

**DISTRICT COURT, WATER DIVISION 1, COLORADO
AUGUST 2021 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 2021 for each County affected.

21CW17 SYSTEMS PROPERTIES, LLC/EARL RAYMOND, APPLICATION FOR UNDERGROUND WATER RIGHTS IN THE DENVER BASIN AQUIFERS IN ELBERT COUNTY

Raymond Earl 35579 County Road 13, Elizabeth, CO 80107, 303-746-1759 earl@scisteel.com kylecfenner@gmail.com ; All applicants listed have joint ownership of the parcel and/or joint consent to withdraw the water underlying the parcel(s), which is/are the subject of this application. The parcel of land consists of 35.5 acres, more or less, in Elbert County, located generally in S6, T8S, R64W of 6th PM, in Elbert County. The claim of Applicant(s) to the water underlying the parcel described previously is based on ownership of the parcel. The Applicant seeks to adjudicate the Denver Basin ground water underlying the Subject Property in all of the available aquifers. Applicant certifies all record owners of the Subject Property not listed as Applicants herein, and every person who has a lien or mortgage on, or deed of trust to, Applicant's property, will be notified of the filing of this Application by certified or registered mail, return receipt requested, no later than 14 days after the filing of this Application. Complete and file with the Court the attached Certificate of Notice as evidence that the required notices were given. There are no wells located on the property.

21CW18 (14CW47) RICHARD A. SELLERS AND SUSAN J. MATLOCK, 16787 BEACH BLVD., #141, HUNTINGTON BEACH, CA 92647. 714-962-0939. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN PARK COUNTY. Date of original decree: 4-26-02 in case 96CW964, WD1; Date of subsequent decree: 11-12-08 in case 08CW72 AND 8-12/2015 in case 14CW47, WD1 Undeveloped Well located SE1/4, NW1/4, S28, T9S, R75W of the 6th PM at a distance 2550 ft. from N and 1500 ft. from W. 480 Arapahoe Circle in Indian Mountain subdivision; Lot 10; Filing 2. Source: Groundwater. Appropriation date: 5-31-73; Amount: 15 gpm, Conditional. Use: Household in a single family dwelling, not including irrigation.

21CW19 (14CW36) 2004CW36 GERALD M. & JANIS K. RODRIGUEZ, PO Box 175, Como, CO 80432. 303-433-6948 owljkay@gmail.com APPLICATION FOR CHANGE OF WATER RIGHT, IN PARK COUNTY. Rodriguez Well - Permit #057412-F, 112 Apache Trail, aka Indian Mountain, located in the SW1/4 NE1/4 S21 T9N, R75W of the 6th P.M., 2375' from N section line and 2320 feet from the West Section line. AKA Filing 5 Unit 3 Lot 79, Indian Mountain and Apache Trail, Como, CO 80432. Source: Groundwater Depth: 460' Appropriation: 5/31/1973 Amount claimed: 1.5 gpm Use: in house use family dwelling Amount of water that applicant intends to change absolute 1.5 gpm. Applicant seeks to amend the language in Water Right Decree 04CW36 for Rodriguez Well 057412-F. This well may be operated pursuant to the terms and conditions of any Colorado Division 1 Water Court Augmentation Plan

21CW3136 (12CW293, 04CW106, 97CW102, 88CW105) CITY OF ARVADA, 8101 Ralston Road, Arvada, CO 80002, Ken-p@arvada.org (720) 898-7766. Please send all correspondence and pleadings to: Steven P. Jeffers, Madoline Wallace-Gross, Lyons Gaddis Kahn Hall Jeffers Dworak & Grant, PC, 950 Spruce Street, Suite 1B, Louisville, CO 80027; sjeffers@lyonsgaddis.com; mwg@lyonsgaddis.com (720) 726-3671. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN ADAMS AND JEFFERSON COUNTIES.** 2. **Decreed name of conditional water rights:** Metropolitan Denver Waste Water Treatment Plant Exchange to Clear Creek or Ralston Creek; and Ward Road Pond to Arvada Reservoir Exchange. 3. **Describe the conditional water rights, including the following information from previous decree:** A. **Date of original decree, case no. and court:** The original decree was entered in Case No. 88CW105, District Court, Water Division 1, on February 13, 1991. B. **Subsequent diligence decrees:** Diligence Decrees were entered in Case No. 97CW102 on April 24, 1998, Case No. 04CW106 on December 29, 2006, and Case No. 12CW293 on August 4, 2015. C. **Description of conditional water rights and rates**

of diversion: The original decree approved several conditional water rights. The Court previously decreed absolute Arvada's Clear Creek Exchange, Ralston Creek Exchange I, Ralston Creek Exchange II, Ralston Creek to Clear Creek Exchange, and Clear Creek to Ralston Creek Exchange, and decreed as partially absolute Arvada's Metropolitan Denver Waste Water Treatment Plant Exchange. The following decreed exchanges remain conditional or partially conditional and are the subject of this application. i. **Metropolitan Denver Waste Water Treatment Plant Exchange to Clear Creek or Ralston Creek.** Treated sewage effluent from the Metro Wastewater Reclamation District Treatment Plant (f/k/a Metropolitan Denver Waste Water Treatment Plant) for which Arvada is entitled to claim credit pursuant to the decree in Case No. 88CW105, and which effluent is in excess of return flow obligations due at the outfall of the treatment plant, may be released at the plant outfall and an equal amount of water may be diverted either at the headgate of the Croke Canal on Clear Creek or at Arvada Reservoir on Ralston Creek. The cumulative rate of flow for this exchange, together with the like treatment plant exchanges described in the decrees in Case Nos. W-8762-77, 82CW359, 85CW409, and 85CW410, is 12 cfs. 5.65 cfs of the exchange to Clear Creek (headgate of Croke Canal) was decreed absolute, leaving 6.35 cfs conditional. The exchange to Ralston Creek (Arvada Reservoir) was previously decreed absolute in the amount of 6.05 cfs, leaving 5.95 cfs conditional. ii. **Ward Road Pond to Arvada Reservoir Exchange.** Applicant sold Ward Road Pond and no longer intends to complete this conditional appropriation. D. **Legal Descriptions:** The locations of the structures involved in the remaining conditional exchange are depicted on the map attached hereto as **EXHIBIT A** and are described as follows: i. **Arvada Reservoir.** Arvada Reservoir is located in Section 3 and the NW 1/4 of Section 2, Township 3 South, Range 70 West, 6th P.M., and the SE 1/4 Section 33, Township 2 South, Range 70 West, 6th P.M., Jefferson County, Colorado. The centerline of the dam of Arvada Reservoir is described as follows: Commencing at the NE Corner of Section 3, Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado; thence at an angle to the right of 17°34'59" from the East line of said Section 3, a distance of 200.75 feet to the True Point of Beginning. Thence at a deflection angle to the right of 4°52'48", a distance of 1683.374 feet to a point of curvature; thence along a curve to the right, having a radius of 2585.813 feet, and a delta of 26°07'37", a distance of 1179.134 feet to a point of tangency; thence along the tangent of the before-described curve, a distance of 819.242 feet to the point of ending. ii. **Croke Canal.** The Clear Creek headgate of the Croke Canal is at a point on the North bank of Clear Creek in the NW 1/4 NE 1/4 of Section 26, Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. iii. **Metro Wastewater Reclamation District Treatment Plant Outfall.** The present location of the outfall of the Treatment Plant is at a point on the East bank of the South Platte River in Section 1, Township 3 South, Range 68 West, which lies 1,400 feet East of the SW corner of said Section 1, Adams County, Colorado. E. **Source of water:** Ralston Creek and Clear Creek, tributaries to the South Platte River. F. **Appropriation date:** January 20, 1988. G. **Uses:** Municipal (including domestic, irrigation, commercial and industrial), recreational, fish and wildlife propagation, irrigation, and augmentation purposes. 4. **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:** This conditional exchange is a component part of Applicant's integrated water supply system. During the subject diligence period, Applicant conducted the following work related to its integrated system at a cost in excess of \$843,000: A. Developed the Arvada Blunn/Pioneer Master Plan Study, completed in September 2015 by Wenk and Associates to evaluate the location and configuration of Highway 93 Lakes in conjunction with Arvada Reservoir, and other uses of that land, at a cost of \$66,860. B. Evaluated the feasibility of constructing Highway 93 Lakes in 2016, to operate in conjunction with Arvada Reservoir, as described in a report in Case No. 05CW112 prepared by Applegate Group at a cost of \$11,258. C. Conducted service spillway modification to the underdrain system at a cost of \$117,885 in 2017. D. Worked with Division Engineer to revise Arvada Reservoir accounting forms in 2017, and augmentation plan accounting forms in 2020 and 2021. E. Entered into an agreement with Black Hawk for use of its augmentation station on the Church Ditch on April 22, 2020. F. Conducted a seismic study of Arvada/Blunn Reservoir in a dam safety evaluation in 2020 at a cost of \$37,000. G. Conducted a bathymetric survey of Arvada Reservoir in 2020 at a cost of \$10,000. H. Began construction of a pump station to deliver water from Arvada Reservoir to the Ralston Water Treatment Plant in 2021. I. Adjudicated water court cases including Case Nos. 05CW112, 11CW237, and 17CW3210 for change of water rights, exchanges, and plans

for augmentation including these structures; 17CW3085 for diligence on the Arvada Reservoir storage right; 18CW3165 for diligence for storage in Highway 93 Lakes; and pending applications in Case Nos 20CW3064 for diligence on the Arvada Reservoir Refill, 20CW3119 for diligence on exchanges involving Arvada Reservoir, and 21CW3069 for diligence on Tucker Lake exchanges. Applicant expended in excess of \$600,000 in legal fees and engineering costs in those cases combined. J. Opposed numerous water court cases filed by other water users to protect from injury Applicant's water rights, including the subject conditional water right, and incurred legal and engineering expenses in defense of Arvada's water rights. 5. **Names and address of owner 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:** A. Applicant owns Arvada Reservoir. B. Croke Canal is owned by Farmers Reservoir and Irrigation Company, 80 South 27th Avenue Brighton, CO 80601. C. Metro Wastewater Reclamation District Treatment Plant is owned by Metro Wastewater Reclamation District, 6450 York Street, Denver, Colorado 80229. WHEREFORE, Arvada requests that this Court enter a decree finding and determining that: 1. Arvada has abandoned the Ward Road Pond to Arvada Reservoir Exchange, and that conditional water right should be cancelled; 2. Arvada has exercised reasonable diligence in the development of the remaining conditional exchange of effluent from the Metro Wastewater Reclamation District Treatment Plant; and 3. That conditional water right should be continued in full force and effect for an additional six years following entry of the decree in this case. Number of pages in application: 6, excluding the exhibit.

21CW3137 (Prior Case Nos. 15CW3029, C.A. 20716) **CITY OF LONGMONT** c/o Public Works and Natural Resources Department, 1100 South Sherman Street Longmont, CO 80501 (303) 651-8376 Water@longmontcolorado.gov c/o David S. Hayes, Esq. Hayes Poznanovic Korver, LLC 1999 Broadway, Suite 3200 Denver, CO 80202 (303) 825-1980. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN BOULDER COUNTY.** 2. Name of structure: Button Rock Reservoir, Second Enlargement (the "Conditional Water Right"). 3. Description of Conditional Water Right: a. Original Decree: Judgment and decree entered by the District Court in and for Boulder County, State of Colorado, on February 25, 1971, in Civil Action No. 20716. b. Subsequent decrees awarding findings of diligence: The District Court in and for Water Division No. 1 entered findings of reasonable diligence in Case Nos. 15CW3029 on August 27, 2015; 08CW252 on March 30, 2009; 02CW07 on November 13, 2002; 95CW75 on January 8, 1996; 88CW27 on April 28, 1989; 84CW42 on August 29, 1986; W-2871-79 on March 20, 1980; and W-2871 on September 29, 1975. c. Legal description: The stream bed of North St. Vrain Creek in Sections 17, 18, 19 and 20, Township 3 North, Range 71 West, of the 6th P.M., and in Sections 13 and 24, Township 3 North, Range 72 West, of the 6th P.M., all in Boulder County, Colorado, the initial point of survey of the high water line is located in Section 20 at a point whence the N1/4 corner of Section 20, Township 3 North, Range 71 West, of the 6th P.M. bears N. 2° 56' 35" W. a distance of 1772.34 feet, as depicted on Exhibit A, available for inspection at the office of the Division 1 Water Clerk or via Colorado Courts E-filing. d. Source: North St. Vrain Creek, a tributary of St. Vrain Creek. e. Appropriation date: May 27, 1964. f. Amount: 32,551.1 acre-feet, conditional for storage. g. Use: Municipal, domestic, agricultural, industrial and power purposes, including domestic use, fire protection, street sprinkling, watering of parks, lawns and grounds, mechanical uses, storage reserve exchanges, and any other municipal purposes. 4. Evidence of reasonable diligence: The conditional water storage right decreed in Civil Action No. 20716 for a further enlargement of Button Rock Reservoir (a/k/a Ralph Price Reservoir) is critical to the City of Longmont's water supply system. Longmont is developing its water system in accordance with a long-term program for the phased construction of additional storage and the use of water rights as needed to meet the expanding residential, commercial and industrial water demands of Longmont. During the subject Diligence Period (August 2015 to the present), Longmont has spent considerable time and money in the development of its integrated water system, and large expenditures of money will be required in the future to continue this development. Longmont's efforts to develop its water system and expand Button Rock Reservoir during the Diligence Period support a finding of reasonable diligence for the conditional water storage right which is the subject of this application. These efforts include, but are not limited to, work detailed in the affidavit of

Wesley J. Lowrie, Water Resources Analyst for Longmont, attached to the Application as Exhibit B, and available for inspection at the office of the Division 1 Water Clerk or via Colorado Courts E-filing. The list is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter. 5. Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: The land upon which the claimed structures will be located is owned by the City of Longmont. WHEREFORE, the City of Longmont respectfully request that this Court enter a decree finding reasonable diligence for and continuing in full force and effect the Conditional Water Right described above.

