448(A), by decree of this court dated April 21, 2005 in Case 99CW226. c. Sources of Water: Cherry Creek and its tributaries, including the tributary stream known as Lake Gulch. d. Date of Appropriation: March 20, 1985 e. Amounts: Lake Gulch Reservoir - 23,410 acre feet (conditional), with right to fill and refill, but not more than 24,130 acre feet of water may be placed into storage in any calendar year under this priority in Newlin (now Rueter-Hess) and Lake Gulch Reservoirs. The decreed diversion rate for Lake Gulch Aqueduct is 10,000 cubic feet per second (conditional). **4. Integrated System**. The said decree in Case 04CW348 provides at paragraph 119 that: Parker's water rights and each of the water rights and structures which now and in the future will provide augmentation, substitution replacement and exchange supplies under this decree collectively comprise an integrated system of water rights and structures under Sec. 37-92-301(4)(b), C.R.S. Work performed and effort or costs expended by Parker on any water rights or structures which are part of its integrated water system shall, for the purposes of demonstrating reasonable diligence in future proceedings involving all water rights described herein, be considered to be diligence on all features of Parker's entire integrated water supply system. The original decree for Parker's reservoir project as entered by this Court on June 12, 1996 in Case 85CW448(A) has similar provisions at paragraphs 16(a) and 21. Those provisions were integrated into the bifurcated Lake Gulch Reservoir decree entered in Case 85CW448(B) as stated in paragraph 5 of that decree. As part of that integrated water supply system, the Lake Gulch water right was made an alternate point of diversion at Newlin Gulch Aqueduct No.2 for storage at Rueter-Hess Reservoir in said Case 04CW348. As such, the work and expenditures set out in the following paragraph of this Application applies to work associated with the Lake Gulch water right, even if not the original location of Lake Gulch Reservoir and Lake Gulch Aqueduct. **5. Provide a detailed outline of what has been done toward completion or for completion of appropriation and application of water to a beneficial use as conditionally decreed, including expenditures**: During the diligence period, Parker has taken the following steps toward completion of the appropriation. a. Capital Improvements. During the diligence period the following capital improvements were made to Parker's water system for a total of over \$ 137 million: Ridgegate 42" water main, Canyons 36" water main, water treatment plant and various other building improvements, Canyons Well Facility, Ridgegate Well Facility and numerous water main, fire hydrant and other infrastructure. All of these improvements increased Parker's ability to utilize the subject water rights. b. Water Court Proceedings. Parker has participated as an Opposer in various water court applications of others as necessary to protect the subject water rights. c. Work Specific to original Lake Gulch Reservoir Site: During the diligence period, Parker has updated its ownership information regarding land to be occupied by Lake Gulch Reservoir and the Lake Gulch Aqueduct, and has done preliminary evaluations of regionally beneficial site acquisition alternatives for the original Lake Gulch Reservoir and Aqueduct locations. d. Parker has in all respects diligently worked toward completing the appropriations and placing the subject conditional water rights to beneficial use. **6. Claim to make absolute in part**: a. Date water stored under the Lake Gulch Reservoir storage right as the alternate place of diversion and storage as provided in Case 04CW348: November 1, 2015 through October 30, 2016. Amounts stored during that water year: 6,481 acre feet. Maximum daily diversion to storage under the Lake Gulch Reservoir

storage right through Newlin Gulch Aqueduct No. 2 ("NGA2") was 53.69 c.f.s. on April 22, 2016. b. Supporting evidence showing that Parker diverted water in-priority and applied such water to beneficial uses: a summary of the water system records showing the in-priority diversion and storage is attached as Exhibit A. c. The water was applied to beneficial use in Parker's service area. **7. Names and addresses of owners of the land** upon which any new diversion or storage structure or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored: Harmony Land and Cattle LLC, P.O. Box 714, Encampment, WY 82325, Colorado State Board of Land Commissioners, 1127 Sherman St Ste 300, Denver, CO 80203; Dilita R Rodriguez Trust, 7024 Pelican Bay Blvd Apt 401, Naples, FL 34108.

