

**DISTRICT COURT, WATER DIVISION 1, COLORADO  
AUGUST 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 **AUGUST 2022** for each County affected.

**2022CW16 DANIEL TOWLE** 11415 Manor Road, Leawood, KS 66211, (913) 788-0842, [gdomer77@gmail.com](mailto:gdomer77@gmail.com) **APPLICATION FOR CONDITIONAL, ABSOLUTE UNDERGROUND WATER RIGHT IN PARK COUNTY.** Name of Structure: Towle Well located at SE 1/4 SW 1/4 S14 T9S R74W 6th PM. Distance from Section Lines: 1140 ft S and 2124 ft W. Source: Ground Water. Well Depth: 1002 ft. Date of Appropriation: 06-30-1977, appropriation was initiated with plan for augmentation. Amount claimed in gpm of 5gpm, Absolute. Amount claimed in af, measured at .33 af, Absolute. Uses: for ordinary household purposes inside one single family dwelling with no outside uses by owner/applicant. Plan for augmentation Case No.: W-8573.

**2022CW17 (15CW12) ECHO VALLEY ESTATES METROPOLITAN RECREATION & PARK DISTRICT** 1 Echo Valley Drive, Florissant, CO 80816; [evestates@yahoo.com](mailto:evestates@yahoo.com) **AND MIKE MOREHEAD** 22462 E. Peakview Drive, Aurora, CO 80016; (303) 690-8590. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND APPLICATION TO MAKE ABSOLUTE IN WHOLE OR PART IN PARK COUNTY.** Name of Reservoir: Echo Valley Lake located at NW 1/4 NE 1/4, S35, T13S, R72W, 6th PM, Park County, at a distance 94 ft. from N and 2131 ft. from E of said Section 35. Northing UTM4303908, Easting UTM464811, Zone 13. Source: Run off through an unnamed tributary to Wagon Tongue Gulch, which is tributary to the S. Platte River. Appropriation Date: 1971, appropriation was initiated by land developer. Amount: 7 af, Conditional. Date water applied to beneficial use: 1971 when dam was built. Amount: 7 af, Absolute. Use: Fire protection, recreational, piscatorial. Previous Decree: 15CW12.

**2022CW3100 RONALD R FENSKE AND ANNE R FENSKE**, 11111 Valley Drive, Larkspur, CO, 80118. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17<sup>th</sup> Street, Suite 1800, Denver, CO, 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT NONTRIBUTARY SOURCES, IN THE NONTRIBUTARY DENVER, ARAPAHOE, AND LARAMIE-FOX HILLS AQUIFERS AND THE NOT-NONTRIBUTARY DAWSON AQUIFER IN DOUGLAS COUNTY.** Subject Property: Two contiguous 5-acre parcels, totaling 10 acres, located in the SE1/4 of the SE1/4 of Section 6, Township 10 South, Range 67 West of the 6th P.M., Douglas County, State of Colorado, as shown on **Exhibit A** (“Subject Property”). Applicants are the sole owners of the of the Subject Property, and no notice to any mortgage or lien holders is required pursuant to C.R.S. § 37-92-302(2). Well Permits: There is one existing household-use only Dawson Aquifer well on the Subject Property under Well Permit No. 72858. This well will continue to operate under its existing permit. Additional well permits will be applied for prior to construction of additional wells. Source of Water Rights: The Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Amounts: Applicants estimate the following annual amounts may be available for withdrawal based on a 100-year withdrawal period:

Aquifer	Annual Amount (acre-feet)
Dawson (NNT)*	0.00
Denver (NT)	4.77
Arapahoe (NT)	3.94
Laramie-Fox Hills (NT)	2.73

\*The total estimated amount of Dawson Aquifer groundwater is reduced due to the existence of a Pre-213 cylinder of prior appropriation under Well Permit No. 50997 and existing Well Permit No. 72858.

Proposed Use: The groundwater will be used, reused, and successively used for domestic including in-house, commercial, irrigation, livestock watering, fire protection, and augmentation purposes, including storage, both on and off the Subject Property. Jurisdiction: The Water 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). Remarks: Applicants claim the right to withdraw more than the average annual amounts estimated in Paragraph 5 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. Applicants request the right to revise the estimates in Paragraph 5 upward or downward, based on better or revised data, without the necessity of amending this application or republishing the same. Applicants request the court approve the above underground water right, 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 person entitled to use water under any vested water right or decreed conditional water right, and grant other and further relief as is appropriate. 3 Pages.

**2022CW3101 TERRY L EVANSON & LYNETTE P EVANSON LIFE ESTATE, 10175 Oneida Street, Littleton, CO 80124. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17<sup>th</sup> Street, Suite 1800, Denver, CO 80202. APPLICATION FOR UNDERGROUND WATER RIGHTS IN THE NOT-NONTRIBUTARY AND NONTRIBUTARY SOURCES IN THE DAWSON, DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS IN DOUGLAS COUNTY.**

Subject Property: Applicant is the owner of a 5.03 acre lot generally located in the SE1/4 of Section 20, Township 6 South, Range 67 West of the 6th P.M., also known as Tract 37, McArthur Ranch 3, Douglas County, State of Colorado, as shown on **Exhibit A** (“Subject Property”). Applicant is the sole owner of the Subject Property therefore no notice is required pursuant to C.R.S. § 37-92-302(2). Well Permits: There is currently one Dawson Aquifer well on the Subject Property operating under Well Permit No. 148801. This well will continue to operate under its existing permit. Additional, well permits will be applied for prior to construction of wells. Source of Water Rights: The Lower Dawson and Denver aquifers are nontributary as defined in C.R.S. § 37-90-103(10.7), and the Arapahoe and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Amounts: Applicant estimates that the following annual amounts may be available for withdrawal based on a 100-year withdrawal period:

Aquifer	Annual Amount (acre-feet)
Dawson (NNT)*	0
Denver (NNT)	2.14
Arapahoe (NT)	2.87
Laramie-Fox Hills (NT)	1.21

\* The total estimated amount of Dawson Aquifer groundwater is 0.99 acre-feet per year. All groundwater is withheld from this adjudication for use by exempt Well Permit No. 148801.

Proposed Uses: The groundwater will be used, reused, and successively used for domestic (including in-house), commercial, irrigation, stockwatering, fire protection, and augmentation and exchange purposes, including storage, both on and off the Subject Property. 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). Remarks: Applicants claim the right to withdraw more than the average annual amounts estimated in Paragraph 5 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. Applicants request the right to revise the estimates upward or downward, based on better or revised data, without the necessity of amending this application or republishing the same. Applicants request the Court approve the above underground water rights, 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. 3 pages.

**2022CW3102, THE FARMERS RESERVOIR AND IRRIGATION COMPANY**, 80 South 27<sup>th</sup> Ave. Brighton, CO 80601. c/o Joseph Dischinger, Beth Ann J. Parsons, Philip E. Lopez, Fairfield and Woods, P.C., 1801 California Street, Suite 2600, Denver, CO 80202. **APPLICATION FOR ABSOLUTE AND CONDITIONAL WATER RIGHTS IN ADAMS AND WELD COUNTIES**. Applicant, the Farmers Reservoir and Irrigation Company (“FRICO”) is a mutual ditch and reservoir company that operates a ditch and reservoir system for the benefit of its stockholders. This application involves only the Milton Lake Division of FRICO’s system. By this application, FRICO seeks to adjudicate a Milton Lake Enlargement Right of 7,227 acre-feet, which is the difference between its 1909 Storage Right for 26,773 acre-feet and the anticipated enlarged capacity of Milton Lake to 34,000 acre-feet. In addition, FRICO claims a Milton Lake Refill Right of 34,000 ac-ft to refill the enlarged Milton Lake. The volumes claimed are exclusive of carriage losses in the Platte Valley Canal. FRICO seeks to use the subject water rights within its Milton Lake Division to provide additional needed water to its stockholders for irrigation. 2. Names and Locations of Structures: Milton Lake (a/k/a Milton Reservoir) is an off-channel reservoir located in Sections 10, 11, 14, 15, 22, and 23, Township 3 North, Range 65 West of the 6th P.M., Weld County, Colorado. 3. Legal Description of Each Point of Diversion. FRICO has diverted or will divert the claimed water at the Platte Valley Canal (“PVC”), the inlet to Milton Lake from the Beebe Seep Canal, and Milton Lake for unmeasured gains that accrue directly to Milton Lake. 3.1. The PVC headgate is located in the NE1/4 of Section 19, T2N, R66W of the 6th P.M., Weld County, Colorado. The PVC bifurcates approximately 10 miles from the headgate. From the bifurcation, the northern alignment, known as the Evans No. 2 Ditch, delivers water to the stockholders of the Platte Valley Irrigation Company and the southern alignment delivers water to Milton Lake. 3.2. The inlet to Milton Lake from the Beebe Seep Canal is located near the center of Section 22, T3N, Range 65W of the 6th P.M., Weld County, Colorado. 3.3. Milton Lake is located in Sections 10, 11, 14, 15, 22, and 23, Township 3 North, Range 65 West of the 6th P.M., Weld County, Colorado. 4. Source: South Platte River and unappropriated water arising in, flowing into, accumulating in, and accruing to the Beebe Seep Canal throughout the length of the Canal between Barr Lake and Milton Lake and accruing directly to Milton Lake, which consists of natural runoff, drainage, waste, return flows, and seepage water (collectively, “Seepage Inflow”). 5. Appropriation Dates: 5.1. Milton Lake Enlargement Right, August 11, 2022. 5.2. Milton Lake Refill Right: 5.2.1. September 12, 2013, for the absolute portion of the right. 5.2.2. August 11, 2022, for the conditional portion of the right. 6. How Appropriation Initiated: 6.1. Milton Lake Enlargement Right. Applicant filed this application for a determination of the water rights on August 11, 2022. The date of filing is the claimed appropriation date. 6.2. Milton Lake Refill Right. 6.2.1. Absolute Claim. Historical accounting data for Milton Lake show that FRICO has diverted water from the South Platte into the PVC under free river conditions to refill Milton Lake when there was no downstream call in most years. FRICO often diverted water to refill Milton Lake at the end of irrigation season when irrigation demands decrease and the call came off the South Platte River. In addition, unappropriated Seepage Inflows from the Beebe Draw have historically flowed directly into Milton Lake and via the Beebe Seep Canal to refill the Lake. Although FRICO refilled Milton Lake by storing free river water diverted from the South Platte and the Beebe Draw prior to 2013, the absolute portion of the Milton Lake Refill Right is based on data from 2013 when FRICO refilled a portion of the original capacity of Milton Lake. September 12, 2013, represents the date that FRICO’s accounting demonstrates the maximum rate of water that FRICO diverted from the Beebe Seep Canal for storage in Milton Lake during free river conditions. 6.2.2. Conditional Claim. The conditional portion of the right is for the remaining portion of the original capacity of Milton Lake plus the claimed enlarged capacity. Applicant filed this application for a determination of the water right on August 11, 2022. The date of filing is the claimed appropriation date for the conditional portion of the water right. 7. Date Water First Applied to Beneficial Use: 7.1. Milton Lake Enlargement: N/A. 7.2. Milton Lake Refill Right: 7.2.1. September 12, 2013, for the absolute portion of the right. 7.2.2. N/A for the conditional portion of the right. 8. Amount Claimed: 8.1. Milton Lake Enlargement: 8.1.1. Flow Rate: 510 c.f.s at the PVC, 80 c.f.s. at inlet to Milton Lake from the Beebe Seep

Canal, and 50 c.f.s. at Milton Lake for unmeasured gains that accrue directly to the lake, all conditional. 8.1.2. Volume: 7,227 acre-feet, conditional. 8.2. Milton Lake Refill Right: 8.2.1. Flow Rate: 274 c.f.s., absolute, and 236 c.f.s, conditional (for a total of 510 c.f.s) at the PVC. 80 c.f.s. absolute at the inlet to Milton Lake from the Beebe Seep Canal. 50 c.f.s, conditional, at Milton Lake for unmeasured gains that accrue directly to the lake. 8.2.2. Volume: 16,656 acre-feet, absolute, and 17,344 acre-feet, conditional, for a total of 34,000 acre-feet. 9. Use: FRICO's stockholders will use the subject water rights for irrigation in all places susceptible to irrigation from the Milton Lake Division of FRICO's system in Adams and Weld Counties, located generally in Townships 3, 4, and 5 North and Ranges 63, 64, and 65 West of the 6th P.M., Weld County, Colorado. A map depicting the acreage historically irrigated by the subject water rights and the claimed diversion points is attached as Exhibit 1. 10. Should Applicant divert water in addition to the amount claimed absolute herein during its adjudication of the claimed water rights, Applicant claims the right to include the additional absolute amount in the final decree without need to republish. 11. Name and Address of the Owner of the Land Upon Which Structures are Located: Platte Valley Irrigation Company co-owns with FRICO an interest in the PVC diversion structure and the first approximately ten miles of the canal. The mailing address for Platte Valley Irrigation Company is 3400 West 16th Street, Suite K, Building 6, Greeley, Colorado 80634. WHEREFORE, Applicant requests the Court to confirm this request for determination of water rights and for such other relief as this Court deems just and proper.

**2022CW3103 PERRY PARK METROPOLITAN DISTRICT**, P.O. Box 183, Larkspur, CO 80118, through counsel Evan D. Ela, Joseph W. Norris and Madison D. Phillips, Cockrel Ela Glesne Greher & Ruhland, P.C., 44 Cook Street, Suite 620, Denver, Colorado 80206, (303) 218-7200, **APPLICATION FOR WATER RIGHTS AND APPROVAL OF PLAN FOR AUGMENTATION WITH CONDITIONAL RIGHTS OF EXCHANGE IN DOUGLAS COUNTY**. 1. Name, Address and Telephone Number of Applicant. Perry Park Metropolitan District ("PPMD"), P.O. Box 183, Larkspur, CO 80118. 2. Summary of Application. By this Application, PPMD seeks a decree of the Water Court granting new conditional water storage rights and approval of a plan for augmentation with conditional rights of exchange for the existing Gateway Pond located on West Plum Creek, south of Red Rock Drive, at the entrance to the Perry Park neighborhood in unincorporated Douglas County. 3. Water Storage Right. (a) Gateway Pond. (1) Location: An on-stream reservoir located in the channel of West Plum Creek in the SW1/4 of the NW1/4 of Section 25, Township 9 South, Range 68 West of the 6th P.M., in Douglas County, Colorado. WDID: 0803988. (2) Source: West Plum Creek. (3) Appropriation date: May 13, 2021. (i) How appropriation was initiated: engaging a water rights engineer and PPMD's legal counsel to respond to the Cease and Desist letter from the Division One Engineer provided in October, 2020, to provide for augmentation and water rights for the previously un-decreed Gateway Pond, negotiating a water lease agreement to secure augmentation supplies and filing and duly noticing a Substitute Water Supply Plan for the Gateway Pond on May 13, 2021. (ii) Date water applied to beneficial use: N.A. (4) Amount claimed: 7.61 acre-feet, CONDITIONAL, with the right to fill and refill continuously up to a total cumulative storage of 15.22 acre-feet annually, CONDITIONAL. (5) Surface area at high water line: 2.66 acres. (6) Total capacity of reservoir: 7.61 acre-feet. (7) Uses: Municipal, wildlife, fire protection, recreation, drought protection, irrigation, evaporation and other incidental losses, replacement and augmentation purposes, and storage for subsequent use for the above-described purposes. Irrigation use will occur within PPMD's service area as it presently exists, or may exist in the future. 4. Plan for Augmentation, Including Exchange. (a) Structure to be Augmented: Gateway Pond, as described in paragraph 3(a) above. (b) Water to be Used for Augmentation: PPMD has entered into a Water Lease Agreement with Perry Park Water and Sanitation District providing reusable water to augment out-of-priority depletion from the Gateway Pond and to allow out-of-priority fill and re-fill of the Gateway Pond. The water rights to be used for augmentation include those water rights owned by Perry Park Water and Sanitation District and decreed for augmentation use in Case Nos. 89CW225, 10CW263, and 17CW3122, and such other water rights as PPMD may subsequently add to this Plan for Augmentation. Water rights to be used are summarized below: (1) The Ahimaaz Grove Ditch a/k/a Grove Ditch water right originally decreed by the District Court for Water District No. 8, Douglas County (Priority No. 41), entered December 10, 1883, and amended February 21, 1888, and as

changed to allow augmentation use in Case No. 17CW3122. Reusable augmentation credits available to the Grove Ditch water right may be delivered to Grove Creek, a tributary to West Plum Creek at the Grove Ditch headgate located on the east side of Grove Creek in the SE1/4 NE1/4, Section 2, Township 10 South, Range 68 West, of the 6th P.M., or after diversion via the Grove Ditch by release through a splitter device and augmentation/return structure described in Case No. 17CW3122. (2) Treated reusable wastewater return flows Waucondah Wastewater Treatment Plant delivered to Bear Creek, a tributary of West Plum Creek as quantified and decreed in Case Nos. 89CW225, 10CW263, and 17CW3122. The Waucondah Wastewater Treatment Plant discharges to Bear Creek at a point located in the SE1/4 of Section 15, Township 9 South, Range 68 West of the 6th P.M. (3) Reusable water available for augmentation pursuant to Case Nos. 89CW225, 10CW263, and 17CW3122, stored in Waucondah Reservoir. Waucondah Reservoir is an on-stream reservoir located on Bear Creek, a tributary to West Plum Creek, located in the SE1/4 of Section 15, and the NE1/4 of Section 22, Township 9 South, Range 68 West of the 6th P.M. Such reusable augmentation water may be released directly to Bear Creek after storage in Waucondah Reservoir. (4) Delivery of reusable non-tributary ground water directly to West Plum Creek or Bear Creek as decreed in Case No. 89CW225. (5) Reusable water available for augmentation at the West Plum Creek Gauge (at which the West Plum Creek Administration Procedure is operated) located in the NE1/4 of the NW1/4 of Section 24, Township 9 South, Range 68 West of the 6th P.M., pursuant to Case Nos. 89CW225, 10CW263, and 17CW3122. (6) PPMD may add additional augmentation sources to this plan for augmentation by notice to parties in this case and to the State and Division Engineers, or by requesting approval pursuant to a substitute water supply plan approved pursuant to §37-92-308, C.R.S., or a successor statute. (c) Conditional Right of Exchange: (1) Description of Exchange: augmentation water provided to PPMD pursuant to the Water Lease Agreement described above will be delivered either upstream of Gateway Pond or released downstream of Gateway Pond to the confluence of West Plum Creek and Bear Creek and augment out-of-priority depletions at Gateway Pond by operation of this exchange up West Plum Creek to Gateway Pond. (2) Exchange-From Points: (i) the West Plum Creek Gauge (at which the West Plum Creek Administration Procedure is operated) located in the NE1/4 of the NW1/4 of Section 24, Township 9 South, Range 68 West of the 6th P.M., (ii) the confluence of West Plum Creek and Bear Creek, located in the SW1/4 of Section 2, Township 9 South, Range 68 West of the 6th P.M. (3) Exchange-To Point: (i) Gateway Pond as described in paragraph 3(a) above, in the SW1/4 of the NW1/4 of Section 25, Township 9 South, Range 68 West of the 6th P.M. (4) Sources: West Plum Creek. (5) Date of Appropriation: May 13, 2021. (i) How appropriation was initiated: As described in paragraph 3(a)(3)(i) above. (ii) Date water was applied to beneficial use: N.A. Amounts: Up to 4.0 cfs, CONDITIONAL, not to exceed 16.38 acre-feet per year. (d) Complete Statement of Plan for Augmentation: This plan for augmentation seeks to replace out-of-priority evaporative depletions and out-of-priority storage in Gateway Pond when there is a downstream call senior to the Gateway Pond water storage right claimed herein. After adjusting for historical wetland evapotranspiration that occurred prior to the creation of Gateway Pond, the maximum annual evaporative depletion requiring augmentation at Gateway Pond is estimated to be 1.16 acre-feet per year. To the extent augmentation water made available by this plan for augmentation is insufficient to replace out-of-priority diversions at Gateway Pond, PPMD may release water from Gateway Pond via a high-water level spillway in the northwestern portion of the pond or through several lower level pipes that discharge under the concrete spillway apron. PPMD might also repair or improve the manual outlet structure for releasing water under the dam created by Red Rock Drive or install a pump to ensure the ability to pass inflow when the subject storage rights are out-of-priority. The plan for augmentation is anticipated to be added to the West Plum Creek Administration Procedure which is administered at the West Plum Creek gage. 5. Name(s) and address(es) 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. The high waterline for Gateway Pond is located primarily on land owned by PPMD but may also include lands owned by: (a) Douglas County Board of County Commissioners, 100 Third Street, Castle Rock, CO 80104. (b) Perry Park Water and Sanitation District, P.O. Box 38, Larkspur, CO 80118. (c) Haystack Ranch, LLC, 6620 Broad Oaks Dr., Richmond, TX 77406. (6 pages)