21CW3138 TOWN OF FREDERICK, P.O. Box 435, 401 Locust Street, Frederick, CO 80530 (c/o Jennifer M. DiLalla, Joshua B. Boissevain, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Blvd., Suite 300, Boulder, Colorado 80302 (303) 443-8782) **APPLICATION FOR CHANGE OF WATER RIGHTS IN BOULDER AND WELD COUNTIES**

1. Name, address, and telephone number of Applicant: Town of Frederick, c/o Kevin Ash, Engineering Director, P.O. Box 435, 401 Locust Street, Frederick, CO 80530

2. Overview of application: Frederick, a statutory town in Weld County, owns 36.8234 shares of preferred stock and 43.7174 shares of common stock in the New Consolidated Lower Boulder Reservoir and Ditch Company (“LBDC”). The purpose of this Application is to change the type and place of use of the water rights associated with 30.8234 of Frederick’s LBDC preferred shares (“Subject Preferred Shares”) and 40.7174 of Frederick’s LBDC common shares (“Subject Common Shares”), so that in addition to their currently decreed irrigation use, those water rights may be used directly, after storage, and by exchange for all municipal purposes within the Town’s service area. The water rights attributable to the Subject Preferred Shares and the Subject Common Shares are referred to collectively as the “Subject Water Rights.” This Application and the Town’s quantification of the historical consumptive use attributable to the Subject Water Rights incorporates the ditchwide analysis and associated terms and conditions upon which the Court relied in the decree entered in the City of Lafayette’s Case No. 90CW108, and in subsequent decrees entered in Case Nos. 94CW284, 97CW195, and 16CW3069. All UTM coordinates given in this Application are NAD 83, Zone 13.

3. Water rights to be changed: The Subject Water Rights are a pro-rata portion of those water rights decreed to the Lower Boulder Ditch, as described in paragraphs 3.1 through 3.6 below. The Town’s ownership of the Subject Preferred Shares and Subject Common Shares (together, the “LBDC Shares”) is evidenced by the share certificates identified on **Exhibit A**, which certificates represent a pro-rata interest in the water rights, ditches, canals, and other facilities for the delivery and use of water and all other assets of the LBDC.

3.1 Name of structure: Lower Boulder Ditch (WDID 0600538).

3.2 Original decree: June 2, 1882, Civil Action No. 1282 in the District Court for Boulder County (“CA 1282”).

3.3 Legal description: The decreed point of diversion is in the SW1/4 of Section 16, T1N, R69W of the 6th P.M. The ditch diverts water from Boulder Creek in the SW1/4 SW1/4, Section 16, T1N, R69W, 6th P.M., Boulder County, Colorado, as shown on **Exhibit B**. (UTM: 488995.0 East, 4432965.0 North.)

3.4 Source: Boulder Creek, tributary to the South Platte River.

3.5 Amounts and appropriation dates: 3.5.1 25 cubic feet per second (“cfs”) absolute with an appropriation date of October 1, 1859 (“1859 Priority”). 3.5.2 97 cfs absolute with an appropriation date of June 1, 1870 (“1870 Priority”).

3.6 Use: Irrigation.

3.7 Amount to be changed: 3.7.1 The Subject Preferred Shares amount to 15.41% of the 199.9767 shares outstanding of the preferred stock of the LBDC, and the Subject Common Shares amount to 20.59% of the 197.7793 shares outstanding of the common stock of the LBDC. 3.7.2 Under the LBDC Bylaws, all of the 1859 Priority and the first 23 cfs of the 1870 Priority are delivered to preferred shares; the next 48 cfs of the 1870 Priority is delivered to common shares; and the remaining 26 cfs of the 1870 Priority is split equally between preferred shares and common shares. Frederick therefore seeks to change the following pro-rata share of the Lower Boulder Ditch water rights: 3.7.2.1 1859 Priority: 3.853 cfs. 3.7.2.2 1870 Priority: 3.545 of the first 23 cfs; 9.882 of the next 48 cfs; and 4.680 of the last 26 cfs.

4. Detailed description of proposed change: Frederick will quantify the historical consumptive use of the Subject Water Rights and will determine the amount, timing, and location of return flows resulting from the historical use of those water rights.

4.1 Change in type, place, and manner of use: Frederick seeks to change the Subject Water Rights such that in addition to their currently decreed irrigation use, they may be used for all municipal purposes within the Town’s service area, as it exists now and as it may be altered in the

future, with such use made directly, after storage, or by exchange. The claimed municipal purposes include, without limitation, irrigation of parks, open space, common areas within developments, and Town-owned or Town-operated properties, including without limitation re-irrigation of previously dried-up land; augmentation within any future-decreed Town augmentation plan; replacement of historical return flows attributable to the changed water rights or to Town-owned water rights that are the subject of future change cases; delivery into the Town's municipal system for domestic and other uses; industrial, mechanical, and commercial uses; environmental mitigation, including without limitation wetlands preservation; stock-watering; fire protection; street sprinkling; and piscatorial, fish and wildlife preservation and propagation, and recreation uses. The Town also claims use of the changed water rights outside of the Town's service area, but only as follows: in any area in which the Town has return flow replacement obligations or augmentation obligations; on property owned or managed by the Town; on property to which the Town is obligated to deliver water under water supply contracts; and on property supplied by means of metered Town water taps. The boundaries of the Town's current service area are shown on the map attached as **Exhibit C**.

4.2 Places of storage: Water attributable to the LBDC Shares will be stored in the structures described in this paragraph 4.2, and in any reservoir in which the Town acquires storage capacity in the future and to which the Town may deliver water off of the Lower Boulder Ditch.

4.2.1 Milavec Reservoir (a/k/a Lower Boulder Extension Reservoir) (WDID 0604182), located in the NE1/4 SE1/4, Section 24, T2N, R68W of the 6th P.M. in Weld County, as shown on **Exhibit C**. (UTM: 504573.0 East, 4441308.0 North.)

4.2.2 Finley No. 1 Irrigation Pond (WDID 0504100), located in the SE1/4 NE1/4, Section 24, T2N, R68W of the 6th P.M. in Weld County, as shown on **Exhibit C**. (UTM: 504731.1 East, 4441926.5 North.)

4.2.3 Finley No. 2 Irrigation Pond (WDID 0504101), located in the NE1/4 NE1/4, Section 24, T2N, R68W of the 6th P.M. in Weld County, as shown on **Exhibit C**. (UTM: 504582.2 East, 4442205.0 North.)

4.2.4 Centennial Irrigation Pond (WDID 0504102), located in the NE1/4 SW1/4, Section 31, T2N, R67W of the 6th P.M. in Weld County, as shown on **Exhibit C**. (UTM: 505333.0 East, 4438233.0 North.)

4.2.5 Bulrush Wetlands are located in the E1/2 SE1/4, Section 32, T2N; and the N1/2 NE1/4, Section 5, T1N; all in R68W of the 6th P.M. in Weld County, as shown on **Exhibit C**.

4.2.6 In accordance with § 37-87-101(3)(a), C.R.S., any pond or reservoir located on the Lower Boulder Ditch system and available for the Town's use.

4.3 Use, reuse, and successive use to extinction: Provided that the Town replaces historical return flows in accordance with the decree to be entered in this case, the Town will use, reuse, and successively use to extinction the fully consumable portion of the changed water rights, and may dispose of such water by sale or otherwise. No reuse plan, quantification of reusable return flows, augmentation plan, or appropriative right of exchange is sought in the Application; instead, the Town will file a separate application or multiple applications in the future for approval of any claimed reuse or augmentation plan or confirmation of any claimed exchanges.

4.4 No change in point of diversion: Frederick does not seek any change in the point of diversion for Subject Water Rights.

5. Historical use: The LBDC Shares were used historically for irrigation of approximately 1,811 acres in Sections 5 and 6, T1N, R68W; Sections 12, 13, 14, 23, 26, 27, 28, and 32, T2N, R68W; and Section 12, T1N, R69W; all of the 6th P.M., in Boulder and Weld counties ("Historically Irrigated Lands"). In accordance with § 37-92-302(2)(a), C.R.S., **Exhibit B** shows the approximate locations of the Historically Irrigated Lands, and **Exhibit D** summarizes records of actual diversions of each water right described in paragraphs 3.1 through 3.6 above, to the extent such records exist.

5.1 Prior ditchwide analysis: Based on the City of Lafayette's ditchwide analysis, the Court in Case No. 90CW108 found that the Lower Boulder Ditch system is water-short, with historical consumptive use limited by the available water supply and controlled by an overall irrigation efficiency of 57.5%. Frederick will rely on the 90CW108 ditchwide analysis in quantifying the transferable yield of the Subject Water Rights.

5.2 No changed circumstances: There have been no changed circumstances on the Lower Boulder Ditch System that would warrant reconsideration of the Court's findings in the 90CW108 decree with respect to Lafayette's ditchwide analysis.

5.3 Transferable yield: A summary of diversions, historical consumptive use, and historical return flows attributable to the Subject Water Rights is shown in **Exhibit E**.

5.3.1 The average annual diversions attributable to the Subject Preferred Shares were 1,441.71 acre-feet, with resulting historical consumptive use of 828.98 acre feet per year ("afy").

5.3.2 The average annual diversions attributable to the Subject Common Shares were 383.21 acre-feet, with resulting historical consumptive use of 220.35 afy.

5.3.3 Consistent with the Court's findings

in Case No. 90CW108, Frederick’s technical consultants estimated that the distribution of return flows from historical use of the LBDC Shares was 35% surface runoff, which returned to the stream within the month of irrigation application; and 65% deep percolation, the timing of which Frederick’s technical consultants will determine using AWAS parameters and the Glover method. 5.3.4 Return flows from historical use of the LBDC Shares averaged 629.60 afy. 6. Replacement of historical return flows: Frederick will replace to the Boulder Creek and St. Vrain Creek systems, in the amounts and at the times and locations necessary to prevent injury to other water rights, the historical return flows associated with the LBDC Shares. Frederick will replace the historical return flows with water available to the LBDC Shares or with any other fully consumable water legally available to Frederick for that purpose. 7. Terms and conditions: 7.1 Point of diversion: Water available to the LBDC Shares will continue to be diverted at the headgate of the Lower Boulder Ditch as described in Paragraph 3.3 above. 7.2 Places of delivery: From the Lower Boulder Ditch, Frederick will take delivery of water available to the LBDC Shares at one or more of the locations described below: 7.2.1 Layton (a/k/a Leyton) Lateral: The Layton Lateral diverts from the Lower Boulder Ditch at a point in the NW1/4 of Section 25, T2N, R68W of the 6th P.M., Weld County. The inlet canal for Milavec Reservoir diverts from the Layton Lateral at a point known as the “reservoir headgate” in the NE1/4 SW1/4, Section 24, T2N, R68W of the 6th P.M. in Weld County, at a point from which the Southwest Corner of said Section bears South 52° West 2,400 feet, more or less, as shown on **Exhibit C**. 7.2.2 Nelson farm headgates: These farm headgates divert from the Lower Boulder Ditch at a point in the SW1/4 NW1/4, the NW1/4 SW1/4, the SE1/4 SW1/4, and the NE1/4 SE1/4, Section 35, T2N, R68W, as shown on **Exhibit C**. 7.2.3 Mendoza farm headgates: These farm headgates divert from the Lower Boulder Ditch at a point in the SW1/4 SE1/4, the NW1/4 SE1/4, and the SE1/4 NE1/4, Section 28, T2N, R68W of the 6th P.M., as shown on **Exhibit C**. 7.2.4 Wyndham Hill: This headgate will divert from the Lower Boulder Ditch at a point in the NE1/4 NE1/4, Section 34, T2N, R68W of the 6th P.M., as shown on **Exhibit C**. 7.2.5 Godding Hollow turnout: Located at a point where the Lower Boulder Ditch intersects Godding Hollow in the NE1/4 NE1/4, Section 2, T1N, R68W of the 6th P.M., as shown on **Exhibit C**. (UTM: 503039.4 East, 4437230.8 North.) 7.2.6 Future lateral headgates: Subject to LBDC approval, the Town may develop additional lateral headgates on the Lower Boulder Ditch in the future. 7.3 TCA assessment: Water available to the LBDC Shares will be subject to an assessment of transit loss in the Lower Boulder Ditch as determined by the ditch rider, who will apply the same loss percentage to all shares. The LBDC Shares may also be subject to a reservation of water by the LBDC to fulfill demands of holders of the “Leyner” and “Briggs” contracts. The transit loss assessment and the contract reservation are referred to collectively as a “TCA assessment.” 7.4 Diversion season: The diversion season for the LBDC Shares will be the same as the diversion season for all LBDC shareholders. 7.5 LBDC approval: As required by the LBDC Bylaws, Frederick applied to the LBDC Board of Directors (“LBDC Board”) for approval of the Town’s proposed changes of use of the Subject Water Rights. The LBDC Board issued its approval on July 30, 2021 (“LBDC Approval”), approving the proposed changes of use and authorizing Frederick’s filing of this Application on the terms and conditions given in that approval. 7.6 Augmentation stations: The map attached as **Exhibit C** shows the locations of the existing augmentation stations, at the Godding Hollow turnout, that Frederick will use to measure water delivered to the LBDC Shares for return to the stream system. Frederick may develop other augmentation stations for that purpose and seeks the court’s approval to add such new augmentation stations under the decree to be entered in this case. 8. Names and addresses of owners or reputed owners of 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: 8.1 There will be no new diversion or storage structure constructed and no existing diversion or storage structure modified under this Application. 8.2 The Town owns the land on which the storage structures described in paragraph 4.2 above are located. 9. The Town anticipates that the change of water rights described in this Application will represent a “significant water development activity” as defined in § 37-92-103(10.7), C.R.S. In accordance with § 37-92-302(3.5), C.R.S., the Town therefore will give notice of the contents of this application to the following entities: 9.1 Boulder County Board of County Commissioners, PO Box 471, Boulder, CO 80306. 9.2 Weld County Board of County Commissioners, 1150 O Street, PO Box 758, Greeley, CO 80631. 9.3 St. Vrain Valley School District No. RE 1J, 395 S. Pratt Parkway, Longmont, CO