2022CW3066 SHAY MILES, 15630 Fox Creek Lane, Colorado Springs, CO 80908. Please send all pleadings and correspondence to Chris D. Cummins and Emilie B. Polley at Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Dr., Ste. 250, Colorado Springs, CO 80921 (719-471-1212). **APPLICATION FOR REVISION OF PLAN FOR AUGMENTATION IN EL PASO COUNTY.** **Background and Summary of Application.** Applicant seeks to revise an existing augmentation plan concerning the groundwater supplies underlying a 39.72-acre parcel of land located in the SW 1/4 of Section 29, Township 11 South, Range 65 West of the 6th P.M., in El Paso County, Colorado, as depicted on attached **Exhibit A** ("Applicant's Property"). Applicant obtained a decree for underground water rights within the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers, along with a plan for augmentation, in Case No. 18CW3226, District Court, Water Division 2. ("18CW3226 Decree"), attached as **Exhibit B**. The 18CW3226 Decree established an augmentation plan for Applicant's Property which decreed the use of seven wells to the Dawson aquifer for the withdrawal of 4.13 acre-feet from the Dawson aquifer annually to support a seven (7) lot subdivision. Water uses set forth per lot were in-house (0.25 annual acre-feet), irrigation of approximately 5,920 square feet of lawn and garden and the watering of up to four horses or equivalent livestock, for a total of 0.59 acre-feet for each lot. The Decree reserved a total of 1,130 acre-feet of water from the nontributary Laramie-Fox Hills aquifer for replacement of post-pumping depletion obligations (a 300-year aquifer life/plan for augmentation). The Applicant now seeks to revise the plan for augmentation approved in the 18CW3226 decree to support the subdivision of Applicant's Property into up to eleven lots. **Proposed Revision.** Applicant is the owner of Applicant's Property, along with water subject to the plan for augmentation approved and decreed by the Division 1 Water Court in the 18CW3226 Decree. By this application, Applicant requests the following revisions to the plan for augmentation set forth in the 18CW3226 Decree as follows: **Structures to be Augmented.** The structures to be augmented are the Miles Wells Nos. 1 through 11, along with any replacement or additional wells associated therewith, as likewise may be constructed to the Dawson aquifer of the Denver Basin underlying the Applicant's Property as requested and described herein. **Water Rights to be Used for Augmentation.** The water rights to be used for augmentation during pumping are the return flows resulting from the pumping of the not-nontributary Dawson aquifer from Miles Wells Nos. 1 through 11, together with water rights from the nontributary Arapahoe and Laramie-Fox Hills aquifers for any injurious post pumping depletions. **Statement of Plan for Augmentation.** Applicant wishes to provide for the augmentation of stream depletions caused by pumping of the not-nontributary Dawson aquifer by eleven wells proposed herein for eleven residential lots. Potential water use criteria and their consumptive use component for replacement of actual depletions for the lots are estimated as follows: **Household Use Only:** 0.26 acre-feet annually within single family dwellings on up to eleven lots, with a maximum of ten percent consumptive use based on a nonevaporative septic leach field disposal systems. The annual consumptive use for each lot will therefore be 0.026 acre-feet per well, with return flows of 0.234 acre-feet per lot. **Landscape Irrigation:** 0.05 acre-feet annually per 1,000 square feet (2.18 acre-feet per acre) per year, with an 85% assumed consumptive use rate. The annual consumptive use for each 1,000 square feet of lawn and garden irrigated is therefore 0.042 acre-feet. **Horses (or equivalent livestock):** 0.011 acre-feet annually (10 gallons per day) per head with a one hundred percent consumptive use component. **Hot Tub Use:** 0.006 acre-feet (2100 gallons) annually, based upon six fillings per year, with a 50% consumptive use rate. The annual consumptive use for each hot tub is therefore 0.003 acre-feet (1050 gallons). Each of the wells will pump a maximum of 0.82