**2022CW3104 WILLOW SPRINGS COMMUNITY ASSOCIATION**, 5424 White Willow Drive, Fort Collins, Colorado, 80528. 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 FOR CORRECTION OF ERRONEOUSLY DESCRIBED POINT OF DIVERSION IN LARIMER COUNTY.** 2. Purpose of Application. Willow Springs Community Association (“Applicant”) is the owner of the Nelson Well 1-2287 (“Nelson Well”). By this application and pursuant to C.R.S. §37-92-101 et. seq., including C.R.S. §37-92-302, 305 and 305(3.6), Applicant seeks to correct the established but erroneously described point of diversion for the Nelson Well. 3. Decreed Water Right for Which Applicant Seeks Correction. 3.1. Name of Structure: Nelson Well 1-2287. 3.2. Original Decree. Water Division One Case No. W-5111 (“Original Decree”). 3.2.1. Legal Description of Structure. NW 1/4 of SE 1/4 of Section 6, Township 6 North, Range 68 West of the 6th P. M., Larimer County, Colorado, at a point whence the E 1/4 Corner of said Section 6 bears North 70 degrees 03’ East, 2048 feet. 3.2.2. Decreed Source of Water. Groundwater 3.2.3. Appropriation Date. August 15, 1905 3.2.4. Amount. .67 cubic feet per second. 3.2.5. Use. Irrigation of 52 acres in the SE 1/4 of Section 5, Township 5 North, Range 58 West of the 6th P. M., Larimer County, Colorado. 3.3. Subsequent Decree. Water Division One Case No. 1994CW72. 3.3.1. Erroneous Legal Description of Structure. SE 1/4 of the SE 1/4 of Section 6, Township 6 North, Range 68 West of the 6th P. M., Larimer County, Colorado, at a point 900 feet north and 900 feet west of the SE 1/4 of said Section 6. 3.3.2. Decreed Source of Water. Groundwater 3.3.3. Appropriation Date. August 15, 1905 3.3.4. Amount. .67 cubic feet per second 3.3.5. Use. Irrigation of 52 acres in the SE 1/4 of Section 5, Township 5 North, Range 58 West of the 6th P. M., Larimer County, Colorado. 4. Detailed description of proposed correction. 4.1. Statement of Correction. The Nelson Well was originally decreed in Case W-5111 (“Original Decree”). The currently existing Nelson Well is a replacement well for the originally decreed well and is located in the NW 1/4 of the SE 1/4 of Section 6, Township 6 North, Range 68 West of the 6th P.M. approximately 1,930 feet from the South section line and 1,873 feet from the East section line (“Current Location”). The Current Location is within 200 feet of the originally decreed location. The Decree entered in Water Division 1 Case No. 94CW72, entered on May 13, 2008, erroneously describes the current location for the Nelson Well. The current permit for the Nelson Well, No. 2287-R-R, accurately describes its current location, and the Nelson Well is augmented under the Cache la Poudre Water Users Augmentation Plan at its current location. Because the Nelson Well has been, continues to be, and will continue to be permitted, diverted from, and augmented at its current location, no changes to the diversion of this water right will occur. 4.2. Description of the Corrected Point of Diversion. The correct legal description, as stated in the Original Decree for the Nelson Well, is as described below. 4.2.1. Legal: NW 1/4 of SE 1/4 of Section 6, Township 6 North, Range 68 West of the 6th P. M., Larimer County, Colorado, at a point whence the E 1/4 Corner of said Section 6 bears North 70 degrees 03’ East, 2048 feet. 5. Name and addresses 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. Willow Springs is the owner of the land on which the Nelson Well exists. WHEREFORE, for the foregoing reasons, Applicant respectfully requests that the Court enter a decree granting the correction described herein of the established but erroneously described points of diversion for the Nelson Well, as that location is erroneously described in the Final Decree entered in 1994CW72, and such other relief as the Court deems necessary and proper. (4 pages).

**2022CW3105 (16CW3034, 09CW176, 02CW257, 94CW271)**, DISTRICT COURT, WATER DIVISION NO. 1, STATE OF COLORADO, Weld County Courthouse, 901 9th Avenue, P.O. Box 2038, Greeley, CO 80632, (970) 475-2507, **IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF: T.H. PROMOTIONS, INC., A COLORADO CORPORATION, IN TELLER, DOUGLAS, JEFFERSON, AND PARK COUNTIES, COLORADO. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE.** 1. Name, Address, and Telephone Number of Applicant: **T.H. PROMOTIONS, INC.** (“Applicant”), c/o Bryan Johnson, Executive Vice President, P.O. Box 729, 11115

W. Hwy 24, Divide, CO 80814, Telephone: (719) 687-6011, Email: [bryan@pkenterprises.com](mailto:bryan@pkenterprises.com) Lost Dutchman Creek, Inc. was the previous applicant in the proceedings to obtain the subject water rights and retain diligence. However, that entity along with its assets merged into what is now known as T.H. Promotions, Inc., Direct All Pleadings to: Bushong & Holleman PC, Attn: Steve Bushong & Cassidy Woodard, 1525 Spruce Street, Suite 200, Boulder, CO 80302, [sbushong@BH-lawyers.com](mailto:sbushong@BH-lawyers.com); [cwoodard@BH-lawyers.com](mailto:cwoodard@BH-lawyers.com)

2. Names of Structures: 2.1. Woodland Park/Trout Haven Exchange; and 2.2. Lost Dutchman Augmentation Pond.

3. Descriptions of Conditional Water Rights: 3.1. Woodland Park/Trout Haven Exchange: 3.1.1. Decrees: The Woodland Park/Trout Haven Exchange was originally decreed by the District Court in and for Water Division No. 1, State of Colorado (“Water Court”), in Case No. 94CW271 on October 18, 1996 (the “94CW271 Decree”). Subsequent findings of reasonable diligence were entered in Water Court Case No. 02CW257 on November 13, 2003 (the “02CW257 Decree”), Water Court Case No. 09CW176 on April 1, 2010 (the “09CW176 Decree”), and Water Court Case No. 16CW3034 on August 18, 2016 (the “16CW3034 Decree”), 3.1.2. Description: The exchange was decreed for the exchange of fully consumable effluent from the City of Woodland Park’s wastewater treatment plant outfall on Trout Creek located in the SE1/4SW1/4 of Section 2, T. 12 S., R. 69 W. of the 6th P.M. down Trout Creek and Horse Creek to the confluence of Horse Creek and the South Platte River located in the NE1/4 of Section 21, T. 9 S., R. 70 W. of the 6th P.M.; then up the South Platte River to the confluence of the South Platte River and Twin Creek located in the SE1/4SE1/4 of Section 30, T. 12 S., R. 71 W. of the 6th P.M.; then up Twin Creek to the confluence of Twin Creek and Lost Dutchman Creek located in the NW1/4SE1/4 of Section 9, T. 13 S., R.70 W. of the 6th P.M. then up Lost Dutchman Creek to the Lost Dutchman Augmentation Pond located in the NE1/4NE1/4 of Section 16, T. 13 S., R. 70 W. of the 6th P.M., 3.1.3. Appropriation date: November 4, 1994, 3.1.4. Amount: 12 acre-feet, conditional, annually at a maximum exchange rate of 3 cubic feet per second, conditional, 3.1.5. Remarks: Paragraph 9(e) of the 94CW271 Decree specifies that the Woodland Park/Trout Haven Exchange will operate in two ways. First, it can be operated to allow storage of water in the Lost Dutchman Augmentation Pond when the pond’s own water right is out of priority, when the exchange can be operated without injury to rights senior to the exchange. Second, it can be operated to replace out of priority depletions described in Paragraph 10 of the 94CW271 Decree with respect to the decreed water rights with priorities junior to the exchange which are located within the exchange reach so that releases from the on-site Lost Dutchman Pond are not necessary to prevent injury to such junior rights, 3.2. Lost Dutchman Augmentation Pond: 3.2.1. Decrees: Lost Dutchman Augmentation Pond was originally decreed in the 94CW271 Decree. Subsequent findings of reasonable diligence were entered in the 02CW257 Decree, the 09CW176 Decree, and the 16CW3034 Decree, 3.2.2. Legal Description: The pond will be located in the NE1/4 of the NE1/4 of Section 16, Township 13 South, Range 70 West of the 6th P.M. at a point approximately 55 feet south and 1,250 feet west of the NE corner of said Section 16. *See Exhibit A*, 3.2.3. Source: Water from Lost Dutchman Creek under its own priority, by the Woodland Park/Trout Haven Exchange, and/or by capturing water released from the swimming pool as described in the 92CW271 Decree, 3.2.4. Appropriation Date: November 4, 1994, 3.2.5. Amount: 20 acre-feet, conditional, 3.2.6. Uses: augmentation, replacement, exchange, recreational, piscatorial and wildlife habitat purposes, 3.2.7. Remarks: The Lost Dutchman Augmentation Pond is referred to in Colorado Decision Support System as the “Lost Dutchman Creek Pond.” It is known as WDID 2303316.

4. Request for Findings of Reasonable Diligence: Applicant herein requests findings that it has exercised reasonable diligence in the development of the conditional water rights for the Woodland Park/Trout Haven Exchange and the Lost Dutchman Augmentation Pond for their full decreed amounts and all decreed uses as further described in Paragraph 3 above.

5. Diligence Activities: During the diligence period, Applicant has undertaken the following specific activities that demonstrate it has exercised reasonable diligence in the development of the conditional water right: 5.1. Applicant is actively investigating the development of Lost Dutchman Augmentation Pond. In Summer 2022, Applicant obtained an estimate from an engineering firm for the costs of design and construction, 5.2. Applicant continues to collaborate with representatives of the City of Woodland Park regarding how to most efficiently and effectively operate and account for the use of its transmountain effluent, which is the source of replacement water for the Woodland Park/Trout Haven Exchange. Applicant has maintained its rights to such

transmountain effluent from the City of Woodland Parks' wastewater treatment facility. In fact, the transmountain effluent has been utilized in exchanges approved by the Water Commissioner to fill other storage facilities located upstream of the future location of the Lost Dutchman Augmentation Pond. Once Lost Dutchman Augmentation Pond is constructed, the Woodland Park/Trout Haven Exchange will be utilized to fill it, 5.3. Applicant maintains regular accounting and reporting on its water rights portfolio and regularly works with the local Water Commissioner regarding administration and operation of the water rights on the property where the Lost Dutchman Augmentation Pond will be located, 5.4. Development efforts continue on the property where the Lost Dutchman Augmentation Pond will be located. The property is a fishing resort where Applicant routinely conducts the necessary maintenance and repair of various water infrastructure. During the diligence period, Applicant expended approximately \$67,000 conducting repairs to Sun Dam and Evergreen Dam, which are located on the property where Lost Dutchman Augmentation Pond will be located. 6. Land Ownership: P.K. Enterprises, Inc., which is a sister entity to Applicant. WHEREFORE, Applicant respectfully requests that the Court enter an order (1) granting Applicant's request for findings of reasonable diligence for the Woodland Park/Trout Haven Exchange and the Lost Dutchman Augmentation Pond as described in Paragraph 3 above; and (2) granting such other and further relief as deemed appropriate.

(5 pages + Exhibit)

**2022CW3106 STONEGATE VILLAGE METROPOLITAN DISTRICT,** ("Applicant or District")  
Attn: Manager, 10252 Stonegate Pkwy., Parker, CO 80134 (303) 858-9909. Serve all pleadings on:  
Matthew Machado, Anthony Basile, Lyons Gaddis, PC P.O. Box 978 Longmont, CO 80502-0978 (303)  
776-9900 [mmachado@lyonsgaddis.com](mailto:mmachado@lyonsgaddis.com) [abasile@lyonsgaddis.com](mailto:abasile@lyonsgaddis.com).

**APPLICATION FOR DETERMINATION OF UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT-NONTRIBUTARY DENVER BASIN AQUIFERS and TO ADD NONTRIBUTARY GROUNDWATER TO EXISTING ARAPAHOE AND LARAMIE-FOX HILLS AQUIFER WELL FIELDS IN DOUGLAS COUNTY.** 2. **Background.** Applicant seeks to appropriate,

perfect, and obtain vested rights for any and all nontributary and not nontributary ground water legally available to Applicant from several parcels of land located in Douglas County and included within the District boundaries (collectively, the parcels are referred to as the "Newlin Crossing"). In addition, the Arapahoe and Laramie-Fox Hills ("LFH") aquifers underlying Newlin Crossing will be added to Applicant's existing previously decreed well fields, as described in the Second Claim for Relief below.

**FIRST CLAIM FOR RELIEF: CLAIM FOR NONTRIBUTARY AND NOT NONTRIBUTARY GROUNDWATER RIGHTS FOR NEWLIN CROSSING** 3. **Legal Description of Newlin Crossing.**

Newlin Crossing consists of several contiguous parcels totaling approximately 98 acres generally located in a portion of the NW ¼ of Section 20, T6S, R66W of the 6<sup>th</sup> P.M., as more specifically described in

**EXHIBIT A** and depicted on **EXHIBIT B**. 4. **Ownership.** Applicant does not own the parcels comprising Newlin Crossing. Pursuant to the Special Warranty Deed recorded at Reception No. 2017063932 of the Douglas County Real Estate Records ("2017 Deed"), Applicant owns all of the water and water rights, including nontributary and not nontributary groundwater appurtenant to and underlying Newlin Crossing.

A copy of the 2017 Deed is attached as **EXHIBIT C**. 5. **Claim for Water Rights.** The Applicant seeks herein determination of its right to perfect its ownership, appropriate, obtain and withdraw only nontributary and not nontributary ground water which is legally available to Applicant from the Dawson, Denver, Arapahoe, and LFH Aquifers, and any upper and lower designations thereof, from Newlin Crossing. The Lower Dawson, Denver, Arapahoe, and LHF Aquifers are physically present under Newlin Crossing. The actual aquifers will be those determined pursuant to section 37-90-137(4), C.R.S. and the Denver Basin Rules, 2 C.C.R. 402-6, to be available from Newlin Crossing. 6. **Application of § 37-92-302(2)(c), C.R.S.**

**Regarding Notice Requirements.** Pursuant to section 37-92-302(2)(c), C.R.S., Applicant is not required to give notice to the overlying landowners because Applicant is a quasi-municipal district, Applicant has a deed for the nontributary and not nontributary water that is the subject of this Application, and the overlying land is included within the water service area of the Applicant. 7. **Wells.** The District's existing decreed and permitted wells in the District's previously decreed well fields in the Arapahoe aquifer and LFH aquifer



may be used to withdraw the Newlin Crossing water as described in the Second Claim for Relief below. Other wells that will withdraw the groundwater sought to be decreed by this Application have not yet been constructed, nor have applications for well permits been filed. Prior to constructing any well to withdraw the subject groundwater, Applicant will apply to the State Engineer for a permit to construct that well, and the Applicant requests that the Court require, as a condition of the decree entered in this case, that well permits be issued upon application for any such wells in accordance with said decree. Applicant shall only withdraw that portion of the not nontributary groundwater that Applicant owns or has the consent to withdraw pursuant to a future plan for augmentation decreed by District Court, Water Division No. 1. Applicant obtained by the 2017 Deed two wells located on the Newlin Crossing property that are believed to be completed in the Dawson Aquifer: Well Permit Nos, 41493 and WCB-69 (see **EXHIBITS D and E**). Since the Dawson Aquifer is anticipated to be not nontributary, any use of those wells to withdraw water in the Dawson aquifer adjudicated herein would require such a plan for augmentation. 8. **Date of Appropriation. How Appropriation Was Initiated and Date Water Was Applied to Beneficial Use.** The rights sought to be decreed in this case are not governed by the appropriation doctrine. Applicant requests the Court to decree that the New Groundwater rights adjudicated in this case are vested property rights notwithstanding the fact that groundwater has not yet been diverted and applied to beneficial use. 9. **Preliminary Estimated Amounts of Groundwater Claimed.** The following amounts of Denver Basin water are available from Newlin Crossing based on preliminary estimates from Applicant’s engineer (with reductions to the Arapahoe aquifer by an amount to account for the cylinder of appropriation of Applicant’s pre-213 well CA-2R). These amounts are provided for reference only and are not binding, and may be increased or decreased by a decree.

<b>Aquifer</b>	<b>Projected Annual Availability (af/yr)</b>
Lower Dawson (NNT)	27.5
Denver (NNT)	43.5
<b>Subtotal NNT</b>	<b>71.0</b>
Arapahoe (NT)	19.4
Laramie-Fox Hills (NT)	27.9
<b>Subtotal NT</b>	<b>47.3</b>
<b>Total</b>	<b>118.3</b>

Applicant requests the right to withdraw from any combination of wells completed in the same aquifer, including additional wells, an amount of ground water in excess of the amount decreed for average annual withdrawal from that aquifer, so long as the sum of the total volume of water withdrawn from said wells does not exceed the product of the number of years since the date of issuance of the original well permits or the date of entry of a decree herein, whichever occurs first, times the average annual amount of withdrawal which Applicant is entitled to withdraw from that aquifer(i.e. Applicant claims the right to “bank” unused annual amounts pursuant to Statewide Nontributary Ground Water Rules (“Statewide Rules”), 2 C.C.R. 402-7 §§ 8.A) . 10. **Well Field.** Applicant requests that all of the wells constructed in one aquifer, plus any additional wells constructed in that same aquifer, shall constitute a "well field" as that term is described in the Statewide Rules, 2 C.C.R. 402-7 § 4.A.13 and § 14. The pumping rates for each well shall be allowed to exceed the nominal pumping rates set forth herein to the extent necessary to withdraw the maximum acre-foot entitlement from each aquifer. The Arapahoe and LFH aquifers for the Newlin Crossing will be added to Applicant’s existing well fields, as described in the Second Claim for Relief below. 11. **Use.** Applicant intends to use all available ground water withdrawn from any and all of the Denver Basin aquifers underlying the District in a unified water supply system either inside or outside the current or future corporate limits of the District to be used, reused, successively used, and otherwise disposed of for municipal, domestic, industrial, commercial, fire protection, irrigation, stock watering, recreation, fish and wildlife preservation and propagation, augmentation, replacement, exchange, and all other beneficial uses. Said water will be produced for immediate application to beneficial use, for storage

and subsequent application and beneficial use, for exchange purposes, for replacement of depletions, and all other augmentation purposes taking credit for all return flows resulting from the use of said water. Included in the authorized uses is the right to use, re-use to extinction and/or to take return flow credit for all of the groundwater which is subject to this Application, subject to the provisions of Denver Basin Rules § 8, which limits consumption of the nontributary groundwater in the Arapahoe and LFH aquifers to 98% of withdrawals and augmentation of not non tributary depletions. **SECOND CLAIM FOR RELIEF: AMENDMENT OF DISTRICT'S WELL FIELDS TO ADD THE NEWLIN CROSSING ARAPAHOE AND LFH AQUIFERS**

12. **Background.** Applicant has existing well fields as such are defined in Statewide Rules §§ 4(A)(13) and 14 in the nontributary Arapahoe and Laramie-Fox Hills aquifers (“Arapahoe Well Field” and “LFH Well Field,” respectively, or collectively “the District’s Well Fields”) pursuant to the decree in Case Nos. 99CW127, District Court, Water Division No. 1, entered November 1, 2001, as further defined by the decrees in Case No. 99CW169, District Court, Water Division No. 1, entered April 26, 2001 and Case No. 12CW97, District Court, Water Division No. 1, entered April 25, 2016 (collectively, the “Prior Decrees”). The Prior Decrees authorize Applicant to withdraw groundwater from the nontributary Arapahoe and LFH aquifers associated with the overlying lands described therein from the District’s Well Fields. In this case, Applicant seeks to add the Arapahoe aquifer underlying Newlin Crossing to the Arapahoe Well Field (“Amended Arapahoe Well Field”) to allow withdrawals from any combination of wells located on the overlying lands included in the Arapahoe Well Field. Applicant also seeks to add the LFH aquifer underlying Newlin Crossing to the LFH Well Field (“Amended LFH Well Field”) to allow withdrawals from any combination of wells located on the overlying lands included in the LFH Well Field. The Amended LFH Well Field and the Amended LFH Well Field are collectively referred to as the “District’s Amended Well Fields.”