80501. 9.4 Northern Colorado Water Conservancy District, 220 Water Avenue, Berthoud, CO 80513. 9.5 Ms. Angie Swanson, Secretary, New Consolidated Lower Boulder Reservoir and Ditch Company, PO Box 119, Longmont, CO 80502-0119. 9.6 Town of Firestone Board of Trustees, 151 Grant Avenue, P.O. Box 100, Firestone, CO 80520. 9.7 Town of Erie Board of Trustees, 645 Holbrook Street, P.O. Box 750, Erie, CO 80516. WHEREFORE, the Town of Frederick respectfully requests that the Court enter a decree approving this Application for Change of Water Rights and granting all such other and further relief, whether legal or equitable, as the Court may determine necessary or desirable. (9 pages with 5 exhibits)

21CW3139 APPLICATION FOR ADJUDICATION OF EXEMPT WELL OF WILLIAM “LANSE” L. JUDSON JR., AND MOLLY L. JUDSON, IN THE SOUTH PLATTE RIVER OR ITS TRIBUTARIES, IN TELLER COUNTY. I. Name, Address, and Phone Number of Applicant. William “Lanse” L. Judson, Jr., and Molly L. Judson, 103 Spruce Glen Road, Divide, Colorado 80814, (719) 651-2645. **Name, Address, and Phone Number of Attorneys for Applicant:** David M. Shohet, #36675, Emilie B. Polley, #51296, Monson, Cummins & Shohet, LLC, 13511 Northgate Estates Drive, Suite 250 Colorado Springs, Colorado 80903, Phone Number: (719) 471-1212. **II. Summary of Application.** The Applicants desire to adjudicate the groundwater supply related to their household use only well. **III. Application for Groundwater Rights.** A. **Property Description:** The Applicants are the owners of a property located in the SE1/4 SE1/4 of Section 26, Township 12 South, Range 70 West of the 6th P.M., in Teller County, Colorado, known as Lot 13 of the Aspen Village Subdivision, also known as 103 Spruce Glen Road, Divide, Colorado 80814, containing approximately 5.96 acres, more or less (“Applicants’ Property”). B. **Name of Structure:** Judson Well. 1. **Legal Description of Well:** The Judson Well is located in Teller County, Colorado, on the Applicants’ Property in the SE 1/4 SE 1/4 of Section 26, Township 12 South, Range 70 West of the 6th P.M., UTM coordinates: NAD83, Zone 13, 484266.7 Easting, 4313937.4 Northing. The Judson Well is permitted pursuant to Division of Water Resources Permit No. 27483-F, and is augmented under Case Nos. W-7784 & 8625, District Court, Water Division 1. The Judson Well is identified as Well No. W-93 in Case No. W-8625. 2. **Source:** Groundwater tributary to the South Platte River. 3. **Appropriation:** i. **Date of Initiation of Appropriation:** May 14, 1984. ii. **How Appropriation was Initiated:** Filing of Well Permit No. 27483-F with the Colorado Division of Water Resources. iii. **Date Water Applied to Beneficial Use:** December 11, 1985. 4. **Amount Claimed:** 1 acre-foot, absolute, at 5 g.p.m. 5. **Uses:** Household purposes inside a single-family dwelling. C. **Land Ownership:** The Judson Well is located on, and will be used upon, land owned by the Applicants. D. **Remarks:** The Judson Well is augmented under Case Nos. W-7784 & 8625, District Court, Water Division 1. It is the Applicants’ intent to continue to have all out of priority depletions associated with the Judson Well augmented under Case Nos. W-7784 & 8625.

21CW3140 (14CW3100) 1. Applicants: Judith A. Paul, Steven Bell, and Louis S. Harrison, and their successors as co-trustees of the Marital Trust Created under Article 4 of the Terrance Paul Revocable Trust, dated June 16, 2005, and Judith A. Paul and her successors as trustee of The Judith Paul Revocable Trust, dated June 15, 2005, 3787 Spring Valley Road Boulder, Colorado 80304 c/o David S. Hayes, Esq., Hayes Poznanovic Korver, LLC, 1999 Broadway, Suite 3200, Denver, CO 80202, (303) 825-1980 dhayes@HPKWaterLaw.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN BOULDER COUNTY.** 2. **Name of structure:** Paul Gallery Well (Permit No. 79279-F). 3. **Description of Conditional Water Right:** a. **Original Decree:** Judgment and decree entered by the District Court, Water Division No. 1, State of Colorado, on August 14, 2015, in Case No. 2014CW3100. b. **Subsequent decrees awarding findings of diligence:** N/A. c. **Legal description:** NE1/4 NW1/4 of Sec. 24, T1N, R71W, 6th P.M., Boulder County, Colorado, approximately 82 feet from the north section line and 1,559 feet from the west section line, alternately known as 3787 Spring Valley Road, Boulder, Colorado 80304, as depicted on the General Location Map attached to the Application as Exhibit A, and is available for inspection at the office of the Division 1 Water Clerk or via Colorado Courts E-filing. d. **Source:** i. Two Mile Creek (a/k/a Two Mile Canon Creek) Alluvial Aquifer. ii. Depth of well: 18 feet. e. **Appropriation date:** March 14, 2014. f. **Amount:** 25 gallons per minute (g.p.m.), conditional. g. **Use:** Irrigation of up to 2.53 acres, located at 3787 Spring Valley Road, Boulder, Colorado 80304 (a/k/a Lot 22, Spring Valley Estates). h.

Other: The Paul Gallery Well is one of the augmented structures pursuant to the plan for augmentation approved in Case No. 14CW3100. 4. Evidence of reasonable diligence: The application contains a list of activities undertaken during the subject Diligence Period (August 2015 to the present), and is available for inspection at the office of the Division 1 Water Clerk or via Colorado Courts E-filing. The list is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter. 5. Claim to make absolute: On July 15, 2021, and other dates, the Paul Gallery Well was pumped at a rate of 25 g.p.m. for irrigation use on Lot 22, Spring Valley Estates. Exhibit B, presents the Pump Installation and Test Report for the Paul Gallery Well, Permit No. 79279-F, that documents a 25 g.p.m. pump capacity. Exhibit C presents a screen shot of the Paul Gallery Well control panel on July 15, 2021 further documenting a 25 g.p.m. diversion rate. Exhibits B and C are available for inspection at the office of the Division 1 Water Clerk or via Colorado Courts E-filing. 6. Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Applicants. WHEREFORE, Applicant respectfully request that this Court enter a decree finding making the conditional right for the Paul Gallery Well fully absolute for irrigation use, or, in the alternative, finding reasonable diligence for and continuing in full force and effect the conditional right for the Paul Gallery Well.

21CW3141 (12CW88) – MESA TRAIL RANCH LLC – APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN BOULDER COUNTY 1. Name, Address, Phone Number, and E-Mail Address of Applicant. Mesa Trail Ranch LLC, c/o Brian Boone, 4113 Eldorado Springs Drive, Boulder, CO 80305. Phone: (303) 499-2226. E-mail: brian.boone@comcast.net. Copies of all pleadings to: Richard A. Johnson, David F. Bower, Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, CO 80027. 2. Name and Description of Conditional Water Right. (a) Name of Structure. Mesa Trail Ranch Pond. (b) Original and Subsequent Decrees. The Mesa Trail Ranch Pond was originally decreed in Case No. 12CW88, Water Division 1, dated August 26, 2015. (c) Legal Description of Structure. NW1/4 of the NW1/4 of Section 29, Township 1 South, Range 70 West of the 6th P.M., at a point approximately 645 feet from the north section line and 456 feet from the west section line of said Section 29. (d) Source. South Boulder Creek, tributary to Boulder Creek, tributary to the St. Vrain River, tributary to the South Platte River. (e) Points and Rate of Diversion. The Mesa Trail Ranch Pond may fill from two alternate points of diversion at a cumulative rate of 1 cfs, conditional, as described below: (i) The north bank of South Boulder Creek in the NW1/4 of the NW1/4 of Section 29, Township 1 South, Range 70 West of the 6th P.M., at a point 1,121 feet from the north section line and 229 feet from the west section line of said Section 29. (ii) The north bank of South Boulder Creek in the NW1/4 of the NW1/4 of Section 29, Township 1 South, Range 70 West of the 6th P.M., at a point 1,130 feet from the north section line and 196 feet from the west section line of said Section 29. (f) Amount. 2.0 acre-feet, conditional, with the right to fill and refill. (g) Uses. Irrigation, stock watering, recreation, piscatorial, wildlife habitat, fire protection and replacement of historical irrigation return flows. (h) Appropriation Date. September 16, 2011. 3. Claim for Finding of Reasonable Diligence. Applicant seeks to continue as conditional the water right decreed to the Mesa Trail Ranch Pond as described above. During the subject diligence period, the following activities were performed proving Applicant's intention to put the subject water right to beneficial use and the actions taken by Applicant to do so: (a) SPR Application with Boulder County. In January 2015, Applicant submitted its site plan review application to the Boulder County Land Use Department for the land use approvals necessary to construct the Mesa Trail Ranch Pond. The application process was extremely time consuming and required Applicant to work through numerous wildlife and habitat-related issues. After over six years of work, on April 29, 2021, Applicant finally received a positive Director's Determination to move forward with the project. A full history of the permitting process and the efforts made by Applicant to obtain approval to build the Mesa Trail Ranch Pond during this time period is available in the files of the Boulder County Community Planning & Permitting Department at Docket SPR-15-0012. (b) Installation of Augmentation Station. While working through the land use issues with Boulder County, Applicant also expended time and resources so that it could use the 0.25 Green Ditch share changed in Case No. 12CW88 for storage in the Mesa Trail Ranch Pond. As part of that change case, an

augmentation station needed to be installed at the headgate of the Green Ditch. Design on the station began in 2016, with final plans being approved in 2017 and the station finally being constructed in the spring of 2018. This also involved installing measuring equipment, including a Sutron Pressure Transducer, cellular modem, and power supply. Applicant contributed to its portion of the costs for that augmentation station and assigned all its interest to the Green Ditch Company by Bill of Sale dated April 27, 2018. Applicant's total cost for the augmentation station was \$3,970.33. (c) Amendment to Corrective Dry-Up Covenant. In 2019, Applicant worked with the City of Boulder to amend the dry-up covenant on the Ertl Farm for the 0.25 Green Ditch share that will be stored in the Mesa Trail Ranch Pond in conjunction with the subject conditional storage right. The revised dry-up area was approved by the Division Engineer's Office on April 22, 2019, and the revised dry-up covenant was recorded in the Boulder County real property records on September 9, 2019, at Reception No. 3735142. (d) General Legal and Engineering Costs. Applicant has also incurred general legal and engineering costs during the subject diligence period in performing water rights related work, including monitoring and evaluating other water rights cases on South Boulder Creek in order to protect the Mesa Trail Ranch Pond against injury. 4. Name of Landowner upon which any New or Modified Diversion Structure is Located. The Mesa Trail Ranch Pond is on land owned by Applicant. (3 pages plus exhibit)