acre-feet of water per year, per lot, for total maximum pumping of 9.08 acre-feet being withdrawn from the Dawson aquifer per year. Such use shall be a combination of household use, irrigation of lawn and garden, and the watering of horses or equivalent livestock. An example breakdown of this combination of use, utilizing the factors described above, is household use of 0.26 acre-feet of water per year per residence with the remaining 0.56 acre-feet per year per residence available for irrigation of lawn and garden and the watering of up to four horses or equivalent livestock on each residential lot. Depletions. Applicant's consultant has determined that maximum stream depletions over the 300-year pumping period for the Dawson aquifer amounts to approximately 21.1% of pumping. Maximum annual depletions for total residential pumping from all wells are therefore 1.91 acre-feet in year 300. Should Applicant's pumping be less than the 9.08 total, 0.82 acre-feet per lot, per year, described herein, resulting depletions and required replacements will be correspondingly reduced. Augmentation of Depletions During Pumping. Applicant will replace depletions resulting from the pumping of the Miles Wells Nos. 1 through 11 during the pumping life of the well utilizing residential return flows from non-evaporative septic systems from in-house uses on each of the lots. The annual consumptive use for non-evaporative septic systems is 10% per year per residence. At a household use rate of 0.26 acre-feet per residence per year, 2.574 acre-feet is replaced to the stream system per year utilizing the non-evaporative septic systems. Thus, during pumping, stream depletions will be more than adequately augmented thereby preventing injury to other vested water rights. Augmentation for Post Pumping Depletions. Applicant seeks to revise the reservation of the Laramie-Fox Hills aquifer in the 18CW3226 Decree for replacement of reserved 1,130 acre-feet of water from the Laramie Fox Hills Aquifer. The Applicant now reserves the entirety of the Laramie-Fox Hills and Arapahoe aquifers, thereby adding 1,650 acre-feet to post-pumping augmentation supply, sufficient to replace depletions from increased pumping from eleven wells described herein. Applicant also reserves the right to substitute other legally available augmentation sources for such post pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court's retained jurisdiction, Applicant reserves the right in the future to prove that post pumping depletions will be noninjurious. The reserved nontributary Arapahoe and Laramie-Fox Hills groundwater will be used to replace any injurious post-pumping depletions. Upon entry of a decree in this case, the Applicant will be entitled to apply for and receive new well permits for the proposed Miles Wells Nos. 1 through 11 for the uses in accordance with this Application and otherwise in compliance with C.R.S. §37-90-137. Remarks. This Application was filed in both Water Divisions 1 and 2 because depletions from the pumping of the Dawson aquifer may occur in both the South Platte and the Arkansas River systems. The return flows set forth herein will accrue to tributaries of the South Platte River system where the majority of such depletions will occur, and it is Applicant's intent to consolidate the instant matter in Water Division 1 upon completion of publication. Applicant requests that the total amount of depletions to both the South Platte River and the Arkansas River systems be replaced to the South Platte River as set forth herein, and for a finding that those replacements are sufficient. Applicant requests a finding that he has complied with C.R.S. §37-90-137(4), and that the ground water requested herein is legally available for withdrawal by the requested wells upon the entry of a decree approving an augmentation plan pursuant to C.R.S. §37-90-137(9)(c). The term of this augmentation plan is for 300 years, however the length of the plan for a particular well may be extended beyond such time provided the total plan pumping allocated thereto is not exceeded. Post pumping stream depletions accrue to a particular well or wells only to the extent related to that well's actual pumping. The Court will retain jurisdiction over this matter to provide for the adjustment of the annual amount of ground water withdrawals to be allowed in order to conform to actual local aquifer characteristics from adequate information obtained from well drilling or test holes. The Applicant requests a finding that vested water rights of others will not be materially injured by the additional use requested herein. Upon entry of a decree in this case, the Applicant shall be entitled to apply for and receive a new well permit in accordance with the provisions of any decree entered in this case. The Water Court has jurisdiction over the subject matter of this application pursuant to §§ 37-90-137(6) and 37-92-302, C.R.S. The Applicant requests a finding that vested water rights of others will not be materially injured by the withdrawals of ground water and the proposed plan for augmentation. The wells shall be installed and metered as reasonably required by the State Engineer. Each well must be equipped with a totalizing flow

meter and Applicant shall submit diversion records to the Division Engineer on an annual basis or as otherwise requested by the Division Engineer. The Applicant shall also provide accountings to the Division Engineer and Water Commissioner as required by them to demonstrate compliance under this plan of augmentation. The Applicant intends to waive the 600 feet well spacing requirement for any wells to be located upon the Applicant's Property. Applicant will comply with any lienholder notice provisions set forth in C.R.S. §37-92-302(2)(b) and §37-90-137(4)(b.5)(I), and such notice will be sent within 14 days of the filing of this application.

THE WATER RIGHTS CLAIMED BY THESE APPLICATIONS MAY AFFECT IN PRIORITY ANY WATER RIGHTS CLAIMED OR HERETOFORE ADJUDICATED WITHIN THIS DIVISION AND OWNERS OF AFFECTED RIGHTS MUST APPEAR TO OBJECT WITHIN THE TIME PROVIDED BY STATUTE OR BE FOREVER BARRED.

YOU ARE HEREBY NOTIFIED that any party who wishes to oppose an application, or an amended application, may file with the Water Clerk, P. O. Box 2038, Greeley, CO 80632, a verified Statement of Opposition, setting forth facts as to why the application should not be granted, or why it should be granted only in part or on certain conditions. Such Statement of Opposition must be filed by the last day of **JUNE 30, 2022** (forms available on www.courts.state.co.us or in the Clerk's office), and must be filed as an Original and include **\$192.00** filing fee. A copy of each Statement of Opposition must also be served upon the Applicant or Applicant's Attorney and an affidavit or certificate of such service of mailing shall be filed with the Water Clerk.