13. **Groundwater in the District’s Well Fields.** The Prior Decrees authorize Applicant to withdraw from the District’s Well Fields the volume of Applicant’s groundwater from the Arapahoe and LFH aquifers adjudicated in the decrees in the following cases: 83CW279A (Hope), 83CW279B and 84CW237B (Compare), 99CW127 (Stonegate Lands, Hope and Compare), 99CW169 (O&W) and 12CW297 (changed CA-1 and CA-2 well rights). The legal descriptions of the overlying land associated with the District’s Well Fields as adjudicated are attached hereto as **EXHIBIT F**.

14. **Addition of New Groundwater to Well Fields.** Pursuant to C.R.S. §37-90-137(10) and Statewide Rules §§ 4(A)(1) and 12, Applicant seeks a determination approving the District’s Amended Well Fields.

15. **Overlying Land for the Amended Arapahoe and LFH Well Fields.** The overlying land for the District’s Amended Well Fields includes the land described in Exhibits A and F, and is generally located in Sections 5, 6, 8, 15, 16, 17 and 20, T6S, R66W, all in the 6<sup>th</sup> P.M.; all in Douglas County. To the extent Applicant requests that the District’s Amended Well Fields include wells producing groundwater from non-contiguous parcels, Applicant requests a determination as specified in Statewide Rules §§ 4(A)(13) and 11(B).

16. **Wells in the Amended Well Fields.** Include the following: A. Applicant has constructed and operates several wells included in the District’s Well Fields (“Existing Wells”). The Existing Wells are legally described in **EXHIBIT G** and depicted on Exhibit B. B. Applicant also has the right to construct several other wells pursuant to the Prior Decrees, which are also described in Exhibit G and shown on Exhibit B. C. Pursuant to C.R.S. §37-90-137(10) and Statewide Rules §§ 4(A)(1) and 12, Applicant in the future will add new wells to the District’s Amended Well Fields as necessary to withdraw all of the groundwater that Applicant owns or has the consent to withdraw pursuant to a decree entered herein and consistent with prior stipulations between the District and certain owners of nontributary water rights.

17. **Flow Rate and Annual Amount of Withdrawal.** Applicant seeks to withdraw Applicant’s groundwater from the wells in the District’s Amended Well Fields at rates up to the maximum achievable instantaneous rate in an amount to be determined, including amounts banked pursuant to Statewide Rules § 8(A).

18. **Owners of Land Upon Which Structures Are or Will be Located.** See ¶ 6 above.

WHEREFORE, Applicant respectfully requests the Court enter a decree that determines the amounts and Applicant’s rights to all nontributary and not nontributary groundwater underlying Newlin Crossing, and approves the Amended Arapahoe Well Field and Amended LFH Well Field. Number of pages in application: 7, excluding exhibits.

**2022CW3107 BUCKHORN HIGHLINE DITCH COMPANY**, c/o Carl Mikesh, 13185 Buckhorn Road, Loveland, CO 80538, 405-234-7404, [cmikesh44@gmail.com](mailto:cmikesh44@gmail.com) (P. Andrew Jones, #29076, Law Office of P. Andrew Jones, 1213 Founders Circle, Windsor, CO 80550, Telephone: (970) 235-0252, E-mail: [ajones@pandrewjones.com](mailto:ajones@pandrewjones.com) **APPLICATION FOR SIMPLE CHANGE IN SURFACE POINT OF DIVERSION IN LARIMER COUNTY PURSUANT TO § 37-92-305(3.5), C.R.S.** Decreed water right for which change is sought: 2.1. Name of structure: Buckhorn Highline Ditch 2.1.1. Date of original and all relevant subsequent decrees: C.A. 4862, District Court, Boulder County, decreed on March 18, 1912. 2.1.2. Legal description of structure as described in most recent decree that adjudicated the location: On the North bank of Buckhorn Creek in Section 5, Township 6 North, Range 70 West of the 6th P.M. 2.1.3. Decreed source of water: Buckhorn Creek, tributary to Big Thompson River. 2.1.4. Appropriation Date: October 25, 1883. 2.1.5. Total amount decreed to structure in gallons per minute (gpm) or cubic feet per second (cfs): 9.0 c.f.s., absolute. 2.1.6. Decreed use or uses: Agricultural. 2.1.7. Amount of water that applicant intends to change: 9.0 c.f.s. 3. Detailed description of proposed change in a surface point of diversion: The Buckhorn Ditch point of diversion was destroyed during the floods of 2013. Applicant proposes to move the point of diversion for the Buckhorn Highline Ditch approximately 1,260 feet downstream on Buckhorn Creek. There are no intervening rights or sources of inflow. Changing the point of diversion will not result in a diversion of a greater flow rate or amount of water than is decreed to the right or than is available at the existing decreed point of diversion, or injuriously affect the owners of or persons entitled to use water under a vested water right or decreed conditional water right. A map of the old and proposed new points of diversion is attached hereto as Exhibit "A." 4. Location of the new surface point of diversion: 4.1. PLSS Format: 380 feet from the north section line, 2,520 feet from the west section line, Section 5, Township 6 North, Range 70 West of the 6th P.M. 4.2. UTM Format: -1563013.51 E, 4778871.92 N 5. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion structure, or modification to any existing diversion structure is or will be constructed. The applicant must notify these persons that the applicant is applying for this water right and certify to the Court that the applicant has done so. Name of Owner Mailing Address Carl Mikesh Mikesh Trust Dated February 17, 010 13185 Buckhorn Rd., Loveland, CO 80538 Robyn L. Trask 13721 Buckhorn Rd., Loveland, CO 80538

**2022CW3108 (13CW3143) - ARAPAHOE COUNTY - APPLICATION FOR FINDING OF REASONABLE DILIGENCE FOR CONDITIONAL UNDERGROUND WATER RIGHTS - 1. Name and Address of Applicant.** PROSPER FARMS INVESTMENTS, LLC, c/o Gregory A. Ruegsegger 5641 N. Broadway, Denver, Colorado 80216, E-mail: [greg.ruegsegger@furniturerow.com](mailto:greg.ruegsegger@furniturerow.com) Phone: 303-566-8010. Attorneys for Applicant: Stephen C. Larson (#23275), Adam K. Alexander (#53543), JOHNSON & REPUCCI LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027, Phone: (303) 442-1900, Fax: (303) 442-0191, e-mail: [sclarson@j-rlaw.com](mailto:sclarson@j-rlaw.com); [akalexander@j-rlaw.com](mailto:akalexander@j-rlaw.com). **2. Overview.** Applicant owns property in Arapahoe County, Colorado that is being developed into a mixed use, master planned community (the "Property"). By this application, Applicant is seeking to continue as conditional water rights its underground water rights for tributary ground water wells that will be used to supply water to the Property for irrigation and other purposes pursuant to the plan for augmentation as decreed in Case No. 13CW3143. A map of the current Property boundaries and depicting the location of the subject wells is attached hereto as Exhibit A. **3. Name and Description of Structures and Water Rights.** A. *Name and Legal Description of Wells.* The Prosper Box Elder Well Nos. 1–4 (collectively, the "Prosper Box Elder Wells") will be an integrated alluvial well field supplying nonpotable water to the Property. The wells shall be located within 200 feet of the following locations, as generally depicted on the Exhibit A inset: i. *Prosper Box Elder Well No. 1.* Prosper Box Elder Well No. 1 is located in the NW1/4 NW1/4 of Section 5, Township 4 South, Range 64 West, of the 6th P.M., at a point 230 feet from the north section line and 110 feet from the west section line of said Section 5 (Zone 13, NAD83, Northing 4398859m, Easting 535738m). ii. *Prosper Box Elder Well No. 2.* Prosper Box Elder Well No. 2 is located in the NW1/4 NW1/4 of Section 5, Township 4 South, Range 64 West, of the 6th P.M., at a point 920 feet from the north section line and 390 feet from the west section line of said Section 5 (Zone 13,

NAD83, Northing 4398634m, Easting 535821m). iii. Prosper Box Elder Well No. 3. Prosper Box Elder Well No. 3 is located in the SW1/4 NW1/4 of Section 5, Township 4 South, Range 64 West, of the 6th P.M., at a point 1,580 feet from the north section line and 880 feet from the west section line of said Section 5 (Zone 13, NAD83, Northing 4398444m, Easting 535977m). iv. Prosper Box Elder Well No. 4. Prosper Box Elder Well No. 4 is located in the SE1/4 NW1/4 of Section 5, Township 4 South, Range 64 West, of the 6th P.M., at a point 2,290 feet from the north section line and 1,770 feet from the west section line of said Section 5 (Zone 13, NAD83, Northing 4398226m, Easting 536247m). B. Original and Subsequent Decrees. A decree approving conditional water rights was entered on August 31, 2016 in Case No. 13CW3143, Water Division 1. C. Source of Water. Ground water from the Box Elder Creek alluvial aquifer, tributary to Box Elder Creek, tributary to the South Platte River. D. Depth of Wells. Approximately 60 feet. E. Date of Appropriation. March 5, 2012. F. Amount Claimed in gallons per minute (gpm). 1,200 gpm, conditional. The maximum rate of withdrawal for all four of the Prosper Box Elder Wells, combined, will not exceed 1,200 gpm. G. Amount Claimed in acre-feet annually. 800 acre-feet/year, conditional. The maximum volume of withdrawal for all four of the Prosper Box Elder Wells, combined, will not exceed 800 acre-feet per year. H. Uses or Proposed Uses. Lawn irrigation, construction and dust suppression. When used for irrigation, the water may be used, reused, and successively reused to extinction. Any reuse or successive use of the water after irrigation shall be only pursuant to a subsequent Water Court decree in which the timing, location and amount of the law irrigation return flows is adjudicated. I. Place of Use. Water withdrawn from the Prosper Box Elder Wells will be used on the Property. J. Integrated System. Pursuant to paragraph 24 of the decree entered in Case No. 13CW3143, the Prosper Box Elder Wells are component features of an integrated water supply system for the Property. Evidence that Applicant has exercised reasonable diligence toward completing and applying the subject conditional water rights to beneficial use for one portion of the water supply system may be considered evidence of diligence as to another portion of the water supply system 4. **Name of Owner of Land Upon Which Structures are Located**. All of the subject structures are on land owned by Applicant. **CLAIM FOR A FINDING OF REASONABLE DILIGENCE**. 5. During the subject diligence period, commencing on September 1, 2016 and continuing to the present, Applicant has undertaken the following towards applying the Prosper Box Elder Creek Wells to beneficial use: A. Monitor wells and aquifer investigations. During the diligence period, Applicant has continued its monitoring well program regarding Monitoring Well MW-50, collecting and analyzing the monitoring well data for purpose of designing the well field and establishing a baseline of water levels for the purpose of protecting the alluvial aquifer and well rights from future development. A data logger for the monitoring well was replaced in 2019. B. Infrastructure analysis. During the diligence period, Applicant has undertaken activities to analyze, plan for and design the infrastructure that will deliver augmentation water allowing the Prosper Box Elder Creek Wells to legally operate pursuant to the plan for augmentation decreed in Case No. 13CW3143, including, without limitation, analyses of Box Elder Creek water availability, irrigation demand and water reuse, wellfield pumping rates, water treatment plant requirements and well installation costs. C. Development activities and approvals. During the diligence period, Applicant has undertaken the following in regard to obtaining land use approvals necessary to develop the project pursuant to which the Prosper Box Elder Creek Wells will supply nonpotable water: Prosper Development approvals include a 1041 Permit, Preliminary Development Plan and phase one Final Development Plan. Location and Extents plans have also been approved for utility infrastructure. D. Water court cases. During the diligence period, Applicant has prosecuted statements of opposition in Water Court to protect the Prosper Box Elder Creek Wells. E. Water resource consulting fees. During the diligence period, Applicant has incurred in excess of \$10,000 in water resource consulting fees in connection with the diligence activities described above in paragraphs 4.A through 4.D. F. Water court and attorney fees. During the diligence period, Applicant has incurred in excess of \$10,000 in legal fees in connection with the diligence activities described above in paragraph 4.D. G. Land planning consulting fees. During the diligence period, Applicant has also incurred thousands of dollars in land planning consultant fees in connection with the diligence activities described above in paragraphs 4.B and 4.C. (6 pages plus exhibit)

**2022CW3109 WILLIAM M. WELBON AND SANDRA WELBON**, 10259 East State Highway 86, Franktown, CO 80119. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NOT-NONTRIBUTARY AND NONTRIBUTARY SOURCES IN THE DAWSON, DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS IN DOUGLAS COUNTY.** Subject Properties: 13.046 acre lot generally located in the SW1/4 of the SW1/4 of Section 5, Township 8 South, Range 65 West of the 6th P.M., Douglas County, State of Colorado, also known as 10259 East State highway 86, Franktown, CO, 80116, as shown on **Exhibit A** (“Subject Property”). Applicants are the sole owners of the Subject Property, therefore no notice is required pursuant to C.R.S. § 37-92-302(2). Well Permits: There is currently one Upper Dawson Aquifer well on the Subject Property operating under Well Permit No. 15985-A. This well will continue to operate under its existing permit. One (1) acre-foot per year of Upper Dawson groundwater has been allocated to the exempt well and deducted from the amounts to be decreed pursuant to this application. Additional well permits will be applied for prior to construction of any additional wells allowed under this application. 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, Arapahoe and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Amounts: Applicants estimate that the following annual amounts may be available for withdrawal based on a 100-year withdrawal period:

Aquifer	Annual Amount (acre-feet)
Upper Dawson (NNT)*	3.19
Lower Dawson (NT)	2.24
Denver (NNT)	4.10
Arapahoe (NT)	5.87
Laramie-Fox Hills (NT)	3.97

\* The total estimated amount of Upper Dawson Aquifer groundwater is 4.19 acre-feet annually. 1 acre-foot annually is withheld from this application for use by exempt Well Permit No. 15985-A

Proposed Uses: The groundwater will be used, reused, and successively used for domestic (including in-house), commercial, irrigation, stockwatering, fire protection, and augmentation and exchange purposes, including storage, both on and off the Subject Property. 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). Remarks: Applicants claim the right to withdraw more than the average annual amounts estimated in Paragraph 5 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. Applicants request the right to revise the estimates upward or downward, based on better or revised data, without the necessity of amending this application or republishing the same. Applicants request the Court approve the above underground water rights, 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. 3 pages.

**2022CW3110 (11CW198) DENVER SOUTHEAST SUBURBAN WATER & SANITATION DISTRICT D/B/A THE PINERY WATER & WASTEWATER DISTRICT c/o Heather W. Beasley, District Manager**, 5242 Old Schoolhouse Road, Parker, CO 80134; (303) 841-2797. Please send all pleadings and correspondence to: Scott A. Clark and Peter D. Jaacks, Burns, Figa & Will, P.C., 6400 S. Fiddlers Green Circle, #1000, Greenwood Village, CO 80111; (303) 796-2626. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN DOUGLAS COUNTY.** 2. Description of Conditional Water Rights: 2.1. Original Decree: The conditional water rights for which findings of continued diligence are sought were originally decreed by this Court in Case No. 11CW198 on August 30,

2016 (the decree for which is referred to herein as the “Decree”), as follows: 2.1.1. Pinery Well No. 9. 2.1.1.1. Appropriation Date: February 8, 2000. 2.1.1.2. Location: NW 1/4, SW 1/4, of Section 15, T7S, R66W, 6th P.M., approximately 1,565 feet from the South Section line and 1,000 feet from the West Section line, in Douglas County, Colorado. 2.1.1.3. Depth: 61 feet. 2.1.1.4. Source: Groundwater tributary to Cherry Creek. 2.1.1.5. Pumping Rate: 1,094 gpm, absolute, 406 gpm, conditional. 2.1.2. Pinery Well No. 10. 2.1.2.1. Appropriation Date: February 8, 2000. 2.1.2.2. Location: NE 1/4, SW 1/4 of Section 10, T7S, R66W, 6th P.M., approximately 2,100 feet from the South Section line and 1,830 feet from the West Section line, in Douglas County, Colorado. 2.1.2.3. Depth: 54 feet. 2.1.2.4. Source: Groundwater tributary to Cherry Creek. 2.1.2.5. Pumping Rate: 1,067 gpm absolute, 433 gpm, conditional. 2.1.3. Pinery Well No. 11. 2.1.3.1. Appropriation Date: October 6, 2011. 2.1.3.2. Location: NE 1/4, NW 1/4, Section 15, T7S, R66W, 6th P.M., 850 feet from the North Section line and 2,050 feet from the West Section line, in Douglas County, Colorado. 2.1.3.3. Source: Groundwater tributary to Cherry Creek. 2.1.3.4. Pumping Rate: 1,500 gpm, conditional. 2.1.4. Pinery Well No. 12. 2.1.4.1. Appropriation Date: October 6, 2011. 2.1.4.2. Location: SW 1/4, NW 1/4, Section 15, T7S, R66W, 6th P.M., 2,200 feet from the North Section line and 1,300 feet from the West Section line, in Douglas County, Colorado. 2.1.4.3. Source: Groundwater tributary to Cherry Creek. 2.1.4.4. Pumping Rate: 1,500 gpm, conditional. 2.1.5. Pinery Well No. 13. 2.1.5.1. Appropriation Date: October 6, 2011. 2.1.5.2. Location: SE 1/4, SW 1/4, Section 3, T7S, R66W, 6th P.M., 600 feet from the South Section line and 2,300 feet from the West Section line, in Douglas County, Colorado. 2.1.5.3. Source: Groundwater tributary to Cherry Creek. 2.1.5.4. Pumping Rate: 1,500 gpm, conditional. 2.1.6. Pinery Well No. 14. 2.1.6.1. Appropriation Date: October 6, 2011. 2.1.6.2. Location: SE 1/4, SW 1/4, Section 10, T7S, R66W, 6th P.M., 1,200 feet from the South Section line and 2,300 feet from the West Section line, in Douglas County, Colorado. 2.1.6.3. Source: Groundwater tributary to Cherry Creek. 2.1.7. Pumping Rate: 1,500 gpm, conditional. 2.1.7. Pinery Well No. 15. 2.1.7.1. Appropriation Date: October 6, 2011. 2.1.7.2. Location: NE 1/4, NE 1/4, Section 22, T7S, R66W, 6th P.M., 100 feet from the North Section line and 900 feet from the East Section line, in Douglas County, Colorado. 2.1.7.3. Source: Groundwater tributary to Cherry Creek. 2.1.7.4. Pumping Rate: 1,500 gpm, conditional. 2.2. **Uses:** All municipal purposes including domestic, agricultural, industrial, commercial, irrigation, augmentation, stock watering, recreation, fish and wildlife, and fire protection uses. The conditional water rights may immediately be applied to beneficial use; placed into aquifer storage, exchanged, and used for augmentation and replacement purposes as described in the decree in Case No. 11CW198. The conditional water rights may be used, reused, and successively used to extinction as long as all out-of-priority depletions have been fully augmented pursuant to the plan for augmentation in as described in Case No. 11CW198. The conditional water rights may be used anywhere within the current and future service area of the District as amended from time to time. 2.3. **Volumentric Limit:** Pumping from Wells No. 9,10, 11, 12, 13, 14 and 15 shall not exceed a combined cumulative volume of 3,500 af/yr. 2.4. **Aquifer Storage and Recovery:** The District may inject and store reusable water from the sources identified in this Part 2, and from sources identified in paragraphs 39.1, 39.7, and 39.8 of the Decree, in the Denver Basin Aquifers at a rate not to exceed 2,000 af/yr. 3. **Conditional Appropriative Rights of Exchange.** The decree in Case No. 11CW198 confirmed conditional rights of exchange that enable the District to exchange excess augmentation credits for use as an augmentation source in the plan for augmentation adjudicated in Case No. 10CW318. The rights of exchange are subject to the terms and conditions of paragraph 30 of the decree in Case No. 11CW198. The rights of exchange are described as follows: 3.1. **Exchange-to Point:** One thousand (1,000) feet upstream of the point where Cherry Creek crosses the South Section Line of Section 34, T7S, R66W of the 6th P.M., adjacent to the Cherry Creek Project Water Authority’s (the “Authority”) Walker Reservoir Well No. 35 (the subject of Case No. 10CW318), located in the SE 1/4, SE 1/4, Section 34, T7S, R66W, 6th P.M. 3.2. **Exchange-from Points:** 3.2.1. The location where the Pinery Wastewater Treatment Plant (“WWTP”) discharges to Cherry Creek. NE 1/4, NW 1/4, Section 10, T7S, R66W 6th P.M., Douglas County, Colorado, at a point 200 feet from the North Section Line and 1,440 feet from the West Section Line of said Section 10, or at any location within 1,000 feet of the foregoing location. 3.2.2. The District’s northern boundary which intersects Cherry Creek near the Northwest corner of the SE 1/4, SW 1/4, of Section 3, T7S, R66W of the 6th P.M. 3.2.3. The confluence of Kinney Creek and Cherry Creek, which is located in the NE 1/4,