21CW3142 TOWN OF CASTLE ROCK, Attn: Mark Marlowe, Director of Castle Rock Water, 175 Kellogg Court, Castle Rock, CO 80109, (720) 733-6002, mmarlowe@crgov.com. Serve all pleadings on: Madoline Wallace-Gross, Anthony Basile, Lyons Gaddis, P.O. Box 978, Longmont, CO 80502-0978, mwg@lyongaddis.com; abasile@lyongaddis.com. (303) 776-9900. **APPLICATION FOR CHANGES OF CONDITIONAL WATER RIGHTS AND CONDITIONAL RIGHTS OF APPROPRIATIVE EXCHANGE IN DOUGLAS AND JEFFERSON COUNTIES. 2. Purpose of Application.** Applicant owns the water rights adjudicated in Case No. 85CW480, Water Division 1, to Well Nos. AL-1 through AL-20, aka Castle Rock Wells No. 184 to 203, for withdrawal from the East Plum Creek alluvium ("Water Rights"). Applicant seeks an alternate point of diversion, alternate places of storage and a change of place of use of the remaining conditional amounts of the Water Rights (the "Conditional Water Rights") as listed as Amount Conditional in ¶¶ 3.A.i. through 3.A.xx. below. Applicant seeks conditional appropriative rights of exchange to facilitate movement of the Conditional Water Rights for first use in Applicant's system. A map showing the decreed locations of the Conditional Water Rights is attached as **Exhibit A**. A map showing the locations of all the relevant structures is attached as **Exhibit B**. A map showing the exchange reaches is attached as **Exhibit C**. **3. Water Rights Decreed in Case No. 85CW480 for which Changes are Sought.** A. **Names of Structures, Legal Descriptions, Decreed Pumping Rates, and Amounts Conditional and Absolute.** i. Well No. AL-1 (aka Castle Rock Well No. 184), located in SE 1/4 NE 1/4 Section 28, T. 7 S., R. 67 W., 6th P.M., Douglas County, 2,150 feet from the north section line and 200 feet from the east section line. 1. Estimated Depth: 120 feet. 2. Pumping Rate: 250 gpm. 3. Amount Conditional: 112 gpm. 4. Amount Absolute: 138 gpm. ii. Well No. AL-2 (aka Castle Rock Well No. 185), located in SW 1/4 NW 1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1,700 feet from the north section line and 20 feet from the west section line. 1. Estimated Depth: 200 feet. 2. Pumping Rate: 250 gpm. 3. Amount Conditional: 169 gpm. 4. Amount Absolute: 81 gpm. iii. Well No. AL-3 (aka Castle Rock Well No. 186), located in SW 1/4 NW 1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1,325 feet from the north section line and 350 feet from the west section line. 1. Estimated Depth: 150 feet. 2. Pumping Rate: 250 gpm. 3. Amount Conditional: 250 gpm. 4. Amount Absolute: 0 gpm. iv. Well No. AL-4 (aka Castle Rock Well No. 187), located in NE 1/4 NE 1/4 Section 28, T. 7 S., R. 67 W., 6th P.M., Douglas County, 750 feet from the north section line and 600 feet from the east section line. 1. Estimated Depth: 150 feet. 2. Pumping Rate: 250 gpm. 3. Amount Conditional: 250 gpm. 4. Amount Absolute: 0 gpm. v. Well No. AL-5 (aka Castle Rock Well No. 188), located in NE 1/4 NE 1/4 Section 28, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1,200 feet from the north section line and 800 feet from the east section line. 1. Estimated Depth: 220 feet. 2. Pumping Rate: 250 gpm. 3. Amount Conditional: 250 gpm. 4. Amount Absolute: 0 gpm. vi. Well No. AL-6 (aka Castle Rock Well No. 189), located in SE 1/4 NE 1/4 Section 28, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1,650 feet from the

north section line and 1,050 feet from the east section line. 1. Estimated Depth: 180 feet. 2. Pumping Rate: 250 gpm. 3. Amount Conditional: 250 gpm. 4. Amount Absolute: 0 gpm. vii. Well No. AL-7 (aka Castle Rock Well No. 190), located in SW 1/4 NW 1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 2,025 feet from the north section line and 1,075 feet from the west section line. 1. Estimated Depth: 180 feet. 2. Pumping Rate: 250 gpm. 3. Amount Conditional: 250 gpm. 4. Amount Absolute: 0 gpm. viii. Well No. AL-8 (aka Castle Rock Well No. 191), located in SW 1/4 NW 1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 2,400 feet from the north section line and 750 feet from the west section line. 1. Estimated Depth: 220 feet. 2. Pumping Rate: 250 gpm. 3. Amount Conditional: 178 gpm. 4. Amount Absolute: 72 gpm. ix. Well No. AL-9 (aka Castle Rock Well No. 192), located in NW 1/4 SW 1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 2,550 feet from the south section line and 375 feet from the west section line. 1. Estimated Depth: 140 feet. 2. Pumping Rate: 250 gpm. 3. Amount Conditional: 129 gpm. 4. Amount Absolute: 121 gpm. x. Well No. AL-10 (aka Castle Rock Well No. 193), located in NW 1/4 SW 1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 2,150 feet from the south section line and 1,300 feet from the west section line. 1. Estimated Depth: 160 feet. 2. Pumping Rate: 250 gpm. 3. Amount Conditional: 250 gpm. 4. Amount Absolute: 0 gpm. xi. Well No. AL-11 (aka Castle Rock Well No. 194), located in NW 1/4 SW 1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1,875 feet from the south section line and 900 feet from the west section line. 1. Estimated Depth: 150 feet. 2. Pumping Rate: 250 gpm. 3. Amount Conditional: 250 gpm. 4. Amount Absolute: 0 gpm. xii. Well No. AL-12 (aka Castle Rock Well No. 195), located in NE 1/4 SW 1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1,700 feet from the south section line and 2,400 feet from the west section line. 1. Estimated Depth: 200 feet. 2. Pumping Rate: 250 gpm. 3. Amount Conditional: 250 gpm. 4. Amount Absolute: 0 gpm. xiii. Well No. AL-13 (aka Castle Rock Well No. 196), located in NE 1/4 SW 1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1,400 feet from the south section line and 1,950 feet from the west section line. 1. Estimated Depth: 220 feet. 2. Pumping Rate: 250 gpm. 3. Amount Conditional: 250 gpm. 4. Amount Absolute: 0 gpm. xiv. Well No. AL-14 (aka Castle Rock Well No. 197), located in SE 1/4 SW 1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1,150 feet from the south section line and 1,550 feet from the west section line. 1. Estimated Depth: 160 feet. 2. Pumping Rate: 250 gpm. 3. Amount Conditional: 250 gpm. 4. Amount Absolute: 0 gpm. xv. Well No. AL-15 (aka Castle Rock Well No. 198), located in SW 1/4 SE 1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 750 feet from the south section line and 2,400 feet from the east section line. 1. Estimated Depth: 200 feet. 2. Pumping Rate: 250 gpm. 3. Amount Conditional: 250 gpm. 4. Amount Absolute: 0 gpm. xvi. Well No. AL-16 (aka Castle Rock Well No. 199), located in SE 1/4 SW 1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 500 feet from the south section line and 2,425 feet from the west section line. 1. Estimated Depth: 180 feet. 2. Pumping Rate: 250 gpm. 3. Amount Conditional: 211 gpm. 4. Amount Absolute: 39 gpm. xvii. Well No. AL-17 (aka Castle Rock Well No. 200), located in NW 1/4 NE 1/4 Section 34, T. 7 S., R. 67 W., 6th P.M., Douglas County, 25 feet from the north section line and 1,800 feet from the east section line. 1. Estimated Depth: 220 feet. 2. Pumping Rate: 250 gpm. 3. Amount Conditional: 250 gpm. 4. Amount Absolute: 0 gpm. xviii. Well No. AL-18 (aka Castle Rock Well No. 201), located in NW 1/4 NE 1/4 Section 34, T. 7 S., R. 67 W., 6th P.M., Douglas County, 300 feet from the north section line and 2,250 feet from the east section line. 1. Estimated Depth: 200 feet. 2. Pumping Rate: 250 gpm. 3. Amount Conditional: 166 gpm. 4. Amount Absolute: 84 gpm. xix. Well No. AL-19 (aka Castle Rock Well No. 202), located in NW 1/4 NE 1/4 Section 34, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1,050 feet from the north section line and 1,500 feet from the east section line. 1. Estimated Depth: 200 feet. 2. Pumping Rate: 250 gpm. 3. Amount Conditional: 250 gpm. 4. Amount Absolute: 0 gpm. xx. Well No. AL-20 (aka Castle Rock Well No. 203), located in NW 1/4 NE 1/4 Section 34, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1,250 feet from the north section line and 1,950 feet from the east section line. 1. Estimated Depth: 160 feet. 2. Pumping Rate: 250 gpm. 3. Amount Conditional: 209 gpm. 4. Amount Absolute: 41 gpm. B. **Dates of Original and Subsequent Decrees for all Water Rights.** The Water Rights were originally confirmed by decree in Case

No. 85CW480, District Court, Water Division No. 1, entered on April 13, 1993. Subsequent diligence was confirmed by decrees in Case No. 03CW349 entered on October 24, 2006, Case No. 12CW232 entered on April 2, 2013, and Case No. 19CW3078 entered on September 25, 2019. C. **Decreed Source of Water for all Water Rights.** Alluvium of East Plum Creek. D. **Appropriation Date for all Water Rights.** November 14, 1985. E. **Uses for all Water Rights:** Municipal, domestic, industrial, agriculture, commercial, irrigation, stock watering, recreation, fish and wildlife, fire protection, and other beneficial uses in connection with the Castle Meadows Development, including storage, substitution and exchange, replacement of depletions, and for all other augmentation purposes. F. **Amounts Applicant Intends to Change.** The Conditional Water Rights listed in ¶¶ 3.A.i. through 3.A.xx. 4. **Proposed Alternate Points of Diversion and Storage.** In addition to the locations identified in ¶¶ 3.A.i. through 3.A.xx., Applicant proposes to divert the Conditional Water Rights at the Plum Creek Diversion for direct use and for storage in Castle Rock Reservoir Nos. 1 and 2, Plum Creek Reservoir and Rueter-Hess Reservoir. Applicant also proposes to divert the Conditional Water Rights at the Plum Creek Diversion and discharge the Conditional Water Rights before beneficial use for subsequent storage at Chatfield Reservoir. A. **Plum Creek Diversion:** SE 1/4 of Section 15, Township 7 South, Range 68 West of the 6th P.M., Douglas County, Colorado, at a point 1,660 feet from the south section line and 725 feet from the east section line. The UTM coordinates are NAD83, Zone 13, Easting 501485, Northing 4365534. B. **Castle Rock Reservoir No. 1 Dam:** NE 1/4 of Section 15, Township 7 South, Range 68 West of the 6th P.M., Douglas County, Colorado, at a point 1,607 feet from the north section line and 2,340 feet from the east section line. The UTM coordinates are NAD 83, Zone 13, Easting 500994, Northing 4366168. Castle Rock Reservoir No. 1 is an existing off-channel and lined reservoir. i. **Filling structure:** Plum Creek Diversion, described in ¶ 4.A. ii. **Rate of Fill:** 40 cfs. iii. **Length of Dam:** 1,380 feet. iv. **Surface area at high water line:** 16.1 acres. v. **Active capacity:** 610 af. C. **Castle Rock Reservoir No. 2 Dam:** E 1/2 of Section 15, Township 7 South, Range 68 West of the 6th P.M., Douglas County, Colorado, at a point 1,830 feet from the north section line and 790 feet from the east section line. The UTM coordinates are NAD 83, Zone 13, Easting 501481, Northing 4366106. Castle Rock Reservoir No. 2 is a proposed off-channel and lined reservoir. i. **Source:** Plum Creek. ii. **Filling structure:** Plum Creek Diversion, described in ¶ 4.A. iii. **Rate of Fill:** 40 cfs. iv. **Length of Dam:** 4,970 feet. v. **Surface area at high water line:** 39.3 acres. vi. **Active capacity:** 1,130 af. D. **Chatfield Reservoir:** An existing on-channel reservoir formed by Chatfield Dam located on the mainstem of the South Platte River. The right abutment of the dam is located in Douglas County, in Sections 6 and 7 Township 6 South, Range 68 West of the 6th P.M. The left abutment of the dam is located in Jefferson County, in Section 1, Township 6 South, Range 69 West of the 6th P.M. E. **Plum Creek Reservoir:** Located in the N 1/2 SW 1/4, the SE 1/4, SW 1/4, and the W 1/2 W 1/2 SE 1/4, Section 20, Township 7 South, Range 67 West, 6th P.M., Douglas County, Colorado. Plum Creek Reservoir is a proposed off-channel reservoir. i. **Filling structures:** Plum Creek Diversion, described in ¶ 4.A. ii. **Proposed Rate of Fill:** 15 cfs. iii. **Proposed Length of Dam:** 6,000 feet iv. **Proposed surface area at high water line:** 50 acres. v. **Proposed active capacity:** 1700 af. F. **Rueter-Hess Reservoir:** In Section 36, the SE1/4 of Section 25 and the SE1/4 SE1/4 of Section 35, Township 6 South, Range 67 West; in Section 31 and the SW 1/4 of Section 30, Township 6 South, Range 66 West; in the N1/2, the SW1/4 and the NE1/4 SE1/4 of Section 1 and the E1/2 of Section 2, Township 7 South, Range 67 West; in the NW1/4 and NW1/4 NE1/4 of Section 6, Township 7 South, Range 66 West, all of the 6th P.M., Douglas County, Colorado. The axis of the dam intersects the thread of Newlin Gulch at a point in the SE1/4 SW1/4 of Section 30, Township 6 South, Range 66 West of the 6th P.M., which point is approximately 98 feet north of the south section line and 2,348 feet east of the west section line of said Section 30. Rueter-Hess Reservoir is an existing off-channel reservoir. i. **Filling structures:** Plum Creek Diversion, described in ¶ 4.A. ii. **Proposed Rate of Fill:** 15 cfs. iii. **Length of Dam:** 7,680 ft. iv. **Height of Dam:** 196 ft. v. **Surface area at high water line:** 1,180 acres. vi. **Active capacity:** 71,920 af. 5. **Proposed Change of Place of Use.** The Water Rights were decreed for use on 4,140 acres of land in Douglas County described in **Exhibit D** known as the Castle Meadows Development. Applicant seeks to

change the Conditional Water Rights for use within Applicant's service area boundaries, as such may change from time to time, and outside Applicant's service area boundaries by contract. A map of Applicant's current service area is attached as **Exhibit E. 6. Conditional Rights of Appropriative Exchange.** A. **Name of exchange:** TCR - Castle Meadows Exchange No. 1. i. Downstream Terminus: Outlet of Castle Rock Reservoir Nos. 1 and 2 to Plum Creek: Located in the SE 1/4 of Section 15, Township 7 South, Range 68 West of the 6th P.M., Douglas County, Colorado, at a point 1,725 feet from the south section line and 751 feet from the east section line. The UTM coordinates are NAD 83, Zone 13, Easting 501483, Northing 4365550. ii. Upstream Terminus: Castle Rock Surface Diversion No. 1: Located in the SE1/4 NW1/4 of Section 2, T. 8 S., R. 67 W., 6th P.M. 2205 feet from the north section line and 1630 feet from the west section line. The UTM coordinates are NAD 83, Zone 13, Easting: 511851, Northing: 4359533. iii. Sources: The Conditional Water Rights listed in ¶¶ 3.A.i. through 3.A.xx. iv. Date of Appropriation: August 25, 2021. v. How Appropriation was Formed: The appropriation was initiated by conducting engineering studies to support the appropriation of new water supplies by exchange, execution of a Director's Resolution and filing this application. vi. Date Water Applied to Beneficial Use: Not applicable. vii. Amount claimed: 15 cfs, conditional. viii. Use: See ¶ 3.E. ix. Operation: Prior to beneficial use of the Conditional Water Rights, Applicant will cause water attributable to the Conditional Water Rights to be released from the outlet of Castle Rock Reservoirs Nos. 1 and 2 to Plum Creek, where the water will be exchanged to Castle Rock Surface Diversion No. 1. B. **Name of exchange:** TCR - Castle Meadows Exchange No. 2. i. Downstream Terminus: Chatfield Reservoir, an existing on-channel reservoir formed by Chatfield Dam located on the mainstem of the South Platte River. The right abutment of the dam is located in Douglas County, in Sections 6 and 7, T. 6 S., R. 68 W. of the 6th P.M. The left abutment of the dam is located in Jefferson County, in Section 1, T. 6 S., R. 69 W. of the 6th P.M. ii. Upstream Termini: 1. Plum Creek Diversion: See ¶ 4.A. 2. Castle Rock Surface Diversion No. 1: See ¶ 6.A.ii. iii. Sources: The Conditional Water Rights listed in ¶¶ 3.A.i. through 3.A.xx. iv. Date of Appropriation: August 25, 2021. v. How Appropriation was Formed: The appropriation was initiated by conducting engineering studies to support the appropriation of new water supplies by exchange, execution of a Director's Resolution and filing this application. vi. Date Water Applied to Beneficial Use: Not applicable. vii. Amount claimed: 15 cfs, conditional. viii. Use: See ¶ 3.E. ix. Operation: Prior to beneficial use of the Conditional Water Rights, Applicant will cause water attributable to the Conditional Water Rights to be released from the outlet of Castle Rock Reservoirs Nos. 1 and 2 or Plum Creek Reservoir, to be carried in Plum Creek and to be stored in Applicant's account in Chatfield Reservoir. Applicant will then cause the water attributable to the Conditional Water Rights to be released from Chatfield Reservoir to the South Platte River or booked over to the calling water right at Chatfield Reservoir where it will be exchanged to either Plum Creek Diversion or Castle Rock Surface Diversion No. 1. C. **Name of exchange:** TCR - Castle Meadows Exchange No. 3. i. **Downstream Terminus:** Plum Creek Reservoir Outlet: Located in the NW1/4, SW1/4, Section 20, T. 7 S., R. 67 W., 6th P.M., 2,500 feet from the south section line, 500 feet from the west section line. ii. **Upstream Terminus:** Castle Rock Surface Diversion No. 1: See ¶ 6.A.ii. iii. **Sources:** The Conditional Water Rights listed in ¶¶ 3.A.i. through 3.A.xx. iv. Date of Appropriation: August 25, 2021. v. How Appropriation was Formed: The appropriation was initiated by conducting engineering studies to support the appropriation of new water supplies by exchange, execution of a Director's Resolution and filing this application. vi. **Date Water Applied to Beneficial Use:** Not applicable. vii. **Amount claimed:** 15 cfs, conditional. viii. **Use:** See ¶ 3.E. ix. **Operation:** Prior to beneficial use of the Conditional Water Rights, Applicant will cause water attributable to the Conditional Water Rights to be released from the outlet of Plum Creek Reservoir to East Plum Creek where it will be exchanged to Castle Rock Surface Diversion No. 1. **7. Owners of land upon which structures are or will be located.** 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. A. **Castle Rock Well Nos.**

184 through 203. Castle Rock Land Co. LLC, c/o Castle Rock Development Co., 3033 E. First Avenue, Suite 305, Denver, CO 80206. **B. Plum Creek Diversion, Castle Rock Reservoir Nos. 1 and 2 and Castle Rock Reservoir Nos. 1 and 2 Outlet.** Plum Creek Trust, 5105 DTC Parkway, Suite 450, Greenwood Village, CO 80111. **C. Plum Creek Reservoir.** Plum Creek Water Reclamation Authority, 4255 N. U.S. Highway 85, Castle Rock, CO 80108. **D. Castle Rock Surface Diversion No. 1.** Applicant. **E. Chatfield Reservoir.** U.S. Army Corps of Engineers, 9307 S. Wadsworth Blvd., Littleton, CO 80128. **F. Rueter-Hess Reservoir.** Parker Water & Sanitation District, 18100 Woodman Drive, Parker, CO 80134. WHEREFORE, Applicant respectfully requests the Court enter a decree approving the alternate point of diversion, the alternate places of storage, the change of place of use of the Conditional Water Rights, and the conditional appropriative rights of exchange described herein. **EXHIBIT LIST** A. Map of Wells B. Map of All Structures C. Map of Exchange Reaches D. Legal Description of Meadows Development E. Service Area Boundaries. Number of pages in application: 15, excluding exhibits.

21CW3143 THE WATER SUPPLY AND STORAGE COMPANY, P.O. Box 2017, Fort Collins, CO 80522. Please send all future correspondence and pleadings to Brent A. Bartlett, Esq. and Whitney Phillips, Esq., Fischer, Brown, Bartlett, Larsen & Irby, P.C. 1319 E. Prospect Road Fort Collins, CO 80525 (970) 407-9000. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE in LARIMER COUNTY.**

2. Application. With this Application, the Water Supply and Storage Company (“WSSC”) seeks findings of diligence of conditional appropriate rights of exchange in accordance with the provisions of Sections 37-80-120(2), (3) and (4), 37-83-104, and 37-92-302 C.R.S. as originally decreed August 31, 2015, Case No. 13CW3159, District Court, Water Division 1, State of Colorado (“Original Decree”).

3. Appropriative Rights of Exchange. The upstream and downstream exchange points of the reaches of the exchanges are as follows:

a. Exchange Reach. The exchange reach extends from the confluence of Joe Wright Creek and the Cache la Poudre River, up Joe Wright Creek to its confluence with Trap Creek, and up Trap Creek to Trap Lake II. The upstream and downstream exchange points of the reaches of the exchanges are more particularly identified and described as follows:

i. Exchange from Point (Point of water release in substitution and/or exchange): The confluence of the Cache la Poudre River and Joe Wright Creek, located in the NE 1/4 of Section 28, Township 8 North, Range 75 West, 6th P.M.

ii. Exchange-To Point (Point of diversion by exchange): Trap Lake II. Trap Lake II will be located on Trap Creek in the S 1/2 of Section 21, Township 7 North, Range 75 West, 6th P.M. The northerly point of the main embankment will be located at a point from which the NW Corner of Section 27 bears South 66 degrees, 30’ East 5457 feet; the northerly point of the NE embankment will be located at a point from whence the NW Corner of Section 27 bears South 42 degrees 18’20” East 3136 feet; and the northerly point beginning of the southeast embankment will be located at a point whence the NW Corner of Section 27 bears South 69 degrees 41’35” East 2363 feet.

4. Amount claimed. 300 cfs, CONDITIONAL.

5. Appropriation Date. July 18, 1982.

6. Source. The exchanges appropriate exchange potential in Joe Wright Creek and Trap Creek, tributaries to the Cache la Poudre River.

7. Water Rights to be Used for Substitute Supply. The source of substitute supply for the exchange is transmountain diversions attributable to the water rights decreed to the Grand River Ditch in CA 112, District Court, Grand County, decree entered August 3, 1906.

8. Use. Water diverted by exchange shall only be used for the beneficial purposes decreed to the water rights used as substitute supply to effectuate the exchange, including any and all decreed changes of such water rights.

9. Operation of the Exchange. Trap Lake II is a proposed on-stream reservoir that will be an enlargement of an existing, natural lake located on Trap Creek, a tributary of Joe Wright Creek, itself a tributary of the Cache la Poudre River. Trap Lake II was awarded a conditional storage right for 3,800 acre-feet in Case No. 82CW289, District Court, Water Division 1, by final decree entered on April 19, 1988, which is the amount of storage in excess of the existing natural lake. The decreed source of water for Trap Lake II is native water in Trap Creek and transbasin water diverted from the Colorado River by the Grand River Ditch. See *Water Supply and Storage Co. v. Curtis*, 733 P.2d 680 (Colo. 1987). In order to store the transbasin water from the Grand River Ditch in Trap Lake II, as originally contemplated in the decree entered in Case No. 82CW289, said water must first be delivered to the Cache la Poudre River, and subsequently exchanged up Joe Wright Creek, and thence up Trap Creek to the point of diversion for Trap Lake II.

10. Detailed Outline of Continued Diligence: The exchange is a part of WSSC’s integrated water

supply system. Since August of 2015, when the Original Decree was entered, WSSC has made continued progress on the integrated water system, including obtaining a decree in Case No. 17CW3194, District Court, Water Division 1, which decreed Curtis Lake, an on-channel reservoir owned by WSSC, as an alternate point of storage for the conditional water right decreed to Trap Lake II and adjudicated a storage water right for Curtis Lake. In total, WSSC expended approximately \$20,000 on engineering and attorney fees related to Case No. 17CW3194. The Applicant has expended approximately \$10 million on a rehabilitation project on the Laramie-Poudre Tunnel, and approximately \$1,650,000 on other maintenance, repair, and improvement projects on its integrated system, including the Grand River Ditch and Curtis Lake, which are key components of the subject conditional water right. Additionally, WSSC has solicited proposals for an updated feasibility study for the construction of Trap Lake II, and is actively pursuing a new stream gage at the approximate location of the proposed dam for Trap Lake II on Trap Creek. 11. Applicant may provide additional details and proof of diversions and diligence as requested or deemed necessary. Applicant reserves the right to supplement this Application with additional information on Applicant's work and expenses related to its continued diligence toward making absolute the conditional rights described herein. 12. Names and address of owner 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: a. Lands of the United States of America within the Arapahoe-Roosevelt National Forest: C/o The United States Forest Service, 201 14th St. S.W., Washington D.C. 20250. WHEREFORE, WSSC respectfully requests a ruling and decree finding that WSSC has exercised due and reasonable diligence during the six years following entry of the decree in Case No. 13CW3159 toward the conditional appropriate rights of exchange set forth herein, and further requests that this Court continue in full force and effect such conditional water rights for an additional six-year period, and for such other relief as the Court may deem proper. (5 pages)

21CW3144 LOWER POUDBRE AUGMENTATION COMPANY, NEW CACHE LA POUDBRE IRRIGATING COMPANY AND THE CACHE LA POUDBRE RESERVOIR COMPANY, 33040 Railroad Avenue, P.O. Box 104, Lucerne, CO 80646, (970) 352-0222. Please send all future correspondence and pleadings to Daniel K. Brown, Esq., and Whitney Phillips, Esq., Fischer, Brown Bartlett, Larsen & Irby, P.C., 1319 E. Prospect Road, Fort Collins, CO 80525. **APPLICATION TO ADD MEMBER WELLS IN CONSOLIDATED CASES 2004CW25/2006CW295 in LARIMER AND WELD COUNTIES.** 2. Augmentation Plan: Applicant operates a plan for augmentation ("LPAC Plan") decreed in Consolidated Case Nos. 2004CW25/2006CW295, Water Division No. 1, entered in this case on January 21, 2014 ("LPAC Decree"). Paragraph 24.1.1 of the LPAC Decree allows for the addition of Member Wells. 3. Wells to be added to the LPAC Decree: The structures that are augmented in the LPAC Plan are listed on Exhibit C to the LPAC Decree. Applicants propose to add the wells described below into the LPAC Decree as structures to be augmented.