NW 1/4, of Section 3, T7S, R66W of the 6th P.M. 3.3. **Exchange Rate:** The exchanges having exchange-from points at the WWTP and the District's northern boundary may operate at a rate up to 4.0 cfs combined. The exchange having an exchange from point at the confluence of Kinney Creek and Cherry Creek may operate at a rate of up to 0.5 cfs. The Walker Reservoir Exchanges shall have a maximum combined exchange rate of 4.0 cfs, conditional, with an annual combined exchange limit of 400 acre-feet and a rolling 10-year combined exchange limit of 4,000 acre-feet. 3.4. **Appropriation Date:** October 6, 2011. 3.5. **Sources of Substitute Supply:** Excess augmentation credits. For the purposes of the Walker Reservoir Exchanges, excess augmentation credits are augmentation credits, as defined in paragraph 34 of the decree in Case No. 11CW198, that are in excess of the amount needed to satisfy the District's augmentation obligations under the plan for augmentation adjudicated in Case No. 11CW198. 4. **Outline of Diligence Activities:** The District has been making orderly and systematic progress on its development plan, continuing to develop its water supply system and to plan for and pursue the use of the conditional ground water rights and exchange in its overall water supply systems. The District has devoted a substantial amount of money, in excess of \$29,300,000.00, and many hours to the development, operation, maintenance, and improvement of its integrated municipal water supply system. Specifically, the Applicant has undertaken the following work during the diligence period, all of which is related to completion of the subject appropriation and application of water to beneficial use: 4.1. Continuous operation of the augmentation plan approved in the Decree. 4.2. Preparation of revised accounting forms, which were submitted to the Division Engineer and Opposers, as required by Paragraph 80.6 of the Decree, which have been approved by the Division Engineer. 4.2. Preparation, and submission to the State Engineer, of the LIRF report for Scott Gulch as required by ¶¶ 61 and 82 of the Decree. 4.4. Preparation of the first 5-year deep percolation LIRF report as required by ¶ 56 of the Decree. 4.5. Initial planning discussions internally and with the District's consulting engineers regarding aquifer storage and recharge. 4.6. Planning for, negotiating agreements and developing connections for use of WISE water by the District. 4.7. Taking delivery of and using WISE water, which commenced on April 29, 2020. 4.8. Participation in Cherry Creek Project Water Authority projects. 4.9. Maintenance, repair, and replacement of District water supply wells, infrastructure, equipment, and systems. 4.10. Drilling of new Denver Basin wells. 4.11. Initial planning for installation of measuring devices. 4.12. Water rights and water supply planning by District staff and outside consultants. 4.13. Filing and pursuit of objections to water rights applications to protect the District's water rights. 5. **Can and Will:** The District still intends to develop and use the subject water rights, as demonstrated by the diligence activities described herein. Current and projected demand in the Districts exceeds the volumetric limits placed on the Subject Water Rights in Case No. 04CW293. Therefore, the Districts' planned use of the water is not speculative and they can and will use the Subject Water Rights. 6. **Claim to Make Absolute:** Not applicable. 7. **Request for Findings of Reasonable Diligence:** Applicant seeks findings that it has exercised reasonable diligence in the development of the conditional water rights and conditional appropriative rights of exchange described in Sections 2 and 3, above, for all decreed uses and all remaining conditional amounts. WHEREFORE, Applicant Denver Southeast Suburban Water & Sanitation District d/b/a The Pinery Water & Wastewater District respectfully request a Judgment and Decree of this Court that: (1) The Applicant has diligently pursued completion of the water rights originally decreed in Case No. 11CW198; (2) Such water rights shall be continued as conditional water rights for another six-year diligence period; and (3) for such other relief as the Court deems proper.

**2022CW3111 CASTLE PINES METROPOLITAN DISTRICT, c/o Josh Shackelford, Manager, 5880 Country Club Drive, Castle Rock, CO 80108; (303) 688-8330. Please send all pleadings and correspondence to: Scott A. Clark and April D. Hendricks, Burns, Figa & Will, P.C., 6400 S. Fiddlers Green Circle, #1000, Greenwood Village, CO 80111; (303) 796-2626. APPLICATION FOR CHANGES OF NONTRIBUTARY GROUNDWATER RIGHTS IN DOUGLAS COUNTY. 2. Purpose of Application:** The purpose of this Application is to adjudicate alternate point of diversion wells from which Applicant may withdraw its nontributary groundwater rights in the Denver aquifer decreed in Case No. W-8452-76, Water Division 1 and the Lower Dawson aquifer decreed in Case No. 79CW270, Water Division 1. Maps showing the current well locations and the proposed alternate points of diversion for the Denver

aquifer and the Lower Dawson aquifer are attached to the Application as Exhibits A and B, respectively. 3. **Aquifer and Location of Groundwater; Ownership of Wells and Land:** The groundwater rights described below are decreed to be withdrawn from the nontributary Denver and Lower Dawson aquifers through existing wells described more particularly in Paragraph 4, below. No part of the groundwater lies within a designated groundwater basin, and no claim is made herein for any volumes of water in addition to those previously decreed. 4. **Description of Current Decreed Wells and Water Rights for Which Changes are Sought:** 4.1. **Denver Aquifer.** 4.1.1. **Previous Decrees.** 4.1.2. **Case No. W-8452-76.** Wells No. 1-3 were decreed in Case No. W-8452-76, Water Division 1, on October 16, 1978. These three wells initially were decreed to withdraw nontributary groundwater from both the Denver and the Arapahoe aquifers. In Cases No. 79CW272, 82CW371, and 85CW470, the Water Court for Water Division 1 determined the portion of the decreed withdrawals from these wells that is attributable to the nontributary Denver aquifer, as summarized in Table 1 below. In Case No. 85CW469, the Water Court confirmed that these Denver aquifer water rights could be withdrawn through two replacement wells, DEN-8 and DEN-10. 4.1.2. **Existing Decreed Locations and Decreed Amounts.** The decreed locations and amounts for the above-described nontributary Denver aquifer wells and water rights are summarized in the following **Table 1:**

Well No.	Case No.	Decreed Location	Appropriation Date	Decreed Amount (639 AF Annually from all wells)	Flow Rate
Well No. 1 16393F	W-8452-76	SW1/4 NW1/4 of Section 21, T7S, R67W of the 6th PM, at a point 1800 feet North and 900 feet West of the Southeast Corner	October 12, 1972	321 AF, of which 202 AF are attributable to the Denver aquifer	1.06 cfs
Well No. 2 16392F	W-8452-76	NE1/4 SE1/4 Section 21, T7S, R67W, 6th PM, 1800 feet from the South section Line, 900 feet from the East Section Line	March 14, 1974	321 AF, of which 244 AF are attributable to the Denver aquifer	.98 cfs
Well No. 3 16394F	W-8452-76	SW1/4SE1/4, Section 21, T7S, R67W, 6th PM, 200 feet from the South Section Line, 1400 feet from the East Section Line	March 27, 1974	321 AF, of which 193 AF are attributable to the Denver aquifer	.87 cfs
DEN-8	85CW469	SE1/4 NE1/4, Section 21, Township 7 South, Range 67 West, 6th P.M., 2,430 feet from the North Section line, 220 feet from the East Section line	Replacement well for Wells No. 1-3	Replacement well for Wells No. 1-3	300 gpm
DEN-10	85CW469	SW1/4 NW1/4, Section 21, Township 7 South, Range 67 West, 6th P.M., 2,240	Replacement well for Wells No. 1-3	Replacement well for Wells No. 1-3	300 gpm



		feet from the North Section line, 1,139 feet from the West Section line			
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4.1.2.1. **Ownership of Water Rights.** Applicant claims ownership of 567.43 AF per year of the total decreed 639 AF per year confirmed in Case No. W-8452-76. 4.2. **Lower Dawson Aquifer.** 4.2.1. Previous Decrees: 4.2.1.1. Case No. 79CW270. The wells designated as Dawson Nos. 2, 3, 5, 6, 7, and 8, as described in Table 2 below, were decreed in Case No. 79CW270, Water Division 1, on March 23, 1981. In Case No. 85CW468, the Water Court confirmed Wells No. LDA-8, LDA-10, and LDA-12 as alternate points of diversion for these Lower Dawson groundwater rights. 4.2.2. **Existing Decreed Locations and Decreed Amounts.** The decreed locations and amounts for the above-described nontributary Lower Dawson aquifer wells and water rights are summarized in the following **Table 2:**

Well No.	Case No.	Decreed Location	Appropriation date	Decreed Amount (558 AF annually from all wells)	Flow Rate
Dawson No. 2	79CW270	SE1/4 NE1/4, Section 16, T7S, R67W, 6th PM, 2200 feet from the North Section Line, 900 Feet from the East Section line	July 10, 1979	93 AF	150 gpm .333 cfs
Dawson No. 3	79CW270	SW1/4 NW1/4, Section 16, T7S, R67W, 6th PM, 2200 feet from the North Section Line and 700 feet from the West Section Line	July 10, 1979	93 AF	150 gpm .333 cfs
Dawson No. 5	79CW270	NE1/4 NE1/4, Section 20, T7S, R67W, 6th PM, 1000 feet from the North Section Line, 450 feet from the East Section Line	July 10, 1979	93 AF	150 gpm .333 cfs
Dawson No. 6	79CW270	NW1/4 NE1/4, Section 21, T7S, R67W, 6th PM, 800 feet from the North Section Line, 1350 feet from the East Section Line	July 10, 1979	93 AF	150 gpm .333 cfs
Dawson No. 7	79CW270	SE1/4 SW1/4, Section 21, T7SR67W, 6th PM, 850 feet from the South Section Line, 2150 feet from the West Section Line	July 10, 1979	93 AF	150 gpm .333 cfs
Dawson No. 8	79CW270	NW1/4 SW1/4, Section 22, T7S, R67W, 6th PM, 1400 feet from the South Section Line, 1000 feet from the West Section Line	July 10, 1979	93 AF	150 gpm .333 cfs
LDA-8	85CW468	SE1/4 SE1/4, Section 21, Township 7 South, Range 67 West, 6th P.M., 243 feet from the North Section line, 220 feet from the East Section line	July 10, 1979	93 AF	200 gpm
LDA-10	85CW468	SW1/4 NW1/4, Section 21, Township 7 South, Range 67 West,	July 10, 1979	93 AF	200 gpm

		6th P.M., 2,240 feet from the North Section line, 1,139 feet from the West Section line			
LDA-12	85CW468	NE1/4 NE1/4, Section 16, Township 7 South, Range 67 West, 6th P.M., 277 feet from the North Section line, 489 feet from the East Section line	July 10, 1979	93 AF	200 gpm

4.2.2.1. **Ownership of Water Rights.** Applicant claims ownership of 280.29 AF per year of the total 558 AF per year confirmed in Case No. 79CW270. **5. Alternate Points of Diversion.** 5.1. **Denver Aquifer Alternate Point of Diversion.** Applicant seeks to obtain confirmation of the right to construct and use the following alternate point of diversion well for the Denver aquifer wells listed in Paragraph 4.1 above. 5.1.1. **DE-14,** located in the SE1/4, SE1/4 of Section 16, T7S, R67W, 6th PM (UTM Coordinates: 509431.0 E, 4365176.0 N). 5.2. **Lower Dawson Aquifer Alternate Points of Diversion.** Applicant seeks to obtain confirmation of the right to construct and use the following alternate point of diversion wells for the Lower Dawson aquifer wells listed in Paragraph 4.2 above. 5.2.1. **LDA-14,** located in the SE1/4, SE1/4 of Section 16, T7S, R67W, 6th PM (UTM Coordinates: 509428.0 E, 4365175 N). **6. Decreed Uses.** The waters of the Denver and Lower Dawson aquifers as described in this application have been decreed for municipal, domestic, agricultural, commercial, irrigation, stock watering, recreation, fish and wildlife and fire protection within the South Platte River drainage, including reuse and successive use until such water is entirely consumed. The water may be used through immediate application to beneficial uses, for storage and subsequent application to beneficial uses, for exchange purposes, for replacement of depletions, and for augmentation purposes. The Applicant is not seeking to change any of the previously decreed uses of the water rights that are the subject of this Application. **7. Measuring Devices.** Appropriate measuring devices shall be installed and maintained in good working order for Applicant’s alternate point of diversion wells. Applicant shall keep accurate records of all withdrawals by these wells and submit such records to the Water Division 1 Engineer upon request. **8. Total Withdrawals.** The total annual amount of water withdrawn through all Denver aquifer wells and all Lower Dawson aquifer wells pursuant to this decree shall not exceed the previously decreed total annual amounts set forth in Table 1 and Table 2, respectively. **9. Cylinders of Appropriation.** The cylinders of appropriation for Applicant’s currently decreed wells shall not be moved and shall remain located around each well’s original location. **10. Owner of Lands.** All structures described herein are located on land owned by the Applicant. WHEREFORE, Applicant respectfully request entry of a decree approving the changes of water rights described above.

**2022CW3112 HELEN J. WALLER,** 9040 Walker Road, Colorado Springs, CO 80908. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT NONTRIBUTARY SOURCES, IN THE NONTRIBUTARY DENVER, ARAPAHOE, AND LARAMIE-FOX HILLS AQUIFERS AND THE NOT-NONTRIBUTARY DAWSON AQUIFER IN EL PASO COUNTY.** **Subject Property:** 292.35 acres located in the NE1/4, the N1/2 of the SW1/4, the N1/2 of the SE1/4, and that part of the S1/2 of the S1/2 lying north of Walker Road, all in Section 10, Township 11 South, Range 65 West of the 6th P.M., El Paso County, State of Colorado, also known as 9040 Walker Road, Colorado Springs, CO, 80908, as shown on **Exhibit A** (“Subject Property”). Applicant is the sole owner of the of the Subject Property, therefore no notice to any mortgage or lien holders is required pursuant to C.R.S. § 37-92-302(2). **Well Permits:** There are two (2) existing wells on the Subject Property. Well Permit No. 19177-A is an exempt Dawson Aquifer domestic well and will continue operating under its existing permit. Well Permit No. 83465 is a Dawson stock well and will continue operating under its existing permit. Additional well permits will be applied for prior to construction of any wells. **Source of Water Rights:** The Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S.

§ 37-90-103(10.5). Estimated Amounts: Applicant estimates the following annual amounts may be available for withdrawal:

Aquifer	Annual Amount (acre-feet)
Dawson (NNT) *	258.7
Denver (NT)	180.2
Arapahoe (NT)	136.6
Laramie-Fox Hills (NT)	81.9

\*The total estimated amount of Dawson Aquifer groundwater is 260.7 acre-feet annually. 1 acre-foot is withheld from this adjudication for use by Well Permit No. 19177-A; 1 acre-foot is withheld from this adjudication for use by Well Permit No. 83465. Proposed Use: Use, reuse, and subsequent use for domestic, including in-house use, commercial, irrigation, livestock watering, industrial, fire protection, and augmentation and replacement purposes, including storage, both on and off the Subject Property. Jurisdiction: The Water 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). Remarks: Applicant claims the right to withdraw more than the average annual amounts estimated in Paragraph 5 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. Applicant requests the right to revise the estimates upward or downward, based on better or revised data, without the necessity of amending this application or republishing the same. Applicant requests the Court approve the above underground water rights, find that Applicant has 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 person entitled to use water under any vested water right or decreed conditional water right, and grant other and further relief as is appropriate. 3 pages.

**2022CW3113 MEILING TRINH**, 23889 East 128th Avenue, Commerce City, CO 80022. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT NONTRIBUTARY SOURCES, IN THE NONTRIBUTARY UPPER ARAPAHOE, LOWER ARAPAHOE, AND LARAMIE-FOX HILLS AQUIFERS AND THE NOT-NONTRIBUTARY DENVER AQUIFER IN ADAMS COUNTY.** Subject Property: 55.68 acres generally located E1/2 of the SW1/4, Section 30, Township 1 South, Range 65 West of the 6th P.M., Adams County, State of Colorado, also known as 23889 East 128th Avenue, Commerce City, CO, 80022, as shown on **Exhibit A** (“Subject Property”). Applicant is the sole owner of the of the Subject Property, therefore no notice to any mortgage or lien holders is required pursuant to C.R.S. § 37-92-302(2). Well Permits: There is one existing well on the Subject Property. Well Permit No. 218633 is an exempt Lower Arapahoe Aquifer domestic well and will continue operating under its existing permit. Additional well permits will be applied for prior to construction of any wells. Source of Water Rights: The Denver Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Upper Arapahoe, Lower Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Amounts: Applicant estimates the following annual amounts may be available for withdrawal:

Aquifer	Annual Amount (acre-feet)
Denver (NNT)	9.88
Upper Arapahoe (NT)	9.88
Lower Arapahoe (NT)*	4.67
Laramie-Fox Hills (NT)	13.18

\*The total estimated amount of Lower Arapahoe Aquifer groundwater is 8.67 acre-feet annually. 4 acre-foot is withheld from this adjudication for use by Well Permit No. 218633, and any future exempt purposes. Proposed Use: Use, reuse, and subsequent use for domestic, including in-house use, commercial, irrigation,

livestock watering, industrial, fire protection, and augmentation and replacement purposes, including storage, both on and off the Subject Property. Jurisdiction: The Water 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). Remarks: Applicant claims the right to withdraw more than the average annual amounts estimated in Paragraph 5 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. Applicant requests the right to revise the estimates upward or downward, based on better or revised data, without the necessity of amending this application or republishing the same. Applicant requests the Court approve the above underground water rights, find that Applicant has 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 person entitled to use water under any vested water right or decreed conditional water right, and grant other and further relief as is appropriate. 3 pages.

**2022CW3114 DAIHL DEVELOPMENT GROUP, LLC**, 107 S Ridge Road, Castle Rock, CO 80104. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY SOURCES IN THE DAWSON, DENVER, ARAPAHOE, AND LARAMIE-FOX HILLS AQUIFERS IN DOUGLAS COUNTY.** Subject Property: 6 acres generally located in the NE1/4, Section 18, Township 8 South, Range 66 West of the 6th P.M., Douglas County, State of Colorado, also known as 107 S. ridge road, Castle Rock, CO, 80104, as shown on **Exhibit A** (“Subject Property”). Applicant is the sole owner of the of the Subject Property, therefore no notice to any mortgage or lien holders is required pursuant to C.R.S. § 37-92-302(2). Well Permits: There is one (1) existing well on the Subject Property. Well Permit No. 133533 is an exempt Dawson Aquifer domestic well and will continue operating under its existing permit. Additional well permits will be applied for prior to construction of any wells. Source of Water Rights: The Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Amounts: Applicant estimates the following annual amounts may be available for withdrawal:

Aquifer	Annual Amount (acre-feet)
Dawson (NT)*	0.0
Denver (NT)	3.27
Arapahoe (NT)	3.52
Laramie-Fox Hills (NT)	1.54

\*The total estimated amount of Dawson Aquifer groundwater is 0.94 acre-feet annually. All Dawson Aquifer groundwater is withheld from this adjudication for use by Well Permit No. 133533. Proposed Use: Use, reuse, and subsequent use for domestic, including in-house use, commercial, irrigation, livestock watering, industrial, fire protection, and augmentation and replacement purposes, including storage, both on and off the Subject Property. Jurisdiction: The Water 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). Remarks: Applicant claims the right to withdraw more than the average annual amounts estimated in Paragraph 5 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. Applicant requests the right to revise the estimates upward or downward, based on better or revised data, without the necessity of amending this application or republishing the same. Applicant requests the Court approve the above underground water rights, find that Applicant has 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 person entitled to use water under any vested water right or decreed conditional water right, and grant other and further relief as is appropriate. 3 pages.