Well name	WDID	Owner	Twn	Range	Section	1/4 / 1/4	1/4	Case No.	Permit	W(ft)	X(Ft)	T(gpd/ft)	Sy
6L Well No. 5		6L, LLC	5N	64W	2	NE	SW	n/a	TBD	19648	601	176012	0.2
Achziger Well No. 1	0105429	CLA Trust	5N	64W	4	NW	SW	W-5194	6383-R	9,067	3,907	231,970	0.2
Shafroth Well No. 1	0108333	Lelyn and Jacqueline Larson	6N	64W	35	NE	NE	W-4856	10526-R	9,100	155	52,742	0.2
Shafroth Well No. 2	0108334	Lelyn and Jacqueline Larson	6N	64W	35	NE	NE	W-4856	10527-R	9,306	535	51,976	0.2

The wells will be operated, and all out-of-priority depletions replaced, in accordance with the terms and conditions of the LPAC Decree. No decreed priorities are sought by this application. The 6L Well No. 5 will operate for livestock watering under a new well permit issued to the same structure as the 6L Well No. 3, WDID No. 0107649. 6L LLC is in the process of obtaining the requisite permit for the 6L Well No. 5 before augmentation can occur under the LPAC Plan. 4. Names and Addresses of Owner of the Structure: a. 6L Well No. 5 is owned by the 6L LLC, 33091 County Road 61.5, Gill, Colorado, 80624. b. Achziger Well No.1 is owned by CLA Trust, 1804 Seashell Ct., Windsor, CO 80550. c. The Shafroth Wells are owned by Lelyn and Jacqueline Larson, 33091 WCR 611/2, Gill, CO 80624. 5. Names and Addresses of Landowners: The land on which the wells above exist is as follows: a. 6L LLC, 33091 County Road 61.5, Gill, Colorado, 80624. b. Lelyn and Jacqueline Larson, 30967 County Road 59, Gill, CO 80624 c. CLA Trust, 26358 WCR 60 1/2, Greeley, CO 80631. (4 pages)

21CW3145 JAMES AND ELISSA SIMPSON, 11075 E Daley Cir Parker, CO 80134 c/o John Buchanan, The Law Office of John D. Buchanan LLC, 2806 N Speer Blvd, Denver, Colorado 80211. **APPLICATION FOR UNDERGROUND WATER RIGHTS IN THE DENVER BASIN AQUIFERS AND FOR APPROVAL OF PLAN FOR AUGMENTATION IN DOUGLAS COUNTY**. Parcel description: The SE1/4 of the SW1/4 of the SW1/4 of Section 21, Township 7 South, Range 65 West of the 6th P.M., County of Douglas, State of Colorado, also known as street number 11075 East Daley Circle, Parker, CO 80134, consisting of 10 acres more or less (“Subject Parcel”). This application seeks a decree adjudicating all the nontributary and not nontributary ground water in the Denver Basin aquifers underlying the Subject Parcel. Such aquifers may include the Upper Dawson, Lower Dawson, Denver, Upper Arapahoe, Lower Arapahoe and Laramie-Fox Hills aquifers; the actual aquifers will be those that are determined to be available underlying the Subject Property in accordance with the Denver Basin Rules (2 CCR 402-6). There is one exempt well located on the property, permitted under well permit no. 215145-A. The source of water for this well is the Denver aquifer. Applicants seek to adjudicate all the water in the Denver aquifer underlying the Subject Parcel and, after the adjudication is complete, Applicants will file an application with the State Engineer to re-permit this well to allow use of the water in the Denver aquifer pursuant to the water court decree. Once the well is re-permitted, use of the exempt well permit no. 215145-A will cease. The estimate of amounts of water in each aquifer is as follows: NNT Upper Dawson: 2.99 AF average annual appropriation (“avg”); NT Lower Dawson: 1.25 AF avg; NT Denver: 3.31 AF avg; NT Upper Arapahoe: 4.12 AF avg; NT Laramie Fox-Hills: 2.82 AF avg. The final decreed amounts may vary from the above to conform with the State’s Determination of Facts. Requested Uses. For the Denver and Upper Dawson aquifer water rights, Applicants request the right to use the ground water for domestic, irrigation, stock water, and fire protection uses, and for storage and augmentation purposes associated with such uses, on the Subject Parcel. For all other aquifers, Applicants request the water be approved for all beneficial uses, and the specific uses will be determined when an application for permits to withdraw such water is filed. The Applicants also request that the nontributary water may be used, reused, and successively used to extinction, both on and off the Subject Parcel, subject to the requirement that no more than 98% of the amount withdrawn annually shall be consumed. Applicants may use such water by immediate application or by storage and subsequent application to beneficial use. Applicants request that they be permitted to produce the full legal entitlement from the Denver Basin aquifers underlying the Subject Parcel through any combination of wells and that such wells be treated as a well field. Plan for Augmentation. Name of structure to be augmented: Simpson Upper Dawson Well. Legal description of structure: The well has not yet been constructed; it will be located on the Subject Parcel. Amount: 2.99 AF per year average annual withdrawal. Source: The Upper Dawson aquifer underlying the Subject Parcel. Use: Domestic use in two single-family homes, irrigation, stock water, and fire protection uses, and for storage and augmentation purposes associated with such uses. Complete Statement of Plan for Augmentation. Applicants’ consultant has determined that depletions to the affected streams during pumping

will be effectively replaced by domestic return flows from a non-evaporative septic system. The annual consumptive use resulting from the domestic use utilizing a non-evaporative septic system is 10% per year. Based on a use amount of 0.25 AF per year in each residence, for a total of 0.5 AF, there will be 0.45 AF per year return flows. Based on the pumping depletion chart provided by Applicants' consultant and attached as Exhibit A, the return flows from the domestic use will be more than adequate to replace the depletions from pumping the entire average annual withdrawal of 2.99 AF per year while the well is pumping. For the replacement of any injurious post-pumping depletions that may occur, Applicants will reserve up to the entirety of the nontributary Laramie Fox-Hills aquifer water adjudicated in this application, accounting for actual stream depletions replaced during the plan pumping period, as necessary to replace any injurious post pumping depletions.

21CW3146 VARRA COMPANIES, INC., 8120 Gage Street, Frederick, CO, 80516. Matthew S. Poznanovic, Eric K. Trout, Hayes Poznanovic Korver LLC, 1999 Broadway, Suite 3200, Denver, CO, 80202. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN WELD COUNTY.** Prior Decree Information: Originally decreed in Case No. 01CW274 on February 29, 2008. A portion of the conditional water rights were made absolute and diligence was found in Case No. 14CW3026 on August 12, 2015. A portion of the conditional water rights were made absolute in Case No. 17CW3144 on November 20, 2018. The period of diligence which is the subject of this application is from the date of decree in Case No. 14CW3026. Name of Structures/Conditional Water Rights: VCI Godding Ditch Diversion from Idaho Creek. VCI Rural Ditch Diversion from Boulder Creek. VCI Rural Ditch Diversion from Idaho Creek. VCI Godding Hollow Diversion. VCI Last Chance Ditch Diversion. 112 Reservoir. Dakolios Reservoirs. Von Ohlen Reservoir. Kurtz Reservoirs. Description of Conditional Water Rights from decree in Case No. 01CW274: Appropriation Date: For VCI Godding Hollow Diversion - September 8, 2000. For all other appropriations - August 10, 2001. Source: All reservoirs and direct diversions: Boulder Creek, Boulder Creek via Idaho Creek, and Godding Hollow. Alternate source for the Dakolios, Von Ohlen, and Kurtz Reservoirs: St. Vrain Creek. Water tributary to the reservoirs will be used directly or retained in the reservoirs when the water rights are in-priority or by exchange for releases from any or all of the reservoirs or any or all of the direct flow sources. Amounts: Filling Rates for Storage: VCI Godding Ditch Diversion from Idaho Creek - The original decreed filling rate is 90 cfs conditional for storage. VCI Rural Ditch Diversion from Boulder Creek - The original decreed filling rate was 90 cfs conditional for storage. Of the original total decreed amount, the decree in Case No. 14CW3026 made 9.44 cfs absolute and found diligence on the remaining 80.56 cfs. The decree in Case No. 17CW3144 made an additional 32.76 cfs absolute. The remaining decreed conditional amount is 47.8 cfs. VCI Rural Ditch Diversion from Idaho Creek - The original decreed filling rate was 90 cfs conditional for storage. Of the original total decreed amount, the decree in Case No. 14CW3026 made 25.19 cfs absolute and found diligence on the remaining 64.81 cfs. VCI Godding Hollow Diversion - The original decreed filling rate was 10 cfs conditional for storage. Of the original total decreed amount, the decree in Case No. 14CW3026 made 9.59 cfs absolute and found diligence on the remaining 0.41 cfs. VCI Last Chance Ditch Diversion - The original decreed filling rate was 100 cfs conditional for storage. Of the original total decreed amount, the decree in Case No. 14CW3026 made 2.78 cfs absolute and found diligence on the remaining 97.22 cfs. Water tributary to properties - The original decreed filling rate was 190 cfs conditional. The 190 cfs was made absolute by decree in Case No. 14CW3026. Storage Volumes: The original decreed amount was a total of 7,500 acre-feet conditional for storage in any of the following: 112 Reservoir. Dakolios Reservoirs. Von Ohlen Reservoir. Kurtz Reservoirs. The four reservoirs identified in paragraphs 4.3.2.1 through 4.3.2.4 ("the Reservoirs") may each include more than one storage structure at each reservoir site. The total storage in the Reservoirs pursuant to the decree in Case No. 01CW274 shall not exceed 7,500 acre-feet. Of the original total decreed amount, the decree in Case No. 14CW3026 made 1,903.2 acre-feet absolute and found diligence on the remaining 5,596.8 acre-feet. The decree in Case No. 17CW3144 made an additional 1,639.1 acre-feet absolute. The remaining decreed conditional amount is 3,957.7 acre-feet. The maximum capacity for each reservoir is as follows:

Reservoir	Active Capacity, a-f	Dead Storage, a-f
112	1,552	0
Dakolios	1,104	0
Von Ohlen	1,300	0
Kurtz	4,000	0

Refill Storage Volume: One refill in the total amount of 3,000 acre feet for storage in the Reservoirs, conditional (a total of 3,000 acre feet to be stored in one or more of the Reservoirs specified above). Direct Flow Water Rights: A total not to exceed 11 cfs at any one or more of the points of diversion specified in paragraphs 4.3.1.1 through 4.3.1.5 above. Legal Descriptions of the points of diversion and locations of dams for Structures: VCI Godding Ditch Diversion from Idaho Creek is in the southwest quarter, Section 21, T. 2 N, R. 68W, 6th PM, approximately 900 feet east of the west section line of said Section 21, and 2400 feet north of the south section line of said Section 21. VCI Rural Ditch Diversion from Boulder Creek is in the northeast quarter of Section 20, T. 2 N., R. 68 W, 6th P.M., Weld County, Colorado, at a point that is located approximately 1,400 feet west of the east section line of said Section 20 and approximately 2,275 feet south of the north section line of said Section 20. VCI Rural Ditch Diversion from Idaho Creek is in the southeast quarter of Section 16, T. 2 N., R. 68 W, 6th P.M. at a point that is located approximately 420 feet west of the east section line of said Section 16 and approximately 1,300 feet north of the south section line of said Section 16. VCI Godding Hollow Diversion from Godding Hollow is in the southwest quarter of the northwest quarter of Section 1, T. 2 N., R. 68 W, 6th P.M. at the intersection of the Rural Ditch and Godding Hollow and is located at a point approximately 500 feet east of the west section line of said Section 1 and approximately 2,500 feet south of the north section line of said Section 1. VCI Last Chance Ditch Diversion from St. Vrain Creek is in the southeast quarter of the northwest quarter of Section 3, T. 2 N., R. 68 W, 6th P.M. approximately 1,900 feet south of the north section line of said Section 3 and approximately 2,000 east of the west line of said Section 3. The 112 Reservoir is in the south half of Section 2, T. 2 N., R. 68 W, 6th P.M., Weld County, Colorado. The center of the reservoir is decreed to be located approximately 2,600 feet west of the east section line of said Section 2 and approximately 1,300 feet north of the south section line of said Section 2. The Dakolios Reservoirs are in the southwest quarter of Section 31, T. 3 N., R. 67 W, 6th P.M., Weld County, Colorado. The center of the reservoirs is decreed to be located approximately 1,230 east of the west section line of said Section 31 and approximately 1,400 feet north of the south section line of said Section 31. Von Ohlen Reservoir is in the southeast quarter of Section 31, T. 3 N., R. 67 W, 6th P.M., Weld County, Colorado. The center of the reservoir is decreed to be located approximately 1,800 feet west of the east section line of said Section 31 and approximately 1,400 feet north of the south section line of said Section 31. The Kurtz Reservoirs will be in the west half of Section 28, T. 3 N., R. 67 W, 6th P.M., Weld County, Colorado. The center of the reservoirs is decreed to be located approximately 2,000 feet south of the north section line of said Section 28 and approximately 1,300 feet east of the west section line of said Section 28. Ditch or Ditches Used to Fill Reservoirs: All reservoirs: Rural Ditch. Alternate ditches for the Dakolios, Von Ohlen, and Kurtz Reservoirs: Last Chance Ditch and Godding Ditch. The attached **Map 1** depicts these diversion systems. Water tributary to the Reservoirs will also be used to fill the reservoirs. Uses and Places of Use: Mining Uses: Water stored in the Reservoirs or diverted or used directly at the points of diversion identified in paragraphs 4.3.1.1 through 4.3.1.5 may be used at the mining sites adjacent to the Reservoirs, the Del Camino property and other mining sites owned or leased by Varra as identified on the lands described in the attached Exhibit A and shown on the attached maps 1, 2 and 3. Mining uses include all uses incident to mining including that water necessary to process gravel and rock products, the replacement of evaporation from not more than 533 acres of exposed groundwater and incidental domestic use for sanitary purposes at the mining sites identified in Exhibit A and as shown on the attached maps 1, 2 and 3. Water may be used