**2022CW3115 ATWOOD, AARON, ET AL – CHANGE OF VENUE TO WD2 CASE NO. 2022CW30**

**2022CW3116 FREUND INVESTMENTS, LLC**, 15460 E Batavia Dr, Aurora, CO 80011. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR AMENDMENT OF A PRIOR DECREE IN ELBERT COUNTY.** Subject Property: Approximately 640 acres generally located in all of Section 21, Township 6 South, Range 64 West of the 6th P.M., Elbert County, Colorado as shown on **Exhibit A** (“Subject Property”). Applicant is the sole owner of the of the Subject Property, therefore no notice to any mortgage or lien holders is required pursuant to C.R.S. § 37-92-302(2). Decree for Which Amendment is Sought: Case No. 1993CW117, decreed in the name of the Applicant on September 29, 1997, associated with the Subject Property (“93CW117 Decree”). No objections were filed to the application in Case No. 1993CW117 and no wells have been drilled in Section 21 pursuant to the 93CW117 Decree. Applicant is the owner of all the not-nontributary Dawson Aquifer groundwater underlying the Subject Property. 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). Applicant owns the following amount of not-nontributary Dawson Aquifer groundwater underlying the Subject Property:

Parcel Location	Overlying Acreage	Saturated Thickness	Average Annual Amount
Section 21	640 acres	57 Feet	73 acre-feet

Requested Change to the 93CW117 Decree: Applicant requests that 6 acre-feet annually of not-nontributary Dawson Aquifer groundwater be removed from the 93CW117 Decree, and be made available for the drilling of exempt wells, or any legally allowed exempt purpose, for use on the Subject Property. The volume will be allocated at 0.009375 acre-feet per acre across the Subject Property. No other provisions of the 93CW117 Decree will be changed. Applicant requests the Court approve the above decree amendment, find that Applicant has 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. 3 pages.

**2022CW3117 Applicant.** **STEVEN AND KELLY ROLL**, 1644 WCR 47 Hudson, Colorado 80642. [ksroll409@gmail.com](mailto:ksroll409@gmail.com). Please send all future correspondence to Bradley C. Grasmick and Rebecca E. Spence, Lawrence Custer Grasmick Jones & Donovan, LLP, 5254 Ronald Reagan Drive, Ste. 1, Johnstown, CO 80534. **APPLICATION FOR CONDITIONAL UNDERGROUND WATER RIGHT IN WELD COUNTY.** 2. **Remarks.** Applicant seeks a decree approving a new conditional water right for commercial uses from the Well as described in this Application. 3. **Name of Well.** 3.1. **Name:** 54-1A, Roll Well (the “Well”). 3.1.1. **Permit Number; WDID:** 229-WCB. The Well has the stated existing permit for domestic uses. Applicant will acquire a new permit prior to use of the Well for the commercial uses claimed herein. 3.1.2. **Location of Structure:** SW 1/4 of the NW 1/4 of Section 25, Township 1 North, Range 65 West of the 6th P.M., Weld County, Colorado. Easting, 532477.4, Northing 4430504.2. 3.1.3. **Appropriation Date for Commercial Use:** August 31, 2022. 3.1.4. **Amount Claimed for Commercial Use:** 1.0-acre foot, conditional. 3.1.5. **Depth of Well:** 50 feet. 3.1.6. **Source of Water:** Groundwater tributary to the South Platte River. 3.1.7. **Proposed Added Uses:** Commercial use, specifically, uses associated with a dog kennel, daycare, and training facility located at 1644 Co Rd 47, Hudson, CO 80642. 4. **Plan for Augmentation:** Applicant is a member of the augmentation plan operated by the Groundwater Management Subdistrict of the Central Colorado Water Conservancy District (“GMS”), in Case No. 02CW335 (“Augmentation Plan”) and is authorized to pump the Well for the claimed uses under Contract Nos. 1312. All out-of-priority depletions from the Well shall be replaced pursuant to the Augmentation Plan. A corresponding water court application to add the Well to the Augmentation Plan was filed contemporaneously with this Application. 5. **Name and Address of Owners of Structure.** Applicant owns the structure and the land upon which the structures are located. The original application contains three pages and zero exhibits.

**2022CW3118 KEITH R TILLMAN AND SUSAN E TILLMAN**, 476 McArthur Drive, Lone Tree, CO 80124. John E Crowley & Patricia E Crowley, 382 McArthur Drive, Lone Tree, CO 80124. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NOT-NONTRIBUTARY AND NONTRIBUTARY SOURCES IN THE DAWSON, DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS IN DOUGLAS COUNTY.** Subject Properties: Applicants are each the owner of one of 2 non-contiguous lots totaling 10.41 acres generally located in the SE1/4 of Section 21, Township 6 South, Range 67 West of the 6th P.M., also known as Tracts 52 and 54, McArthur Ranch 3, Douglas County, State of Colorado, as shown on **Exhibit A** (collectively the “Subject Properties”). Applicants are the owners of their respective properties therefore and notice was sent out as required pursuant to C.R.S. § 37-92-302(2). Well Permits: There is currently one well on each the Subject Properties operating under the following well permits: Tillman Property: Well Permit No. 96265 completed into the Dawson Aquifer. Crowley Property: Well Permit No. 286661 completed into the Denver Aquifer. Each well identified above will continue to operate under its existing permit. Additional, well permits will be applied for prior to construction of wells. Source of Water Rights: The Lower Dawson and Denver aquifers are non-tributary as defined in C.R.S. § 37-90-103(10.7), and the Arapahoe and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Amounts: Applicants estimate that the following annual amounts may be available for withdrawal based on a 100-year withdrawal period: Tillman Property:

Aquifer	Annual Amount (acre-feet)
Dawson (NNT)*	0.13
Denver (NNT)	2.02
Arapahoe (NT)	2.85
Laramie-Fox Hills (NT)	1.22

\* The total estimated amount of Dawson Aquifer groundwater is 1.13 acre-feet per year. 1 acre-foot is withheld from this adjudication for use by exempt Well Permit No. 96265. Crowley Property:

Aquifer	Annual Amount (acre-feet)
Dawson (NNT)	1.17
Denver (NNT)*	0.03
Arapahoe (NT)	2.83
Laramie-Fox Hills (NT)	1.24

\* The total estimated amount of Denver Aquifer groundwater is 2.03 acre-feet per year. 2 acre-feet is withheld from this adjudication for use by exempt Well Permit No. 286661. Well Fields: Applicants request that this Court determine that Applicants have the right to withdraw all of the legally available groundwater lying below the Subject Property, through wells or additional wells which may be completed in the future as well fields, including in combination with the same type of groundwater underlying other lots in the subdivision. Proposed Uses: The groundwater will be used, reused, and successively used for domestic (including in-house), commercial, irrigation, stockwatering, fire protection, and augmentation and exchange purposes, including storage, both on and off the Subject Property. 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). Remarks: Applicants claim the right to withdraw more than the average annual amounts estimated in Paragraph 5 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. Applicants request the right to revise the estimates upward or downward, based on better or revised data, without the necessity of amending this application or republishing the same. Applicants request the Court approve the above underground water rights and 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.

**2022CW3119 WILDCAT DAIRY, LLC**, 24268 County Rd. 21, Fort Morgan, CO 80701; Telephone: (970) 867-5547; Email: ed@wildcatdairy.com. Please direct all correspondence concerning this Application to: Stuart B. Corbridge, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Telephone: (303) 443-6151; Email: sbc@vrlaw.com. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN MORGAN COUNTY.** 2. Background. The ground water rights described below and which are the subject of the application filed in this case were decreed in Case No. 15CW3036, as described in Paragraph 3, below. The decree entered in Case No. 15CW3036 (“15CW3036 Decree”) also included changes of water rights for other ground water rights decreed to the structures identified in this application. Those other water rights, as changed, are not part of this application and are not described. Following entry of the 15CW3036 Decree, the structures described in this application were re-permitted to reflect the changed uses and new uses. This application provides the “name” of each well as described in the 15CW3036 Decree, but also lists the existing permit number for each well. 3. Applicable Decrees. a. The ground water rights described in Paragraphs 4 and 5, below (collectively the “15CW3036 Water Rights”), were originally decreed on August 9, 2016, in Case No. 15CW3036, Water Division 1. b. This is the first application for findings of diligence and to make absolute for these ground water rights following entry of the 15CW3036 Decree. **GROUND WATER RIGHTS** 4. Names of Structures. a. Brandt Family Trust Well No. 11499-F (Permit No. 80756-F) (WDID: 0105818) b. Brandt Family Trust Well No. 11500-F (Permit No. 80757-F) (WDID: 0105819) c. Woodward Well No. 14647 (Permit No. 80758-F) (WDID: 0109052) d. Samples Well No. 8273 (Permit No. 80759-F) (WDID: 0108237) e. Samples Well No. 20770 (Permit No. 80760-F) (WDID: 0108236) f. Grooms Well No. 2346-F (Permit No. 80761-F) (WDID: 0106756) 5. Description of Conditional Water Rights. a. Brandt Family Trust Well No. 11499-F i. Legal Description: NW1/4 SE1/4 of Section 1, T4N, R57W, 6th P.M., 2660 feet from the north section line and 1723 feet from the east section line. ii. Source: Ground water tributary to the South Platte River iii. Appropriation Date: March 31, 2015 iv. Amount: 450 gpm, CONDITIONAL v. Uses: Commercial use in dairy operations owned by Wildcat Dairy and livestock watering, and irrigation of 140 acres in the SE1/4 of Section 1, T4N, R57W. vi. Depth: Approximately 80 feet b. Brandt Family Trust Well No. 11500-F i. Legal Description: NW1/4 SE1/4 of Section 1, T4N, R57W, 6th P.M., 2665 feet from the north section line and 2054 feet from the east section line. ii. Source: Ground water tributary to the South Platte River. iii. Appropriation Date: March 31, 2015 iv. Amount: 300 gpm, CONDITIONAL v. Uses: Commercial use in dairy operations owned by Wildcat Dairy and livestock watering, and irrigation of 140 acres in the SE1/4 of Section 1, T4N, R57W. vi. Depth: Approximately 70 feet c. Woodward Well No. 14647 i. Legal Description: NW1/4 SW1/4 of Section 5, T4N, R56W, 6th P.M., 2650 feet from the north section line and 30 feet from the west section line. ii. Source: Ground water tributary to the South Platte River. iii. Appropriation Date: March 31, 2015 iv. Amount: 700 gpm, CONDITIONAL v. Uses: Commercial use in dairy operations owned by Wildcat Dairy and livestock watering, and irrigation of 213 acres in the W1/2 NW1/4, W1/2 SW1/4, E1/2 SW1/4, and the W1/2 SE1/4 of Section 5, T4N, R56W. vi. Depth: Approximately 41 feet d. Samples Well No. 8273 i. Legal Description: NE1/4 SE1/4 of Section 28, T5N, R56W, 6th P.M., 2380 feet from the south section line and 920 feet from the east section line. ii. Source: Ground water tributary to the South Platte River. iii. Appropriation Date: March 31, 2015 iv. Amount: 750 gpm, CONDITIONAL v. Uses: Commercial use in dairy operations owned by Wildcat Dairy and livestock watering, and irrigation of 240 acres in the SW1/4 of Section 27 and the SE1/4 of Section 28, T5N, R56W. vi. Depth: Approximately 70 feet e. Samples Well No. 20770 i. Legal Description: SW1/4 NE1/4 of Section 28, T5N, R56W, 6th P.M., 2640 feet from the south section line and 1850 feet from the east section line. ii. Source: Ground water tributary to the South Platte River. iii. Appropriation Date: March 31, 2015 iv. Amount: 600 gpm, CONDITIONAL v. Uses: Commercial use in dairy operations owned by Wildcat Dairy and livestock watering, and irrigation of 160 acres located in the NE1/4 of Section 28, T5N, R56W. vi. Depth: Approximately 96 feet f. Grooms Well No. 2346-F i. Legal Description: SW1/4 SE1/4 of Section 20, T4N, R57W, 6th P.M., 250 feet from the south section line and

3660 feet from the west section line. ii. Source: Ground water tributary to the South Platte River. iii. Appropriation Date: March 31, 2015 iv. Amount: 476 gpm, CONDITIONAL v. Uses: Commercial use in dairy operations owned by Wildcat Dairy and livestock watering, and irrigation of 80 acres in the S1/2 SE1/4 of Section 20, T4N, R57W. vi. Depth: Approximately 111 feet g. Alternate Points of Diversion. Each of the structures identified above was also decreed in Case No. 15CW3036 as an alternate point of diversion for the ground water rights described in Paragraphs 5.a, 5.b, 5.c, 5.d, 5.e, and 5.f. h. A map showing the locations of these structures and the acreage decreed for irrigation by each structure is attached as **Exhibit A**. 6. Amounts Claimed Absolute. a. Brandt Family Trust Well No. 11499-F, Brandt Family Trust Well No. 11500-F, Woodward Well No. 14647, Samples Well No. 8273, Samples Well No. 20770, and Grooms Well No. 2346-F are included as augmented structures in the Riverside Irrigation District and Riverside Reservoir and Land Company plan for augmentation decreed in Case No. 2002CW86, Water Division 1. Wildcat Dairy is the owner of Riverside Private Rights and Riverside Irrigation District acre rights, and its operations and lands are treated as a single farm unit under Riverside's augmentation and accounting operations. Riverside has approved the use of Brandt Family Trust Well No. 11499-F, Brandt Family Trust Well No. 11500-F, Woodward Well No. 14647, Samples Well No. 8273, Samples Well No. 20770, and Grooms Well No. 2346-F (including the ground water rights for these structures changed in Case No. 15CW3036 and the 15CW3036 Water Rights) for commercial use, livestock watering, and irrigation use under Riverside's augmentation plan. During the period from April 1, 2015, through the filing of the application in this case, these wells were pumped pursuant to Riverside's annual augmentation operations and water was used both under the original decreed rights for the wells (as changed) and pursuant to the 15CW3036 Water Rights. b. Paragraph 8.2.3 of the 15CW3036 Decree provides that 201 acre-feet of annual consumptive use by Brandt Family Trust Well No. 11499-F, Brandt Family Trust Well No. 11500-F, Woodward Well No. 14647, Samples Well No. 8273, Samples Well No. 20770, and Grooms Well No. 2346-F is attributable to the original decreed water rights for these wells and administered with a priority of March 31, 1960. Any amount of consumptive use from annual pumping in excess of 201 acre-feet is attributable to pumping from these wells under the 15CW3036 Water Rights. **Exhibit B** attached to this application provides: 1) a breakdown of total annual pumping and consumptive use by these wells for irrigation and commercial and livestock uses during the period from 2016 through the filing of this application; and 2) maximum annual pumping by each well for each use during this period that is attributable to the 15CW3036 Water Rights. According to the pumping records for the wells, Wildcat Dairy claims the following amounts of the 15CW3036 Water Rights as absolute: i. Brandt Family Trust Well No. 11499-F – 400 gpm for the decreed irrigation, commercial, and livestock watering uses. ii. Brandt Family Trust Well No. 11500-F – 150 gpm for the decreed irrigation, commercial, and livestock watering uses. iii. Woodward Well No. 14647 – 200 gpm for the decreed irrigation, commercial, and livestock watering uses. iv. Samples Well No. 8273 – 750 gpm for the decreed irrigation use. v. Samples Well No. 20770 – 600 gpm for the decreed irrigation use. vi. Grooms Well No. 2346-F – 476 gpm for the decreed irrigation use. c. To the extent the Court concludes that the ground water rights identified above have not been made absolute in the amounts claimed and/or for the identified beneficial uses, Wildcat Dairy asserts that it has been diligent in making these water rights absolute as described in Paragraph 7, below. 7. 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 previous diligence period. a. Wildcat Dairy owns and operates dairy facilities and operations located in and around Section 34, T5N, R57W, 6<sup>th</sup> P.M., and in and around Section 6, T4N, R56W, 6<sup>th</sup> P.M (the "Deer Valley Dairy"). It also owns surrounding lands included in the Riverside system and other water systems. The dairy operations and portions of these surrounding lands are provided water from Brandt Family Trust Well No. 11499-F, Brandt Family Trust Well No. 11500-F, Woodward Well No. 14647, Samples Well No. 8273, Samples Well No. 20770, and Grooms Well No. 2346-F and the 15CW3036 Water Rights, and also by the other ground water rights decreed to these wells and changed in Case No. 15CW3036 and by other wells owned by Wildcat Dairy. The surrounding lands are also irrigated using surface water supplies available to Wildcat Dairy based on its ownership of Riverside Private Rights and inclusion of lands within the Riverside Irrigation District, and also through its ownership of water interests in other water systems. b. As discussed in Paragraph 6, Brandt