directly, after release from storage, by exchange or by augmentation of and replacement of depletions from the claimed uses identified in this paragraph 4.6.1 as long as the use is on the lands described in Exhibit A and as shown on maps 1, 2 and 3 and, with respect to replacement of evaporation, is limited to replacement of evaporation from not more than 533 acres of exposed groundwater. The lands described in the attached Exhibit A are all located in Weld County and generally described as follows: in the NE 1/4 of Section 1, the W 1/2 of Section 2, and in the NW 1/4 NW 1/4 of Section 10, T. 2 N, R. 68 W, 6th P.M.; in Section 31, and in the E 1/2 of the E 1/2 of Section 32, T. 3 N, R. 67 W, 6th P.M.; in the NW 1/4 and the N 1/2 of the SW 1/4 of Section 28, T. 3 N, R. 67 W, 6th P.M.; in the E 1/2 of the NE 1/4 and the NW 1/4 of the NE 1/4 of Section 29, T. 3 N, R. 67 W, 6th P.M.; in the SW 1/4 of the SE 1/4 and the SE 1/4 of the SW 1/4 of Section 3, the N 1/2 of Section 10, and Section 9, all in T. 5 N, R. 65 W, 6th P.M.; in the SW 1/4 SE 1/4 and in the SE 1/4 SW 1/4 of Section 4, T. 5 N, R. 65 W of the 6th P.M.; and in Section 5, Section 7, Section 8, Section 17, Section 20, Section 21, Section 22, Section 23, all within T. 11 N, R. 67 W of the 6th P.M. Out-of-Reservoir Uses Following Mining: Following the completion of mining at each of the Reservoirs, the stored water may be used for industrial use, commercial use, domestic use, irrigation use and stock watering use on the lands adjacent to the Reservoirs and at the Del Camino property as those lands are identified in Exhibit B and as shown on map 4. Following the completion of mining at each of the Reservoirs, water may continue to be used for mining uses at the sites identified in Exhibit A subject to the limitations set forth in paragraph 4.6.1 above, including a limitation on the replacement of evaporation to replacement of evaporation from not more than 533 acres of exposed groundwater. The stored water may be used directly, after release from storage, by exchange or by augmentation of and replacement of depletions from the claimed Out-of-Reservoir Uses Following Mining identified in this paragraph 4.6.2 as long as the use is on the lands described in Exhibit B and as shown on map 4, which are all located in Weld County and generally described as follows: in the W 1/2 of Section 2, T. 2 N, R. 68 W, 6th P.M.; in Section 31, T. 3 N, R. 67 W, 6th P.M.; in the NW 1/4 and the N 1/2 of the SW 1/4 of Section 28, T. 3 N, R. 67 W, 6th P.M.; in the E 1/2 of the NE 1/4 and the NW 1/4 of the NE 1/4 of Section 29, T. 3 N, R. 67 W, 6th P.M. In-Reservoir Uses Following Mining: Following the completion of mining at each of the Reservoirs, the water may be used in the Reservoirs for piscatorial, fishing, fish culture, wildlife, aesthetic and recreational uses. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE** This Application for Finding of Reasonable Diligence is filed in a timely manner pursuant to the Water Right Determination and Administration Act of 1969, Sec. 37-92-302, C.R.S. During this diligence period, in continuing the development of the conditional water rights, Applicant have been engaged in the legal defense and protection of said water rights and have been diligent in the continued use and development of the water rights involved, including expenditures for legal, consulting, engineering, design, and construction work. These activities include, but are not limited to, the following: Applicant acquired the conditional water rights and the Kurtz Reservoirs property. Applicant continued to mine properties identified in the Case No. 01CW274 decree. Applicant installed a wier, flume and sutron Colorado package at the 112 Reservoir, and installed a sutron Colorado package at the Dakolios East Reservoir at a cost of approximately\$5,000. Applicant performed construction and maintenance work on the liner for the Kurtz Reservoirs, performed survey work to determine the remaining amount of material to be mined at the Kurtz Reservoirs site, and relocated a gravel plant from the Kurtz Reservoirs site to allow for further mining and construction of the Kurtz Reservoirs. Applicant has paid to the Rural Ditch Company annual payments to allow delivery of Applicant's water through the Rural Ditch pursuant to its carriage agreement with the Rural Ditch Company in the amount of at least \$3,000 per year. Applicant performed seasonal maintenance and cleaning of the laterals and inlet and outlet works for the lined reservoirs. Applicant pursued to decree Case No. 17CW3144 which made a portion of the conditional water rights absolute. Expenditures for water rights engineering, development of accounting and legal fees associated with use of these water rights and Case No. 17CW3144 and litigation of other cases were in excess of \$185,000. Applicant prepared daily diversion, replacement water and plan for augmentation accounting, and monthly and annual reports submitted to the Office of the State Engineer. Applicant's consultants, Jay Davenport, P.E., Cheryl Signs, P.E., and Ashley Moffatt, P.E. prepared modifications and periodic updates to the accounting forms for the conditional water rights that are the subject of this case. Applicant diverted for beneficial use water under the conditional water rights to support the absolute claims for portions of the conditional water rights in Case No. 17CW3144

described above as well as diversions into storage in the Dakolios East and Von Ohlen Reservoirs under free river conditions. During the diligence period, legal counsel for Applicant has reviewed the resume of applications as published by the Water Clerk for Water Division 1 and advised Applicant whether Statements of Opposition need to be filed to protect the water rights. Protection of water rights by opposition to water court applications for competing water rights and augmentation plans. The work and expenditures listed above are illustrative and not exhaustive. Additional work and additional or revised expenditures may be claimed in support of this application. There are no modifications to existing diversion structures. Owners of land upon which storage structures for the water rights are or will be located: 112 Reservoir: Estate of Christopher Varra, Peter Varra, Garrett Varra, 8120 Gage Street, Frederick, CO, 80516, (303) 666-6657. Dakolios East and West Reservoirs: Varra Companies, Inc. 8120 Gage Street, Frederick, CO, 80516, (303) 666-6657. Von Ohlen Reservoir: Pasquale Varra, 8120 Gage Street, Frederick, CO, 80516, (303) 666-6657. Kurtz Reservoirs: Varra Companies, Inc., 8120 Gage Street, Frederick, CO, 80516, (303) 666-6657. Applicant requests that this Court enter a decree finding that Applicant has exercised reasonable diligence in the development of the conditional water rights, continuing the conditional water rights, and for such other and further relief as this Court deems just and proper in the premises. 9 pages.

21CW3147 CHERRY CREEK PROJECT WATER AUTHORITY (“CCPWA”), c/o Richard Krulish, 5242 Old Schoolhouse Rd., Parker, CO 80134; Email: rkulish@pinerywater.com; Telephone: (303) 841-2797 x201. Please direct all correspondence concerning this Application to: Gabe Racz, Esq., Aaron S. Ladd, Esq. and Kunal A. Parikh, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, Colorado 80301; Email: gr@vrlaw.com; asl@vrlaw.com; kap@vrlaw.com; Telephone: (303) 443-6151.

APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN DOUGLAS AND ARAPAHOE COUNTIES. 2. Names of Structures. Applicants seek a finding of reasonable diligence and to continue all the conditional water right appropriations originally decreed in Case No. 10CW318. The following conditional water rights are the subject of this Application (“Subject Water Rights”): 2.1 The “Subject Wells,” as described in paragraph 4, below, including: 2.1.1 Walker Reservoir Wells No. 1-35, 15W, 16W, 17W, and 31W; 2.1.2 Liberty Village Wells No. 1-6; 2.1.3 Walker Well No. 1, Walker Sump No. 1, Franktown Well No. 1, Franktown Well No. 2, Franktown Well QAL-3, Kelty Well No. 1, Hewins Well No. 2; 2.2 Walker Reservoir, as described in paragraph 5, below; and 2.3 The “Subject Exchanges,” as described in paragraph 6 below, including 2.3.1 Augmentation Exchange; and 2.3.2 Newlin Gulch Aqueduct No. 2 Exchange. 3. Prior Decrees. 3.1 Original Decree. The original decree for the conditional Subject Water Rights described herein was entered in Case No. 10CW318, Water Court, Water Division 1, on August 24, 2015 (“10CW318 Decree”). 3.2 Diligence/Absolute Decrees. N/A. This Application is the first application for diligence for the Subject Water Rights. **Description of Water Rights** 4. **Conditional Groundwater Rights.** 4.1 Name and legal description of the Subject Wells: 4.1.1 Walker Reservoir Well No. 1, located in the NE1/4 NW1/4, Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 1,080 feet from the North section line and 2,530 feet from the West section line. 4.1.2 Walker Reservoir Well No. 2, located in the SW1/4 NE1/4, Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 1,400 feet from the North section line and 2,200 feet from the East section line. 4.1.3 Walker Reservoir Well No. 3, located in the SW1/4 NE1/4, Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 1,760 feet from the North section line and 2,240 feet from the East section line. 4.1.4 Walker Reservoir Well No. 4, located in the SW1/4 NE1/4, Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 2,100 feet from the North section line and 2,130 feet from the East section line. 4.1.5 Walker Reservoir Well No. 5, located in the SW1/4 NE1/4 Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 2,500 feet from the North section line and 2,000 feet from the East section line. 4.1.6 Walker Reservoir Well No. 6, located in the SW1/4 NE1/4 Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 2,620 feet from the North section line and 2,540 feet from the East section line. 4.1.7 Walker Reservoir Well No. 7, located in the SE1/4 NW1/4 Section 34, Township 7 South, Range 66 West, 6th P.M., 2,550 feet from the North section line and 2,180 feet from the West section line. 4.1.8 Walker Reservoir Well No. 8, located in the SE1/4 NW1/4 Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 2,570 feet from the