Family Trust Well No. 11499-F, Brandt Family Trust Well No. 11500-F, Woodward Well No. 14647, Samples Well No. 8273, Samples Well No. 20770, and Grooms Well No. 2346-F are included as augmented structures in the Riverside Irrigation District and Riverside Reservoir and Land Company plan for augmentation decreed in Case No. 2002CW86. As provided in paragraph 18 of the 15CW3036 Decree, the dairy facilities, operations, wells, and water rights owned by Wildcat Dairy are part of an integrated system of water rights, water use structures, and water diversion operations. c. The following information provides a summary of the work completed by Wildcat Dairy during the subject diligence period (running from April 1, 2015, through August 31, 2022) on its integrated system, including expenditures, and its efforts to complete the appropriations of the 15CW3036 Water Rights and use the pumped ground water for the decreed beneficial uses. Expenditures related to this work are summarized in Paragraph 7.c.v, below. Wildcat Dairy is a private business entity and must allocate available resources, including time, manpower, and finances, to the development of its entire integrated system, including but not limited to the 15CW3036 Water Rights, in a manner that best meets the requirements of its dairy and irrigation operations. The work, other activities, and expenditures identified in this application are not all inclusive, and Wildcat Dairy reserves the right to provide evidence of other work, activities, and expenditures incurred during the subject diligence period during the proceedings for this application. i. Development of the Deer Valley Dairy Facility. Although the planning, design, and permitting of the Deer Valley Dairy was initiated in the fall of 2014 and continued in 2015, the majority of the construction of this facility took place during the subject diligence period. The Deer Valley Dairy was designed and constructed in three phases. Phase I included construction of the first half of the main dairy facilities and the heifer pens. This phase was completed in 2016. Phase 2 included construction of the other half of the main dairy facilities and heifer pens. This phase was completed in 2018. Phase 3 included construction of facilities to raise bulls and crossbred calves. This phase was completed in 2021. In addition to the general construction work, construction of the Deer Valley Dairy included land use approvals and permitting, and other details related to operation of the facility. ii. Construction of Water Delivery Pipelines. During the subject diligence period, Wildcat Dairy has been in the process of constructing water delivery pipelines that allow for delivery of water from several of the wells described above to the Deer Valley Dairy for the decreed commercial and livestock watering uses. Similar to the Deer Valley Dairy facilities, these pipelines have been constructed in stages. During Phase 1, a pipeline was constructed and connected to Brandt Family Trust Well No. 11499-F and Woodward Well No. 14647. Additional work on that pipeline in Phase 2 allowed for its connection to Brandt Family Trust Well No. 11500-F. The pipeline was also connected to the Wildcat Dairy facilities located in and around Section 34, T5N, R57W in 2021. During Phase 3, another pipeline was constructed to connect Samples Well No. 8273 and Samples Well No. 20770 to the Deer Valley Dairy facilities. This pipeline was completed in August of 2022. This pipeline infrastructure allows for flexible use of the wells and the ground water rights described in the 15CW3036 Decree at the Deer Valley Dairy, the other Wildcat Dairy facility, and the surrounding farm acreage. iii. General Dairy and Farming Operations. During the subject diligence period, Wildcat Dairy operated its integrated water system, including the 15CW3036 Water Rights, for dairy operations at the Deer Valley Dairy and the other Wildcat Dairy facility, and for farming operations on the lands owned by Wildcat Dairy. Wildcat Dairy milks approximately 11,000 cows annually, with this number split nearly evenly between the Deer Valley Dairy facility and the other Wildcat Dairy facility. In addition to the milk cows, the dairy operations include approximately 1,500 dry cows, 11,000 replacement heifers, and 4,000 crossbred calves. The annual farming operation includes approximately 4,000 acres of irrigated farm ground that provides, in part, feed for the dairy operations. This ground is irrigated using both surface water supplies, and also using wells, including but not limited to Brandt Family Trust Well No. 11499-F, Brandt Family Trust Well No. 11500-F, Woodward Well No. 14647, Samples Well No. 8273, Samples Well No. 20770, and Grooms Well No. 2346-F. As described above in Paragraph 6, Wildcat Dairy operated all of these wells during the subject diligence period, including pumping of the 15CW3036 Water Rights. iv. Participation in Case No. 19CW3230 as an Opposer. During the subject diligence period Wildcat Dairy has participated in pending Case No. 19CW3230 as an opposer, to monitor the claims and proposed operations in that case and potential impacts on dairy operations and the surrounding lands. v. Expenditures. The following is a general summary of expenses incurred by Wildcat Dairy during the subject diligence

period for work related to the 15CW3036 Water Rights and the integrated system operations. 1. Total costs related to the design and construction of the Deer Valley Dairy facilities have been in excess of twenty-five million dollars. 2. In addition to the facility costs, Wildcat Dairy incurred costs for other items related to the dairy operations including but not limited to, land use approval and other permitting costs, costs for real estate acquisitions, costs to acquire needed cattle (approximately 12,000 head), cost for feed inventory, and costs for needed equipment. 3. For the two pipelines described in Paragraph 7.c.ii, costs were approximately \$100,000 for the Phase I/Phase II pipeline, and \$250,000 for the Phase III pipeline. 4. Wildcat Dairy also has ongoing annual costs for Riverside Reservoir and Land Company and Riverside Irrigation District Assessments and general dairy and irrigation operations. 5. Wildcat Dairy has incurred costs for its participation in Water Division 1 Case No. 19CW3230, including but not limited to costs for its legal consultants. 8. Name(s) and address(es) of owner(s) or reputed owner(s) 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 well structures described in Paragraphs 4 and 5 and the lands upon which these wells are located and used are owned by Wildcat Dairy. WHEREFORE, Wildcat Dairy requests that the Court enter a decree that: 1) confirms as absolute the amounts of the 15CW3036 Water Rights described in Paragraph 6 for the identified beneficial uses; 2) includes findings that Wildcat Dairy has exercised reasonable diligence in completing the appropriations and placing the conditional ground water rights described in Paragraphs 4 and 5 that have not been made absolute to the decreed beneficial uses; and 3) confirms and orders that the remaining portions of the conditional ground water rights remain in full force and effect for another diligence period. (13 pgs., 2 Exhibits)

**2022CW3120 (02CW335) Applicant. THE GROUND WATER MANAGEMENT SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT** (“GMS” or “Applicant”), 3209 West 28th Street, Greeley, Colorado 80634. (970) 330-4540. Please send all future correspondence to Bradley C. Grasmick and Rebecca E. Spence, Lawrence Custer Grasmick Jones & Donovan, LLP, 5254 Ronald Reagan Drive, Ste. 1, Johnstown, CO 80534. **APPLICATION TO ADD WELL TO PLAN FOR AUGMENTATION IN WELD COUNTY.** 2. **Plan for Augmentation.** Applicant operates a plan for augmentation decreed in Case No. 02CW355 (“GMS Plan”). ¶14.5 of the decree in Case No. 02CW335 (“Decree”) allows the addition of wells to the plan subject to notice and terms and conditions. 3. **Structure to be Added and Augmented.** The owners of the Well have simultaneously filed an application seeking a new conditional water right for commercial uses from the Well. 3.1. Name of Structure to be Added and Augmented: 54-1A, Roll Well, Permit No. 229-WCB (the “Well”). 3.1.1. Name and Address of Owners of Well: Steven and Kelly Roll, 1644 WCR 47 Hudson, Colorado 80642. 3.1.2. Location of Well: SW 1/4 of the NW 1/4 of Section 25, Township 1 North, Range 65 West of the 6th P.M., Weld County, Colorado. Easting, 532477.4, Northing 4430504.2. 3.1.3. Permit No.: 229-WCB for domestic use; a new permit will be issued for the Well as needed to reflect the commercial use. 3.1.4. GMS Contract No.: No. 1312. The owners of the Well transferred 1 acre-foot from their GMS irrigation contract, Contract No. 1081, to Contract No. 1312 for commercial use. **See Attachment 2 to Exhibit 1.** 4. **Proposed Terms and Conditions.** 4.1. Consumptive Use Factors. The terms and conditions for the commercial uses at the Well will be the same as for the other Member Wells in the Decree. The consumptive use factor will be 100% for commercial uses. The method for determining future well depletions from commercial uses will be those set out in the Decree at ¶16-19. The Well will be subject to all the terms and conditions for operation as for other Member Wells in the Decree. 4.2. Net Stream Depletions. Depletions resulting from the use of groundwater for commercial uses will be lagged back to the South Platte River using the Glover bounded alluvial aquifer method and the following parameters.

Stream	Distance to Stream from Aquifer Boundary (ft)	Distance to Stream from Well (ft)	Specific Yield	Harmonic Mean Transmissivity (gpd/ft)	GMS Administrative Reach
	(1)	(2)	(3)	(4)	(5)

<b>Box Elder Creek</b>	8,614	6349	0.2	77,500	E
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Notes: (1) Shortest measured distance between the well the South Platte River plus the shortest measured distance between the well and the aquifer boundary. (2) Shortest measured distance between the well and the South Platte River. (4) Calculated by dividing the distance from the stream to the well by the sum of the quotient of the length of the path across each crossed grid cell and that grid cell's transmissivity value (SPDSS tgrid0309). (5) Administrative Reach where depletions modeled to accrue. 5. **Depletions.** The Well has not yet been used for the new conditional commercial use. For this reason, there are no depletions from prior pumping of the Well for commercial uses that need to be augmented and no additional depletions will be added to GMS upon entry of a decree in this case. The Well will be separately metered for domestic and commercial uses. 6. **Names and Addresses of Owners of Land on Which Structure is Located:** Steven and Kelly Roll, 1644 WCR 47 Hudson, Colorado 80642. The original application contains 4 pages, one exhibit, and one attachment.

**2022CW3121 (16CW3017,09CW102, 02CW262, 92CW165) Applicant: THE GROUND WATER MANAGEMENT SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT** (“GMS” or “Applicant”), by and through its attorneys, Lawrence Custer Grasmick Jones and Donovan, LLP, submit the following **APPLICATION TO MAKE ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE IN LARIMER AND WELD COUNTIES**: 1. Mailing address, telephone number, and email of Applicant: Ground Water Management Subdistrict of the Central Colorado Water Conservancy District, 3209 West 28th Street, Greeley, CO 80634, (970) 330-4540, [wmihelich@ccwcd.org](mailto:wmihelich@ccwcd.org). 2. Conditional Water Right. 2.1. Name of Structures. Jo Dee Reservoir No. 1. 2.2. Decrees. Case No. 92CW165, 02CW262, 09CW102, and 16CW3017 Water Division No. 1. 2.3. Legal Description of Structure. On a tract of land in the West Half of the Northeast Quarter and the East Half of the Northwest Quarter of Section 24, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado. 2.4. Descriptions of Points of Diversion. 2.4.1. Jo Dee Inlet Pipe No. 1 located in the Northwest Quarter of the Southeast Quarter of Section 24, Township 6 North, Range 68 West of the 6th P.M., 2800 feet South of the North section line and 1600 feet West of the East Section line. 2.4.2. Jo Dee Inlet Pipe No. 2 located in the Southeast Quarter of the Northwest Quarter of Section 24, Township 6 North, Range 68 West of the 6th P.M., 1600 feet South of the North section line and 3600 feet West of the East Section line. 2.4.3. Jo Dee Inlet Pipe No. 3 located in the Northeast Quarter of the Northwest Quarter of Section 24, Township 6 North, Range 68 West of the 6th P.M., 800 feet South of the North section line and 3900 feet West of the East Section line. 2.4.4. Box Elder Ditch whose headgate is located on the South bank of the Cache La Poudre River located in the Southwest Quarter of the Southeast Quarter of the Northeast Quarter of Section 20, Township 7 North, Range 68 West of the 6th P.M., 2500 feet South of the North section line and 1000 feet West of the East section line. 2.5. Source. The Cache La Poudre River and unnamed streams, springs, sloughs, and ground water tributary to the Cache La Poudre River. 2.6. Appropriation. April 13, 1990. 2.7. Amount. Jo Dee Inlet Pipe No. 1, 20 c.f.s., conditional; Jo Dee Inlet Pipe No. 2, 5 c.f.s., conditional; Jo Dee Inlet Pipe No. 3, 3.72 c.f.s., absolute, 1.28 c.f.s., conditional; Box Elder Ditch, 2.5 c.f.s., conditional; Jo Dee Reservoir No. 1, 289.5 af absolute, 1310.50-acre feet conditional. 2.7.1. Amount to be Made Absolute: Jo Dee Reservoir No. 1, 878.37 af which was diverted at a total rate of 32.5 cfs absolute, 721.63 af remains conditional. 2.8. Use. Storage for augmentation, replacement, exchange, recreation, fire protection and fish and wildlife purposes. 2.9. Alternate Points of Diversion and Places of Storage. The points of diversion and places of storage for the Reservoir water right as decreed herein include the original point of diversion decreed in Case No. 92CW165 as described in Paragraph 2.4 above, diversion and storage in La Poudre Reservoirs No. 3 and 4 pursuant to the decree entered in Case No. 00CW166 and the alternate points of diversion and alternate places of storage decreed in 10CW139 as described in Paragraphs 2.9.2 – 2.9.4 below. 2.9.1. 83rd Avenue Reservoir. The reservoir is located in the NE 1/4 of the SE 1/4 and the SE 1/4 of the NE 1/4 of Section 31, Township 6 North, Range 66 West of the 6th P.M., Weld County, Colorado. The 83rd Avenue Reservoir may be filled from the following decreed points of diversion: 2.9.1.1. William R. Jones Ditch headgate on the South side of the Cache la Poudre River in the NE 1/4 of the SW 1/4 of

Section 36, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado. 2.9.1.2. Pump adjacent to the Cache La Poudre River in the NE 1/4 of the SE 1/4 and the SE 1/4 of the NE 1/4 of Section 31, Township 6 North, Range 66 West of the 6th P.M., Weld County, Colorado. 2.9.2. Neeland B. Siebring Reservoir. The reservoir is located in the NW 1/4 of the NW 1/4, S 1/2 of the NW 1/4, N 1/2 of the SW 1/4, NW 1/4 of the SE 1/4, and the SW 1/4 of the NE 1/4 of Section 31, Township 6 North, Range 66 West of the 6th P.M., Weld County, Colorado. 2.9.2.1. William R. Jones Ditch headgate on the South side of the Cache La Poudre River in the NE 1/4 of the NW 1/4 of the SW 1/4, Section 36, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado. 2.9.3. La Poudre Reservoir No. 3 & No. 4. The reservoirs are located in the E 1/2 of the NW 1/4, W 1/2 of the NE 1/4 and the NW 1/4 of the SE 1/4 of Section 19, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado. The reservoirs may be filled from the following decreed points of diversion: 2.9.3.1. Reservoir No. 4. La Poudre Diversion is located on the North side of the Cache La Poudre River in the NW 1/4 of the SE 1/4, Section 19, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado at a point N 40° 28.303' W -104° 56.129', at elevation 4586 feet (UTM 13N X505469, Y4480117). 2.9.3.2. Reservoir Nos. 3 & 4. La Poudre No. 1 Pump is located adjacent to the Cache La Poudre River in the West One half of the Southeast Quarter of Section 19, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado, lying south of the Cache la Poudre River and east of the B.H. Eaton Ditch. 2.9.3.3. Reservoir Nos. 3 & 4. La Poudre Pump Station No. 2 is located adjacent to the Cache La Poudre River in the Northwest Quarter or the West One-half of the East One half of Section 19, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado and surface flow, seep and runoff water. 2.9.3.4. Reservoir Nos. 3 & 4. B.H. Eaton Ditch headgate is located on the Southside of the Cache La Poudre River in the Northwest Quarter of the Southeast Quarter, Section 19, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado. 2.9.4. Nissen Reservoir. Nissen Reservoir is located in the Southeast Quarter of Section and the East half of the Southwest Quarter of Section 12, Township 5 North, Range 65 West of the 6th P.M. Weld County, Colorado. The reservoir may be filled from the following points of diversion: 2.9.4.1. The Plumb Ditch. The headgate for the Plumb Ditch is located in the Southwest Quarter of Section 13, Township 5 North, Range 65 West of the 6th P.M. 2.9.4.2. The Nissen Pump Station. The Nissen Pump station located adjacent to the South Platte River and Nissen Reservoir in the Southeast Quarter and the East Half of the Southwest Quarter of Section 12, Township 5 North, Range 65 West of the 6th P.M., Weld County Colorado. 3. Outline of What Has Been Done Toward Completion. 3.1. The water diverted and stored was released for replacement of out of priority depletions pursuant to the terms of the Central augmentation decrees in Case Nos. 02CW335 and 03CW99. 3.2. Excavation of gravel and aggregate material from the alternate place of storage for this water right at Nissen Reservoir has continued during the diligence period. Mining at the Nissen Reservoir alternate place of storage is not yet completed. Applicant acquired a fee interest in the Nissen Reservoir alternate place of storage site on September 18, 2017. 3.3. Applicant obtained a diligence decree for an exchange to Nissen Reservoir which utilizes the Reservoir water right as a substitute supply on August 17, 2020 in Case No. 19CW3208. Applicant obtained a diligence decree on October 12, 2020 in Case No. 17CW3165 for various exchanges originally decreed in Case No. 05CW331 which include the Reservoir water right as a source of substitute supply. 3.4. Applicant has expended funds and retained attorneys and consultants to participate as an objector in numerous water rights applications on the Cache la Poudre River during the diligence period to protect this water right. 3.5. The Jo Dee Reservoir No. 1, its water right and structures provide augmentation and replacement supplies under the decree and water rights in Case No. 02CW335 and Case No. 03CW99 and collectively comprise an integrated system of water rights and structures under 37-92-301(4)(b), C.R.S. Work performed and effort or costs expended by Applicant on any water rights or structures which are part of its integrated water system shall be considered in finding that reasonable diligence has been shown in the development of the conditional water rights decreed herein for all features of the system as provided in 37-92-301(4)(b), C.R.S. Applicant expended approximately \$58,697,087 on land acquisition and construction during the diligence period, and expended approximately \$28,849,259 on water rights development, water court proceedings, and other water rights maintenance and operation. Such costs include legal and engineering fees. Applicant has filed numerous applications and obtained decrees for water rights and changes of water rights during the diligence period. In 2018, Applicant's voters

approved a bond issuance in the amount of \$48.7 Million to be used by Applicant to develop, acquire, and manage water resources. Applicant has utilized and continues to utilize that money to develop its integrated system by, among other things, acquiring senior water rights and acquiring and developing storage and recharge projects. Applicant has acquired and developed several water rights, storage reservoirs, and recharge projects during the diligence period, including but not limited to: Case No. 19CW3088 – an application for conditional water storage rights in Pioneer Reservoir was filed on May 23, 2019; Case No. 14CW3129 – a decree for the addition of recharge ponds under the Western Mutual Ditch Recharge project was entered on August 17, 2017; Case No. 14CW3128 – a decree for the addition of recharge ponds under the FIDCO Recharge Project was entered on March 19, 2018; Case No. 16CW3202 – a decree for recharge ponds for the Walker Recharge Project was entered on July 29, 2019; Case No. 16CW3119 – a decree for conditional storage rights in Rinn Valley Reservoir was entered on January 25, 2019; and Case No. 17CW3202 – a decree for conditional storage rights in Hokestra Reservoir was entered on April 13, 2022.

4. Claim to Make Absolute. Applicant has diverted water each year during the diligence period. From November 2016 to October 2017 Applicant diverted 878.37 af in priority to storage in La Poudre Reservoir No. 3 and No. 4 under this water right. The maximum rate of diversion was the entire 32.5 cfs decreed for this water right. Applicant requests the court decree these amounts as absolute.

5. Claim for Finding of Reasonable Diligence. Pursuant to §37-92-304 C.R.S., Applicant seeks to maintain the following conditional appropriations:

5.1. Jo Dee Reservoir No. 1, 721.63 af conditional. The original application contains four pages.

**2022CW3122 (15CW3068) THE GROUND WATER MANAGEMENT SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT** (“GMS” or “Applicant”), by and through its attorneys, Lawrence Custer Grasmick Jones and Donovan, LLP, submit the following **APPLICATION TO MAKE ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE IN WELD COUNTY**: 1. Mailing address, telephone number, and email of Applicant: **GROUND WATER MANAGEMENT SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT**, 3209 West 28<sup>th</sup> Street, Greeley, CO 80634, (970) 330-4540, [wmihelich@ccwcd.org](mailto:wmihelich@ccwcd.org). **SANDRA AMEN AND JOE AMEN** (together, “Amen”) 3991 WCR 47, Hudson, CO 80642, (303) 536-4389. 2. Conditional Water Right. 2.1. Name of Structures. Amen Well Industrial Right (“AWIR”). 2.2. Associated Decrees. Case No. W-576; Case No. 15CW3068 2.3. Legal Description of Structure. AWIR is located at a point 1508 feet East of the West line and 50 feet North of the South line Section 24, Township 1 North, Range 65 West of the 6th P.M. Weld County, Colorado. 2.4. Permit No. 79380-F. 2.5. Appropriation Date. May 20, 2015. 2.6. Amount. 1.22 c.f.s. and 100 acre-feet per year, conditional. 2.7. Source. Tributary Groundwater. 2.8. GMS Contract Nos. 1126 (non-irrigation contract), and 1097 (irrigation contract). 2.9. Use. Industrial and commercial uses within the boundaries of Central Colorado Water Conservancy District, the Ground Water Management Subdistrict of the Central Colorado Water Conservancy District, and the Well Augmentation Subdistrict of the Central Colorado Water Conservancy District, as they exist currently or may be modified in the future. 2.10. Augmentation Plan. AWIR is included in GMS’s augmentation plan decreed in 02CW335 as amended in Case No. 15CW3068. 3. Outline of What Has Been Done Toward Completion During the Diligence Period. 3.1. Applicant has entered into an agreement with AB Underground, LLC for commercial uses from the AWIR. AB Underground, LLC has taken delivery of water during the diligence period and will continue to take delivery of water after the diligence period has concluded. 3.2. Applicant expended \$1,990 for installation of materials on the AWIR for tanker trailer hook-up. 3.3. Applicant has spent substantial sums on the water rights already in their portfolio by prosecuting numerous applications and filing statements of opposition in a number of cases in order to protect such water rights from injury. 4. Claim for Finding of Reasonable Diligence and to Make Absolute. Pursuant to §37-92-304 C.R.S., Applicant seeks to maintain the conditional appropriations and to make such amounts absolute as may be proven by Applicant to have been diverted and applied to beneficial use. The original application contains four pages.

**2022CW3123 (97CW392, 06CW130, 15CW3079) THE CITY OF AURORA, ACTING BY AND THROUGH ITS UTILITY ENTERPRISE, APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN WELD AND ADAMS COUNTIES.** please send all correspondence and pleadings to:

Steven O. Sims, #9961, Dulcinea Z. Hanuschak, #44342, and Courtney M. Shephard, #47688 at Brownstein Hyatt Farber Schreck, LLP 410 Seventeenth Street, Suite 2200 Denver, Colorado 80202-4432 Telephone: (303) 223-1100 E-mail: ssims@bhfs.com; dhanuschak@bhfs.com; cshephard@bhfs.com and Stephen C. Cann, #24498, Senior Assistant City Attorney for the Aurora City Attorney’s Office at 15151 East Alameda Parkway, 5th Floor Aurora, Colorado 80012 Telephone: (303) 730-7030 E-mail: scann@auroragov.org. 1. Name, address, and telephone number of Applicant: City of Aurora, Colorado, acting by and through its Utility Enterprise (“Aurora” or “Aurora Water”) 15151 East Alameda Parkway, Suite 3600 Aurora, Colorado 80012-1115 Telephone: (303) 739-7370. 2. Claim for Reasonable Diligence: 2.1. Name of Structure: Stillwater Ranch Reservoir 2.2. Date of Original Decree: May 10, 2000, Case No. 97CW392 (Water Division 1) 2.3. Dates of Subsequent Decrees Finding Reasonable Diligence: 2.3.1. June 9, 2009, Case No. 06CW130 2.3.2. August 15, 2016, Case No. 15CW3079 2.4 Legal Description: 2.4.1. Stillwater Ranch Reservoir: In the E1/2 of Section 36, T1N, R67W of the 6th P.M., and the W1/2 of Section 31, T1N, R66W of the 6th P.M., Weld County, Colorado. The inlet is located on the Brighton Ditch in the SW1/4 of Section 36 at a point 2,620 feet north and 1,200 feet east of the SW corner of Section 36. There is no assigned street address at this location, but the street address would be approximately 500 Weld County Road 23 3/4, if there was a street address. *See* Figure 1. 2.4.2. Decreed Diversion Points: 2.4.2.1. Brighton Ditch: The headgate is located on the west bank of the South Platte River in the SE1/4SE1/4 of Section 11, T1S, R67W, 6th P.M., Adams County, Colorado. 2.4.2.2. Robert W. Walker Pump Station: The pump station is adjacent to the South Platte River, located on the west bank of the River in the SW1/4NW1/4 of Section 31, T1N, R66W, 6th P.M., Weld County, Colorado at a point approximately 2,400 feet south and 1,300 feet east of the NW corner of Section 31. 2.4.3. Source of Water: South Platte River 2.4.4. Appropriation Date: September 12, 1997 2.4.5. Amount: 1,600 acre feet, conditional; Brighton Ditch diversion, 100 c.f.s.; conditional; Robert W. Walker pump station diversion, 50 c.f.s., conditional. 2.4.6. Use: Storage for industrial and mining uses in conjunction with gravel mining operations; dust suppression; reclamation; sand and gravel washing; augmentation; replacement; exchange; irrigation; domestic; recreation; fish and wildlife purposes on and in the reservoir; commercial and fire protection. 3. Activities During the Diligence Period: Pursuant to C.R.S. § 37-92-301(4)(b), “[t]he measure of reasonable diligence is the steady application of effort to complete the appropriation in a reasonably expedient and efficient manner under all the facts circumstances. When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system.” Pursuant to paragraph 48 of the decree in Case No. 06CW104 and paragraph 14 of the decree in Case No. 06CW130, Aurora’s municipal water system and each of the water rights and structures that are part of Aurora’s Prairie Waters Project (“PWP”) that now and in the future will provide water for Aurora comprise an integrated system of water rights and structures under C.R.S. § 37-92-301(4)(b). Since June 2006, Aurora Water has diligently prosecuted the following additional features of the PWP and of the Stillwater Ranch Reservoir: **3.1. Project Specific Efforts.** Aurora Water has done at least the following project specific work toward completion of the appropriations and application of the subject water rights to beneficial use: 3.1.1. Aurora Water spent \$5,888,000 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. 3.1.2. Aurora Water negotiated terms for the final completion of the storage and related infrastructure at the Walker and Stillwater Reservoir complex with its predecessor-in-interest Hall Irwin Corporation to account for certain deficiencies in the storage capacity and specifications. Aurora Water has expended approximately \$49,294.00 in legal costs towards resolution of remaining open items at the Reservoir complex and approximately \$11,657.54 in associated engineering fees incurred in connection with two substitute water supply plans. **3.2. System-**

**wide Efforts.** Aurora has accomplished at least the following system-wide efforts that will be used to operate or benefit the subject water rights: 3.2.1. 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. 3.2.1.1. *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. 3.2.1.2. *Metro Wastewater Reclamation District Charges.* Aurora Water expended approximately \$177,167,000 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 within the South Platte River Basin and to comply with water reuse requirements. 3.2.1.3. *Sand Creek Water Reuse Plant Improvements.* Aurora Water 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. Aurora Water expended approximately \$13,995,000 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 and also to comply with water reuse requirements. 3.2.1.4. *Griswold Water Treatment Plant Renovations.* This facility treats a portion of the raw water exchanged under the 07CW298 decree before it is delivered to Aurora Water’s customers. Approximately \$33,622,000 was spent by Aurora Water for improvements to this facility. This includes expenditures directly by Aurora Water for renovation of the facility. 3.2.1.5. *Wemlinger Water Treatment Plant Expansion.* Aurora spent approximately \$41,388,000 for expansion of the Wemlinger Water Treatment Plant. This facility treats a portion of the raw water exchanged under the 07CW298 decree before it is delivered to Aurora Water’s customers. 3.2.1.6. *Improvements to Extend and Improve Water Service in and to Aurora Water.* At least \$61,659,000 was spent by Aurora Water for extension and upgrade of its water transmission system necessary to deliver the water to Aurora Water’s customers. 3.2.1.7. *Automated Meter Reading System.* Aurora Water spent approximately \$7,324,000 for updates to its automated utility reading system. This is needed for efficient operation of Aurora Water’s water supply and delivery system. 3.2.1.8. *Improvements to Sanitary Sewer System.* Up to \$68,476,000 was spent by Aurora Water for extension and upgrade of its sanitary sewer system necessary for wastewater treatment and reuse within the South Platte River Basin. 3.2.1.9. *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 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 \$5,645,000 on several elements of the Prairie Waters Project during this diligence period. 3.2.1.10. *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 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. 3.2.1.11. *Rampart Reservoir and Delivery System*. Approximately \$14,926,000 was spent by Aurora during this diligence period for improvements to the Rampart Reservoir delivery system. This reservoir is used to store the water 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. 3.2.1.12. *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 \$17,260,000 was spent by Aurora during the diligence period for improvements to this facility. 3.2.1.13. *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. 3.2.2. 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 reusable supplies from the Arkansas River Basin. 3.2.2.1. *Payment for purchase and lease of Rocky Ford Ditch shares*. During this diligence period, Aurora spent approximately \$1,645,000 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. 3.2.2.2. *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 \$270,000. 3.2.2.3. *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. 3.2.2.4. *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 \$449,000 for Twin Lakes Company (necessary for storage); at least \$1,976,000 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. 3.2.2.5. *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 \$944,000 to SECWCD under this IGA. 3.2.2.6. *Intergovernmental Agreement with LAVWCD*. Pursuant to an Intergovernmental Agreement with the Lower Arkansas Valley Water Conservation District (“LAVWCD”), Aurora paid approximately \$750,000 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. 3.2.2.7. *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 \$416,000 to Holbrook under this agreement. 3.2.2.8. *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 \$990,000 on these efforts during the diligence period. 3.2.2.9. *Revegetation.* Aurora has expended approximately \$1,464,000 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. 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Aurora has spent approximately \$20,571,000 toward further development of the Homestake Project’s conditional water rights. 3.2.3.2. *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. 3.2.3.3. *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. 3.2.3.4. *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. 3.2.3.5. *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. 3.2.3.6. *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. **3.3. Non-Basin Specific Efforts.** **3.3.1. 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. **3.3.2. 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 above. **3.3.3. 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. **3.4. 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. **4. 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:** 4.1. Brighton Ditch Company, P.O. Box 185, Fort Lupton, CO 80621, c/o R.T. Sakata, President; 4.2. James and Dorothy Struck, 507 County Road 23 ½ Brighton CO, 80603; 4.3. Yoshi and Suzu LLLP, PO Box 508, Brighton, CO 80601; 4.4. HIBE LLC, 5586 19<sup>th</sup> St, Ste 2000, Greeley, CO 80634; 4.5. Carl F. Eiberger, 303 S. Broadway, B-200, Denver, CO 80209; 4.6. Aggregate Industries WCR Inc., 1687 Cole Blvd, Suite 300, Golden, CO 80401. WHEREFORE, Applicant requests that the Court enter a decree: A. Finding that the Applicant has been reasonably diligent in finalizing the appropriation of the subject conditional water right and continuing the conditional storage right of 1,600 acre-feet; Brighton Ditch Diversion, 100 c.f.s., conditional; Robert W. Walker pump station diversion, 50 c.f.s., conditional; and B. Granting such other relief as the Court deems just and proper. (Application and Figure 1 14 pages)

**2022CW3124 (97CW272, 06CW129, 15CW3080) THE CITY OF AURORA, ACTING BY AND THROUGH ITS UTILITY ENTERPRISE, APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN WELD AND ADAMS COUNTIES.** please send all correspondence and pleadings to: Steven O. Sims, #9961, Dulcinea Z. Hanuschak, #44342, and Courtney M. Shephard, #47688 at BROWNSTEIN HYATT FARBER SCHRECK, LLP 410 Seventeenth Street, Suite 2200 Denver, Colorado

80202-4432 Telephone: (303) 223-1100 E-mail: ssims@bhfs.com; dhanuschak@bhfs.com; cshephard@bhfs.com and Stephen C. Cann, #24498, Senior Assistant City Attorney for the Aurora City Attorney's Office at 15151 East Alameda Parkway, 5th Floor Aurora, Colorado 80012 Telephone: (303) 730-7030 E-mail: scann@auroragov.org. 1. Name, address, and telephone number of Applicant: City of Aurora, Colorado, acting by and through its Utility Enterprise ("Aurora" or "Aurora Water") 15151 East Alameda Parkway, Suite 3600 Aurora, Colorado 80012-1115 Telephone: (303) 739-7370 2. Claim for Reasonable Diligence: 2.1. Name of Structure: Robert W. Walker Reservoir 2.2. Date of Original Decree: May 10, 2000, Case No. 97CW272 (Water Division 1) 2.3. Dates of Subsequent Decrees Finding Reasonable Diligence: 2.3.1. June 9, 2009, Case No. 06CW129 2.3.2. August 15, 2016, Case No. 15CW3080 2.4. Legal Description: 2.4.1. Robert W. Walker Reservoir: In the E1/2 of Section 36, T1N, R67W of the 6th P.M., and the W1/2 of Section 31, T1N, R66W of the 6th P.M., Weld County, Colorado. The inlet is located on the Brighton Ditch in the SW1/4 of Section 36 at a point 2,620 feet north and 1,200 feet east of the SW corner of Section 36. There is no assigned street address at this location, but the street address would be approximately 500 Weld County Road 23 3/4, if there was a street address. *See* Figure 1. 2.4.2. Decreed Diversion Points: 2.4.2.1. Brighton Ditch: The headgate is located on the west bank of the South Platte River in the SE1/4SE1/4 of Section 11, T1S, R67W, 6th P.M., Adams County, Colorado. 2.4.2.2. Robert W. Walker Pump Station: The pump station is adjacent to the South Platte River, located on the west bank of the River in the SW1/4NW1/4 of Section 31, T1N, R66W, 6th P.M., Weld County, Colorado at a point approximately 2,400 feet south and 1,300 feet east of the NW corner of Section 31. 2.4.3. Source of Water: South Platte River and its tributaries 2.4.4. Appropriation Date: October 21, 1997 2.4.5. Amount: 2,000 acre feet, conditional; Brighton Ditch diversion, 100 c.f.s.; conditional; Robert W. Walker pump station diversion, 50 c.f.s., conditional. 2.4.6. Use: Storage for industrial and mining uses in conjunction with gravel mining operations; dust suppression; reclamation; sand and gravel washing; augmentation; replacement; exchange; irrigation; domestic; recreation; fish and wildlife purposes on and in the reservoir; commercial and fire protection. 3. Activities During the Diligence Period: Pursuant to C.R.S. § 37-92-301(4)(b), "[t]he measure of reasonable diligence is the steady application of effort to complete the appropriation in a reasonably expedient and efficient manner under all the facts circumstances. When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system." Pursuant to paragraph 48 of the decree in Case No. 06CW104 and paragraph 14 of the decree in Case No. 06CW130, Aurora's municipal water system and each of the water rights and structures that are part of Aurora's Prairie Waters Project ("PWP") that now and in the future will provide water for Aurora comprise an integrated system of water rights and structures under C.R.S. § 37-92-301(4)(b). During the diligence period, Aurora Water has diligently prosecuted the following additional features of the PWP and of the Robert W. Walker Reservoir: **3.1. Project Specific Efforts.** Aurora Water has done at least the following project specific work toward completion of the appropriations and application of the subject water rights to beneficial use: 3.1.1. Aurora Water spent \$5,888,000 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. 3.1.2. Aurora Water negotiated terms for the final completion of the storage and related infrastructure at the Walker and Stillwater Reservoir complex with its predecessor-in-interest Hall Irwin Corporation to account for certain deficiencies in the storage capacity and specifications. Aurora Water has expended approximately \$49,294.00 in legal costs towards resolution of remaining open items at the Reservoir complex and approximately \$11,657.54 in associated engineering fees incurred in connection with two substitute water supply plans. **3.2. System-wide Efforts.** Aurora has accomplished at least the following system-wide efforts that will be used to operate or benefit the subject water rights: 3.2.1. 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. 3.2.1.1. 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. 3.2.1.2. *Metro Wastewater Reclamation District Charges*. Aurora Water expended approximately \$177,167,000 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 within the South Platte River Basin and to comply with water reuse requirements. 3.2.1.3. *Sand Creek Water Reuse Plant Improvements*. Aurora Water 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. Aurora Water expended approximately \$13,995,000 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 and also to comply with water reuse requirements. 3.2.1.4. *Griswold Water Treatment Plant Renovations*. This facility treats a portion of the raw water exchanged under the 07CW298 decree before it is delivered to Aurora Water's customers. Approximately \$33,622,000 was spent by Aurora Water for improvements to this facility. This includes expenditures directly by Aurora Water for renovation of the facility. 3.2.1.5. *Wemlinger Water Treatment Plant Expansion*. Aurora spent approximately \$41,388,000 for expansion of the Wemlinger Water Treatment Plant. This facility treats a portion of the raw water exchanged under the 07CW298 decree before it is delivered to Aurora Water's customers. 3.2.1.6. *Improvements to Extend and Improve Water Service in and to Aurora Water*. At least \$61,659,000 was spent by Aurora Water for extension and upgrade of its water transmission system necessary to deliver water to Aurora Water's customers. 3.2.1.7. *Automated Meter Reading System*. Aurora Water spent approximately \$7,324,000 for updates to its automated utility reading system. This is needed for efficient operation of Aurora Water's water supply and delivery system. 3.2.1.8. *Improvements to Sanitary Sewer System*. Up to \$68,476,000 was spent by Aurora Water for extension and upgrade of its sanitary sewer system necessary for wastewater treatment and reuse within the South Platte River Basin. 3.2.1.9. *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, 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 \$5,645,000 on several elements of the Prairie Waters Project during this diligence period. 3.2.1.10. *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 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. 3.2.1.11. *Rampart Reservoir and Delivery System*. Approximately \$14,926,000 was spent by Aurora during this diligence period for improvements to the

Rampart Reservoir delivery system. This reservoir is used to store the water 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. 3.2.1.12. *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 \$17,260,000 was spent by Aurora during the diligence period for improvements to this facility. 3.2.1.13. *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. 3.2.2. 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 reusable supplies from the Arkansas River Basin. 3.2.2.1. *Payment for purchase and lease of Rocky Ford Ditch shares*. During this diligence period, Aurora spent approximately \$1,645,000 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. 3.2.2.2. *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 \$270,000. 3.2.2.3. *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. 3.2.2.4. *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 \$449,000 for Twin Lakes Company (necessary for storage); at least \$1,976,000 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. 3.2.2.5. *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 \$944,000 to SECWCD under this IGA. 3.2.2.6. *Intergovernmental Agreement with LAVWCD*. Pursuant to an Intergovernmental Agreement with the Lower Arkansas Valley Water Conservation District ("LAVWCD"), Aurora paid approximately \$750,000 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. 3.2.2.7. *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 \$416,000 to Holbrook under this agreement. 3.2.2.8. *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 \$990,000 on these efforts during the diligence period. 3.2.2.9. *Revegetation*. Aurora has expended approximately \$1,464,000 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). 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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. **3.3. Non-Basin Specific Efforts.** 3.3.1. 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. 3.3.2. 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 above. 3.3.3. 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. **3.4. 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. **4. 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:** 4.1. Brighton Ditch Company, P.O. Box 185, Fort Lupton, CO 80621, c/o R.T. Sakata, President; 4.2. James and Dorothy Struck, 507 County Road 23 ½ Brighton CO, 80603; 4.3. Yoshi and Suzu LLLP, PO Box 508, Brighton, CO 80601; 4.4. HIBE LLC, 5586 19<sup>th</sup> St, Ste 2000, Greeley, CO 80634; 4.5. Carl F. Eiberger, 303 S. Broadway, B-200, Denver, CO 80209; 4.6. Aggregate Industries WCR Inc., 1687 Cole Blvd, Suite 300, Golden, CO 80401; WHEREFORE, Applicant requests that the Court enter a decree: A. Finding that the Applicant has been reasonably diligent in finalizing the appropriation of the subject conditional water right and continuing the conditional storage right of 2,000-acre-feet; Brighton Ditch Diversion, 100 c.f.s., conditional; Robert W. Walker pump station diversion, 50 c.f.s., conditional; and B. Granting such other relief as the Court deems just and proper. (Application and Figure 1 14 pages)

**2022CW3125 BENJAMIN M. LAMPERT II, ALLISON LAMPERT, PETER LAMPERT, MARY ALISON JAMESON, MOUNTAIN MUTUAL RESERVOIR COMPANY, AND NORTH FORK ASSOCIATES, LLC;** Benjamin M. Lampert II, Allison Lampert, Peter Lampert, Mary Alison Jameson, c/o Benjamin M. Lampert II, 432 Meridian Lane, Superior, CO 80027; Email: lampertben@gmail.com; Telephone: (703) 615-5628; Mountain Mutual Reservoir Company, 6949 Highway 73, Suite 15, Evergreen, CO 80439; Email: norm@hch20.com; Telephone: (303) 989-6932; and North Fork Associates, LLC, 2686 S. Yukon Ct., Denver, CO 80227; Email: 613blatch@gmail.com; Telephone: (303) 988-7111. Please direct all correspondence concerning this Application to: Aaron Ladd, Esq. and Kunal A. Parikh, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Email: asl@vrlaw.com; kap@vrlaw.com; Telephone: (303) 443-6151. **APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE IN JEFFERSON AND PARK COUNTIES.** 2.

Summary of Claims: This Application seeks approval of a plan for augmentation including exchange for 3 wells to be located on Applicants' property, a 27-acre parcel of land located in the NW1/4 SE1/4, Section 13, Township 7 South, Range 72 West of the 6th P.M., presently known as 15245 S. Huerfano Lane, Pine, Colorado 80470, Park County ("Subject Property"). The three wells included in this augmentation plan will be permitted and constructed following entry of a decree in this matter. **APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE**

3. Name of Structure to be Augmented: The Lampert Well Nos. 1-3 ("Subject Wells") will divert groundwater from the Subject Property. The Subject Property will be subdivided into three lots, with one well on each lot. The Subject Property is located in the drainage of Roland Gulch, tributary to the North Fork of the South Platte River. The rate of diversion for the Subject Wells will not exceed 15 gallons per minute each. a. Well permit applications to construct the Subject Wells will be submitted to the Division of Water Resources when the Subject Property is developed and the wells are needed. The exact location of the Subject Wells will be determined at the time of construction and described in the well permits issued for each well. Return flow from the use of the Subject Wells will be through individual septic tank-soil absorption system (one for each well) with return flows returned to the same drainage in which the related well is located. The Subject Property on which the Subject Wells will be located is shown on the map attached as **Exhibit A**.

4. Water Rights to be Used for Augmentation Purposes: The Lampert's have entered into a contract with North Fork Associates, LLC to purchase 9.8 shares of Mountain Mutual Reservoir Company ("MMRC") stock, which represents a firm annual yield of 0.3081 of an acre-foot to satisfy present and anticipated future replacement needs associated with the Subject Wells. a. The water rights associated with the MMRC shares include the following:

i. Slaght Ditch: In accordance with the Decree entered in Civil Action No. 1678 of Park County District Court, on May 22, 1913, the Slaght Ditch was awarded a direct flow priority of May 1, 1863, for 2.0 cubic feet per second for irrigation purposes. The source of water is the North Fork of the South Platte River. The point of diversion for the Slaght Ditch was originally established to be a point on the North bank of the North Fork of the South Platte River in the NE1/4 SE1/4, of Section 21, Township 7 South, Range 73 West, 6th P.M., approximately 2,060 feet North and 490 feet West of the SE Corner of Section 21. Pursuant to a Decree entered by the District Court for Water Division 1 in Case No. 82CW472, on October 3, 1983, the Maddox Reservoir Feeder Ditch was approved as an alternate point of diversion for the Slaght Ditch water right. The point of diversion of the Maddox Reservoir Feeder Ditch is located on the North bank of the North Fork of the South Platte River in the NW1/4 SW1/4, Section 22, Township 7 South, Range 73 West, 6th P.M., approximately 1,240 feet East and 1,740 feet North of the SW Corner of Section 22. In Case No. 79CW339, 0.12 of a cubic foot per second of the Slaght Ditch priority was changed to a new location, with the water continuing to be used for irrigation purposes. Of the remaining 1.872 cubic feet per second, 0.481 of a cubic foot per second was transferred by MMRC in Case No. 03CW238 and 0.727 was transferred in Case No. 16CW3197.

ii. Mack Ditch No. 2: In accordance with the Decree entered in Civil Action No. 1678 of the Park County District Court, on May 22, 1913, the Mack Ditch No. 2 was awarded a direct flow priority of May 1, 1863, for 1.0 cubic foot per second for irrigation purposes. The source of water is the North Fork of the South Platte River. The point of diversion of the Mack Ditch No. 2 was originally established to be on the South bank of the North Fork of the South Platte River at a point in the NE1/4 SE1/4, Section 21, Township 7 South, Range 73 West, 6th P.M., Park County, Colorado whence the E1/4 Corner of said Section 21 bears North 43° East, a distance of 984 feet more or less. By an Order of the Park County District Court entered on October 17, 1927, the point of diversion was moved approximately 789 feet upstream to a point on the South bank of the North Fork of the South Platte River in the NE1/4 SE1/4, Section 21, Township 7 South, Range 73 West, 6th P.M., whence the E1/4 Corner of said Section 21 bears North 79° 30' East, a distance of 1,292 feet, more or less. In Case Nos. W-7503, W-7548, 80CW080, 80CW455, 81CW143, 81CW298, and 89CW081, a total of 0.1191 of a cubic foot per second of Mack Ditch No. 2 water right was transferred out of the ditch for uses other than irrigation. Of the remaining 0.8809 of a cubic foot per second, 0.44045 of a cubic foot per second was transferred by MMRC in Case No. 03CW238.

iii. Nickerson No. 2 Ditch: The Nickerson No. 2 Ditch, with a South Platte Priority No. 262 and North Fork Drainage Priority No. 24 has an appropriation date of May 1, 1872, as adjudicated by the District Court for Park County on May 22, 1913, in the amount of 0.65 of a cubic-foot-



per-second. The headgate is located on the North bank of Deer Creek at a point whence the E1/4 Corner, Section 9, Township 7 South, Range 72 West of the 6th P.M., bears North 58° 15' East, 2,320 feet and has historically irrigated approximately 35 acres adjacent to Deer Creek in the SE1/4 Section 9, NW1/4 Section 15, and NE1/4 Section 16, Township 7 South, Range 72 West of the 6th P.M. all in Park County. iv. Parmalee No. 1 Ditch: The Parmalee No. 1 Ditch, with a South Platte Priority No. 251 and North Fork Drainage Priority No. 14 has an appropriation date of May 1, 1867, as adjudicated by the District Court for Park County on May 22, 1913, in the amount of 0.52 of a cubic-foot-per-second. In that Decree the headgate was located on the North bank of Deer Creek at a point whence the S1/4 Corner of Section 32, Township 6 South, Range 72 West of the 6th P.M., bears South 70° 6' East, 1,210 feet. Water Division No. 1 District Court Case No. W-7434 changed the location of the headgate to the Nickerson No. 2 Ditch, as shown above. v. Carruthers No. 2 Ditch: The Carruthers No. 2 Ditch, with a South Platte Priority No. 250 and North Fork Drainage Priority No. 13 has an appropriation date of May 1, 1867, as adjudicated by the District Court for Park County on May 22, 1913, in the amount of 0.52 of a cubic-foot-per-second. In that Decree the headgate was located on the North bank of Deer Creek at a point whence the S1/4 Corner between Sections 31 and 32, Township 6 South, Range 72 West of the 6th P.M., bears North 85° 30' East, 1,398 feet. Water Division No. 1 District Court Case No. W-7434 changed the location of the headgate for 0.28 of a cubic-foot-per-second to the Nickerson No. 2 Ditch, as shown above. This 0.28 of a cubic-foot-per-second is included in this contract. b. Firm Yield of Slaght Ditch Rights: The Slaght Ditch and Mack Ditch No. 2 water rights described herein shall hereinafter be referred to collectively as "Slaght Ditch Rights." Allocation of yield to Slaght Ditch Rights is attached as **Exhibit B**. The Decree issued in Case No. 03CW238, dated October 24, 2006, quantified the historic consumptive use associated with the Slaght Ditch Rights. The terms and conditions under which these water rights are used for augmentation, replacement, exchange and storage purposes were also defined and approved in Case No. 03CW238, as follows: i. The Slaght Ditch Rights may be left in the stream system to offset depletions from water use by MMRC shareholders. The water may also be stored in the Lower Sacramento Creek Reservoir No. 1 or the Maddox Reservoir. ii. The maximum rate of diversion under the Slaght Ditch Rights is 0.5 of a cubic foot per second. iii. Diversions to storage and/or assignment for in-stream augmentation credit are limited to the period May 1 through October 31 of each year, and are further limited to those times when water is physically and legally available for diversion at the historic Slaght Ditch headgates on the North Fork of the South Platte River. If the May 1, 1867, priority is not fully satisfied to the extent of 2.0 cubic foot per second for the Slaght Ditch and 1.0 cubic foot per second for the Mack Ditch No. 2, MMRC's diversions are limited to its prorated entitlement to the water when physically and legally available. iv. Maximum annual diversions of the portion of the Slaght Ditch Rights changed in 03CW238 are limited to 41 acre-feet per year. During any consecutive ten-year period, the total diversions are further limited to 342 acre-feet. v. Pursuant to the Decree issued in Case No. 16CW3197, the historic consumptive use associated with an additional 0.727 cfs of the Slaght Ditch water right yields 31.8 acre-feet of consumptive use water. c. Firm Yield of Nickerson Ditch Rights: The Nickerson No. 2, Parmalee No. 1, and Carruthers No. 2 Ditches are referred to herein as the "Nickerson Ditch Rights." The Decree issued in Case No. 00CW174, dated October 11, 2002, quantified the historic consumptive use associated with the Nickerson Ditch Rights. The terms and conditions under which the Nickerson Ditch Rights are used for augmentation, replacement, exchange and storage purposes were also defined and approved in Case No. 00CW174, as follows: i. The Nickerson Ditch Rights may be left in the stream system to offset depletions from water use by MMRC shareholders. The water may also be stored in the Lower Sacramento Creek Reservoir No. 1, Maddox Reservoir and other MMRC reservoirs within the South Platte River Basin located above South Platte, Colorado; provided, however, that the details of storage in another reservoir will be published in the Water Court Resume, or such storage is approved by the State Engineer pursuant to Section 37-80-120 and 37-92-308, C.R.S. (2002). ii. The maximum rate of diversion under the Nickerson Ditch Rights is 0.8 of a cubic foot per second. Diversions are limited to the May 1, 1867, priorities decreed to the Parmalee Ditch No. 1 and the Carruthers Ditch No. 2. iii. Diversions to storage and/or assignment for in-stream augmentation credit are limited to the period April 23 through October 31 of each year, and are further limited to those times when water is physical and legally available for diversion at the historic Nickerson Ditch No. 2 headgate on Deer Creek. If the May 1, 1867, priority is

not fully satisfied to the extent of 0.8 of a cubic foot per second, the diversion rate is reduced to the flow, which is then physically and legally available. iv. Maximum monthly diversions under the Nickerson Ditch Rights are limited as follows: April, 2.0 acre-feet; May, 16.0 acre-feet; June, 19.0 acre-feet; July, 16.0 acre-feet; August, 10.0 acre-feet; September, 7.0 acre-feet; and October, 4.0 acre-feet. Maximum annual diversions are limited to 62 acre-feet per year. During any consecutive ten-year period, total diversions are further limited to 486 acre-feet. The Nickerson Ditch rights are claimed as an alternate replacement supply in this matter. d. Maddox Reservoir: The Maddox Reservoir is located in the NE1/4 SW1/4, Section 22, Township 7 South, Range 73 West of the 6th P.M. in Park County. It was adjudicated on November 11, 1971, with an appropriation date of May 31, 1905. It is decreed for multiple purposes including irrigation, domestic, fish culture and recreation with a capacity of 54.0 acre-feet. It is filled by the Maddox Reservoir Feeder Ditch, which diverts from the North Fork of the South Platte River in the NE1/4, SE1/4, SW1/4, Section 22, Township 7 South, Range 73 West of the 6th P.M. and decreed as an alternate point of diversion for the Slaughter Ditch. Allocation of yield to Maddox Reservoir is attached as **Exhibit C**. e. Lower Sacramento Creek Reservoir: The Lower Sacramento Creek Reservoir Company, a Colorado corporation, owns and operates the Lower Sacramento Creek Reservoir No. 1. The reservoir is located in the NE1/4 NW1/4, Section 32, and the SE1/4 SW1/4, Section 29, Township 9 South, Range 77 West, 6th P.M., Park County, Colorado. North Fork Associates owns 932 shares of a total of 3,700 shares in the Company (a 25.2% interest). The reservoir has been constructed and is entitled to store water under the following Decrees:

Adjudication Date	Appropriation Date	Amount
Case No. W-7741-74	July 25, 1974	40 a.f.
Case No. 84CW250	Use of Res. as Recharge Facility	
Case No. 85CW465	Use of Res. as Recharge Facility	

The water may be used for domestic, municipal, commercial, industrial, irrigation, fish and wildlife propagation, recreational and all other beneficial purposes, including exchange to compensate for depletions in the South Platte River and its tributaries. Other owners in the reservoir have transferred water rights to Lower Sacramento Creek Reservoir No. 1 in which Applicants have no interest. Lower Sacramento Creek Reservoir is claimed as an alternate replacement supply in this matter. 5. Statement of Plan for Augmentation: The Lamperts are the owners of the Subject Property, which they propose to subdivide into three lots, with one well per lot. The three Subject Wells will be augmented pursuant to this augmentation plan for the following indoor and outdoor uses: a. The water requirements for the Subject Wells are for indoor uses for three single-family dwellings, with an average occupancy of 3.5 persons per house, and four structures with sanitation facilities, two of which have shower facilities (“Indoor Uses”), up to two hot tubs, and the irrigation of 6,000 square-feet of turf (or the consumptive equivalent of 15,000 square-feet of garden irrigation) (“Outdoor Uses”). The estimated water requirements for the three single-family dwellings is 80 gallons per capita per day (gpcd) with 10% consumption based on subsurface discharge from individual septic tank-soil absorption systems. The estimated water requirements for the four structures with sanitation facilities is 80 gallons per day (gpd) with 10% consumption. The estimated water requirements for the two structures with showers is 100 gallons per day (gpd) with 10% consumption. The estimated water requirements for turf irrigation will be 1.25 acre-feet per acre with 80% consumption. The estimated water requirements for garden irrigation will be 0.50 acre-feet per acre with 80% consumption. Water use for each hot tub will be 0.0056 acre-feet per year of consumption. This plan will require 0.3081 of an acre-foot of replacement water as shown in Table 1 below.

Table 1					
					Replacement Requirements

Use	Water Requirements	Units	Quantity AF	CU Rate	Total Ac-Ft	Summer Ac-Ft	Winter Ac-Ft
Single-family In-house Use (3.5 cap)	80 gl/cap/dy(3.5 cap)	3	0.940	10%	0.094	0.047	0.047
Structure with sanitation	80 gl/dy	4	0.360	10%	0.036	0.018	0.018
Structure with showers	100 gl/dy	2	0.224	10%	0.022	0.011	0.011
Turf irrig.* 6,000 sq. ft.	1.25 af/ac	0.138 acres	0.172	80%	0.138	0.138	0.0000
Hot Tub	0.0056 af/tub	2	0.011	100%	0.011	0.006	0.005
Tran. Chg.	0.15%/Mi	14	0.007	100%	0.007	0.004	0.003
<b>Total</b>			<b>1.7</b>		<b>0.3081</b>	<b>0.224</b>	<b>0.084</b>
*Garden irrig. 15,000 sq. ft.	0.50 af/ac	0.344 acres	0.172	80%	0.138	0.138	0.000

\*Replacement requirements for combined turf and/or garden irrigation will not exceed 0.138 acre-feet annually.

The monthly depletions are as follows in acre-feet:

Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
0.014	0.014	0.014	0.014	0.014	0.016	0.037	0.037	0.037	0.037	0.037	0.037

b. The total consumptive use water requirement will be met with 0.3081 of an acre-foot of the annual yield from the Slaughter/Mack Ditch Rights as described above and 0.084 of an acre-foot of space in Maddox Reservoir. (See Exhibits “B” and “C” respectively). The calculated requirements of the direct flow water rights from May through October are a total of 0.224 of an acre-foot at the approximate point of depletion to an unnamed tributary to Roland Gulch in the NW1/4 SE1/4, Section 13, Township 7 South, Range 72 West of the 6th P.M. The point of delivery of this water will be the headgate of the Slaughter Ditch on the South Platte River in the NE1/4 SE1/4, Section 21, and the outlet of Maddox Reservoir in the SE1/4 SW1/4, Section 22, all in Township 7 South, Range 73 West of the 6th P.M. During the non-irrigation season during the months of November through April, and at times when the Slaughter Ditch Rights are not in priority, replacement will be made by release from Maddox Reservoir. The total requirement at the points of exchange at the confluence of Roland Gulch and the North Fork of the South Platte River in the NE1/4 SE1/4 Section 30, Township 7 South, Range 71 West is 0.3081 of an acre-foot of replacement water. c. The required volume of augmentation water will be provided from the sources described in Paragraph No. 4, above. Due to the small volume of annual stream depletions projected to occur under this plan, instantaneous stream depletions may be aggregated and replaced by one or more releases of short duration.

6. Water Exchange Project: Since the points of depletion associated with the Subject Wells are upstream of the augmentation supplies, Applicants assert an exchange project right pursuant to Sections 37-92-103(9), 37-92-302(1)(a), 37-92-302(5), 37-92-305(3), 37-92-305(5), and 37-92-305(8)(a), C.R.S. The reach of the

exchange shall extend from the confluence of Roland Gulch and the North Fork of the South Platte River in the NE1/4 SE1/4, Section 30, Township 7 South, Range 71 West thence up Roland Gulch to the confluence with an unnamed tributary in the SW1/4 SW1/4, Section 13, Township 7 South, Range 72 West, , thence up the unnamed tributary to the approximate point of depletion in the NW1/4 SE1/4 of Section 13 Township 7 South, Range 72 West, all in the 6th P.M. The maximum average depletion in all reaches is 0.28 of a gallon per minute. In the event there is a senior call within the exchange project reach that precludes the exchange, the Applicants can have replacement water delivered via trucking to make replacements above the calling water right or release water from an onsite container. The exchange project right will operate to replace depletions to the flow of water in the stream system as the depletions occur. The water exchange project right will be operated and administered with a priority date of August 31, 2022, at a flow rate of 0.001 of a cubic foot per second. WHEREFORE, Applicants request the entry of a decree approving this Application, specifically (1) granting the appropriations sought in this Application, (2) authorizing use of the augmentation supplies described in this Application, (3) determining that the source and location of delivery of augmentation water are sufficient to prevent material injury to vested water rights. The Applicants also request entry of an Order directing the State Engineer to issue well permits for the construction and use of Lampert Well Nos. 1-3 consistent with the final decree entered in this case. (13 pgs., 3 Exhibits)

**2022CW3126 (2013CW3150) HARMS RANCH, LLC**, 52715 WCR 136 Pine Bluffs, WY 82082 Telephone: (970) 895-3399. Serve all pleadings on Matthew Machado and Anthony Basile, Lyons Gaddis, PC, P.O. Box 978, Longmont, CO 80502-0978; Telephone: (303) 776-9900; [mmachado@lyonsgaddis.com](mailto:mmachado@lyonsgaddis.com); [abasile@lyonsgaddis.com](mailto:abasile@lyonsgaddis.com). **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN WELD COUNTY**. Applicant, through its undersigned counsel, Lyons Gaddis, P.C., submits the following Application for Finding of Reasonable Diligence: **2. Name of structure:** Harms Well. **3. Description of Conditional Water Right:** **A. Date of Original Decree:** August 9, 2016, Case No. 2013CW3150, Water Division No. 1. **B. Subsequent Diligence Decrees:** Not applicable. **C. Legal Description:** The Harms Well will be located in the South ½ of Section 27, Township 11, Range 58 West of the 6th P.M., Weld County, Colorado at approximately 596,120 meters East and 4,527,880 meters North (Zone 13, NAD83). This property is depicted on **Exhibit A** hereto. **D. Source of Water:** Groundwater from the Ogallala aquifer in Sydney Draw area, which is not tributary to the South Platte River or any other Colorado natural stream. **E. Appropriation Date:** December 12, 2013. **F. Amount:** 800 gallons per minute, CONDITIONAL. **G. Use:** Irrigation of portions of the Harms Ranch located in the South 1/2 of Section 27 and Section 34, Township 11 North, Range 58 West of the 6th P.M. in Weld County, stockwatering, domestic, irrigation, commercial, industrial, recreational, fire protection, wetland establishment and maintenance, fish habitat, wildlife habitat, re-use and successive use of the claimed beneficial uses, substitute supply and replacement, augmentation and exchange. **H. Depth:** Applicant anticipates completing the Harms Well to a depth of approximately 250 feet. **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:** During the relevant diligence period, from August 2016 to August 2022, Applicant conducted the following work specific to the conditional water right: **A.** Applicant entered into negotiations with BNN Water Solutions, LLC to drill and subsequently permit the Harms Well. These negotiations included the lease of a portion of the water for oil and gas development under the industrial and commercial decreed uses of the conditional water right. Applicant engaged undersigned counsel to advise Applicant regarding the proposed lease. **B.** In December of 2016, Charles Sargent Irrigation Co. Inc. drilled a monitoring well at a location that proved to be unsatisfactory for construction of a well, and subsequently plugged and abandoned the monitoring well. Applicant has investigated, and intends to continue to investigate, additional test hole drilling locations. **C.** In 2018, Applicant obtained estimates from Bowman Irrigation for installing a center-pivot irrigation sprinkler that would be supplied from the Harms Well. For financial reasons, Applicant decided not to purchase a sprinkler until the Harms Well is constructed and capable of supplying water to the sprinkler. **5. Claim to make absolute in whole or in part:** Not applicable. **6. Name and Address of**

**Owners of Structures:** Applicant owns all structures involved in this application. WHEREFORE, Applicant respectfully requests the Court enter a decree finding that Applicant has been reasonably diligent in perfecting the conditional water right. Number of pages in application: 4 pages, excluding the exhibit.

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 **OCTOBER 31, 2022** (forms available on [www.courts.state.co.us](http://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.