South, Range 66 West, 6th P.M., Douglas County, Colorado, 1,450 feet from the South section line and 1,700 feet from the East section line. 4.1.33 Walker Reservoir Well No. 33, located in the SW1/4 SE1/4 Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 1,050 feet from the South section line and 1,400 feet from the East section line. 4.1.34 Walker Reservoir Well No. 34, located in the SE1/4 SE1/4 Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 550 feet from the South section line and 1,250 feet from the East section line. 4.1.35 Walker Reservoir Well No. 35, located in the SE1/4 SE1/4 Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 50 feet from the South section line and 1,250 feet from the East section line. 4.1.36 Walker Reservoir Well No. 15W, located in the SE1/4 NW1/4 Section 22, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 1,800 feet from the North section line and 1,800 feet from the West section line. 4.1.37 Walker Reservoir Well No. 16W, located in the SE1/4 NW1/4 Section 22, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 2,300 feet from the North section line and 1,800 feet from the West section line. 4.1.38 Walker Reservoir Well No. 17W, located in the NE1/4 SW1/4 Section 22, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 2,500 feet from the South section line and 1,950 feet from the West section line. 4.1.39 Walker Reservoir Well No. 31W, located in the NW1/4 SE1/4 Section 34, Township 7 South, Range 66 West, 1,800 feet from the South section line and 2,350 feet from the East section line. 4.1.40 Liberty Village Well No. 1, located in the SW1/4 SW1/4 Section 22, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 1,280 feet from the South section line and 800 feet from the West section line. 4.1.41 Liberty Village Well No. 2, located in the SW1/4 SW1/4 Section 22, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 800 feet from the South section line and 1,000 feet from the West section line. 4.1.42 Liberty Village Well No. 3, located in the SW1/4 SW1/4 Section 22, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 300 feet from the South section line and 700 feet from the West section line. 4.1.43 Liberty Village Well No. 4, located in the NW1/4 NW1/4 Section 27, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 550 feet from the North section line and 1,100 feet from the West section line. 4.1.44 Liberty Village Well No. 5, located in the NW1/4 NW1/4 Section 27, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 1,100 feet from the North section line and 1,300 feet from the West section line. 4.1.45 Liberty Village Well No. 6, located in the NE1/4 NW1/4 Section 27, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 1,150 feet from the North section line and 2,340 feet from the West section line. 4.1.46 The Subject Wells are confirmed to be diverted at the following previously adjudicated wells. 4.1.46.1 Walker Well No. 1, located in the SW1/4 NE1/4 Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County Colorado, at a point 2,515 feet from the North section line and 1,490 feet from the East section line of said Section 34. Also described in the decrees entered in Case Nos. 88CW97, Water Division 1, dated September 3, 1991, and 95CW280, Water Division 1, dated February 9, 1998. 4.1.46.2 Walker Sump No. 1, located in the SW1/4 NE1/4 Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, at a point 2,590 feet from the North section line and 2,160 feet from the East section line of said Section 34. Also described in the decrees entered in Case Nos. 88CW97, Water Division 1, dated September 3, 1991, and 95CW280, Water Division 1, dated February 9, 1998. 4.1.46.3 Franktown Well No. 1, located at a point 140 feet North and 1,400 feet East of the SW Corner of Section 22, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado. Also described in the decrees entered in Case No. W-1776, Water Division No. 1, dated December 1, 1972, Case No. 84CW680, Water Division No. 1, dated April 28, 1989, and Case No. 95CW280, Water Division No. 1, dated February 9, 1998. 4.1.46.4 Franktown Well No. 2, located in the SE1/4 SW1/4 Section 22, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, at a point 1,250 feet from the South section line and 2,320 feet from the West section line of said Section 22. Also described in the decrees entered in Case No. W-1776, Water Division No. 1, dated December 1, 1972, Case No. 84CW680, Water Division No. 1, dated April 28, 1989, and Case No. 95CW280, Water Division No. 1, dated February 9, 1998. 4.1.46.5 Franktown Well QAL-3, located in the NE1/4 NW1/4 Section 27, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, at a point approximately 1,260 feet from the North section line and 1,800 feet from the West section line of said Section 27. Also described in the decrees entered in Case No. 84CW680, Water Division No. 1, dated April 28, 1989, and Case No. 95CW280, Water Division No. 1, dated February 9, 1998. 4.1.46.6 Kelty Well No. 1,

located at a point in the NW1/4 SE1/4 Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, whence the SE Corner of said Section 34 bears South 59°21' East a distance of 2,600 feet. Also described in the decrees entered in Civil Action No. 3635, Douglas County District Court, dated May 18, 1972 and Case No. 95CW280, Water Division No. 1, dated February 9, 1998. 4.1.46.7 Hewins Well No. 2, located at a point in the SW1/4 SE1/4 Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, whence the SE Corner of said Section 34 bears South 70°06' East a distance of 2,181 feet. Also described in the decrees entered in Civil Action No. 3635, Douglas County District Court, dated May 18, 1972 and Case No. 95CW280, Water Division No. 1, dated February 9, 1998. 4.2 Amount: 2,000 gpm conditional for each structure and 20 cfs in aggregate. 4.3 Source: Water diverted from the Cherry Creek alluvium. 4.4 Date of appropriation: December 1, 2010. 4.5 Use. 4.5.1 Types of use. All municipal purposes including domestic, agricultural, industrial, commercial, irrigation, augmentation, stock watering, recreation, fish and wildlife, mining, mine reclamation and continuing mine depletions from the exposure of groundwater, and fire protection uses. Water may be produced for: storage, including aquifer storage and recovery in the Denver Basin aquifers, and subsequent application to beneficial use or release and redirection to storage; for exchange purposes; for replacement of depletions resulting from the use of water from other sources; and for all other augmentation and replacement purposes, including augmentation of not nontributary groundwater diversions. Water may be used, reused, and successively used to extinction. The right to reuse and successively use the water will be conditioned on CCPWA or its members' ability to maintain legal dominion and control over the water and terms and conditions of Section 6.6 of the decree in Case No. 10CW318. 4.5.2 Places of use. All areas within the current and future boundaries and service areas of the members; all areas within the current and future boundaries and service areas of Parker Water and Sanitation District ("PWSD") and the Town of Castle Rock ("Castle Rock"); and all parcels owned by the CCPWA. The CCPWA owns the following parcels: the "Vessel Parcel," located in the E1/2 Section 4 and the NW1/4 Section 3, Township 7 South, Range 66 West of the 6th P.M., Douglas County; the "Walker Parcel," located in the N1/2 Section 34, Township 7 South, Range 66 West, of the 6th P.M., Douglas County; and the "Franktown Parcel," located in Section 22 and the N1/2 N1/2 of Section 27, Township 7 South, Range 66 West, 6th P.M., Douglas County. The places of use are depicted on the map attached to this Decree as **Exhibit B**. 5. **Walker Reservoir**. 5.1 Legal Description. The Walker Reservoir is decreed as a lined gravel pit, off-channel reservoir located near Cherry Creek on land owned by the CCPWA. Walker Reservoir will be located on the Walker Parcel, located in the N1/2 of Section 34, Township 7 South, Range 66 West of the 6th P.M., Douglas County, Colorado. The location of Walker Reservoir is depicted on the map attached as **Exhibit A**. 5.2 Amount. 1,000 acre-feet, with the right to multiple refills, conditional. CCPWA may fill and re-fill Walker Reservoir as many times under its 2010 priority as is possible so long as it does not place into storage more than 2,000 acre-feet under its 2010 priority in any single year. 5.3 Source. Water diverted from the Cherry Creek alluvium through the structures listed below, and other surface inflows to the reservoir. CCPWA will not directly divert the surface flow of Cherry Creek for storage in Walker Reservoir. However, surface inflow to Walker Reservoir may occur and may be stored when Walker Reservoir is in priority. Walker Reservoir may intercept precipitation on the reservoir water surface. In addition, although Walker Reservoir will not be located on the channel of any tributary to Cherry Creek, the reservoir may intercept surface runoff from precipitation or snow melt. 5.4 Name and legal description of structures used to fill reservoir. 5.4.1 Walker Reservoir Wells 1-35, 15W, 16W, 17W, and 31W. The locations of the Walker Reservoir Wells 1-35, 15W, 16W, 17W, and 31W are described in paras. 4.1.1 to 4.1.39, above. 5.4.2 Liberty Village Wells 1-6. The locations of the Liberty Village Wells 1-6 are described in paras. 4.1.40 to 4.1.45, above. 5.4.3 Walker Well No. 1; Walker Sump No. 1; Franktown Well No. 1; Franktown Well No. 2; Franktown Well QAL-3; Kelty Well No. 1; and Hewins Well No. 2. The locations of these previously adjudicated wells are described in paras. 4.1.46.1 to 4.1.46.7, above. 5.4.4 Rate of diversion for each structure used to fill the reservoir. 2,000 gpm for each structure and 20 cfs in aggregate. 5.4.5 The structures described in this Section are depicted on the map attached hereto as **Exhibit A**. 5.4.6 Date of appropriation. December 1, 2010. 5.4.7 Use. 5.4.7.1 Types of Use. Storage for all municipal purposes including domestic, agricultural, industrial, commercial, irrigation, augmentation, stock watering, recreation, fish and wildlife, mining, mine reclamation and continuing mine depletions from the exposure of groundwater, and fire protection uses.

Water may be produced for: storage, including aquifer storage and recovery in the Denver Basin aquifers, and subsequent application to beneficial use or release and redirection to storage; for exchange purposes; for replacement of depletions resulting from the use of water from other sources; and for all other augmentation and replacement purposes, including augmentation of not nontributary groundwater diversions. Water may be used, reused, and successively used to extinction. The right to reuse and successively use the water will be conditioned on CCPWA's or its members' ability to maintain legal dominion and control over the water and the terms and conditions of Section 6.6 of the 10CW318 Decree. 5.4.7.2 Places of use. All areas within the current and future boundaries and service areas of the members; all areas within the current and future boundaries and service areas of PWS and Castle Rock; and all parcels owned by CCPWA. CCPWA owns the following parcels: the "Vessel Parcel," located in the E1/2 Section 4 and the NW1/4 Section 3, Township 7 South, Range 66 West, of the 6th P.M., Douglas County; the "Walker Parcel," located in the N1/2 Section 34, Township 7 South, Range 66 West, of the 6th P.M., Douglas County; and the "Franktown Parcel," located in Section 22 and the N1/2 N1/2 of Section 27, Township 7 South, Range 66 West, 6th P.M., Douglas County. The places of use are depicted on the map attached as **Exhibit B. 6. Appropriative Rights of Exchange**. The Subject Exchanges decreed in the 10CW318 Decree include: (1) Augmentation Exchange and (2) Newlin Gulch Aqueduct No. 2 Exchange. 6.1 Augmentation Exchange. CCPWA appropriated conditional rights of exchange for the purpose of augmenting out-of-priority depletions from the operation of the CCPWA's wells. The replacement sources for these exchanges accrue to Cherry Creek as Lawn Irrigation Return Flows ("LIRFs"), or are delivered to Cherry Creek from reservoir releases or discharges of reusable effluent. 6.1.1 Exchange-to points. The following points will be used as points of diversion and constitute the exchange-to points for purposes of the appropriative rights of exchange. An exchange matrix was provided as **Table 5** to the 10CW318 Decree, a copy of which is attached hereto. 6.1.1.1 Walker Reach of Depletion: As defined in Section 4.4.5.8.1 of the 10CW318 Decree, the reach of depletion for Walker Reach Wells actually constructed shall extend from 1,000 feet upstream of the point on Cherry Creek nearest the upstream-most Walker Reach Well actually constructed and used to 1,000 feet downstream of the point on Cherry Creek nearest the downstream-most Walker Reach Well actually constructed and used. The Walker Reach of Depletion shall be considered the point of depletion for the Walker Reach Wells, and will be located approximately within a reach of Cherry Creek as described in **Appendix 1**, Paras. 94 and 95. The definition of the Walker Reach of Depletion may be adjusted under retained jurisdiction based on actual operation of the Walker Reach Wells. Consistent with the definition in the 10CW318 Decree, the "Walker Reach Wells," as used in this paragraph shall mean Walker Reservoir Wells 1-35, 15W, 16W, 17W, and 31W, Liberty Village Wells 1-6, Franktown Well No. 1; Franktown Well No. 2; Franktown Well QAL-3, Walker Well No. 1; Walker Sump No. 1, Kely Well No. 1; and Hewins Well No. 2. 6.1.1.2 The approximate points of depletion for Vessel Well No. 1, Christiansen Well No. 2, Christiansen Well No. 3, and Christiansen Well No. 4, are described in **Appendix 2** to the 10CW318 Decree, a copy of which is attached hereto. 6.1.2 Exchange-from points. The following structures or points will be used to introduce substitute supplies of water and constitute the exchange-from points for purposes of the appropriative rights of exchange. An exchange matrix is provided as **Table 5** to the 10CW318 Decree, a copy of which is attached hereto. Water will be exchanged up Cherry Creek from the following points: 6.1.2.1 Cherry Creek Reservoir outlet, described in Appendix 1, para. 67, from the following locations: 6.1.2.1.1 Water stored in Cherry Creek Reservoir. Before CCPWA may exchange water stored in Cherry Creek Reservoir under the CCPWA exchanges claimed in this case, CCPWA must obtain permission to store water in Cherry Creek Reservoir pursuant to paragraph 2.2.2.1.4 of the 10CW318 Decree. 6.1.2.2 Discharges from the Lone Tree Creek Water Reuse Facility outfall to Lone Tree Creek, described in Appendix 1, para. 71, to Cherry Creek Reservoir, described in Appendix 1. 6.1.2.3 Releases from the Inverness Reservoir outlet to Cottonwood Creek, described in Appendix 1, para. 80, to Cherry Creek Reservoir. 6.1.2.4 Discharges from Cottonwood - ACWWA Joint Water Purification Plant ("JWPP") concentrate discharge to Windmill Creek, described in Appendix 1, para. 76, to the confluence of Windmill Creek and Lone Tree Creek, located in the NE1/4 SW1/4 Section 13, Township 5 South, Range 67 West, of the 6th P.M., Arapahoe County, Colorado, at a point 1,700 feet from the South section line and 2,450 feet from the West section line, to the confluence of Lone Tree Creek and Cottonwood Creek, located in the NE1/4 SW1/4 Section 13, Township 5 South, Range 67 West, of the 6th P.M., Arapahoe County, Colorado,

1,970 feet from the South section line and 1,660 feet from the West section line, to Cherry Creek Reservoir as described in 6.1.2.1, above. 6.1.2.5 Confluence of Cherry Creek and Newlin Gulch. Releases from the Rueter-Hess Reservoir outlet to Newlin Gulch, described in Appendix 1, para. 77, to the confluence of Newlin Gulch and Cherry Creek, located in the SW1/4 SE1/4 Section 9, Township 6 South, Range 66 West, of the 6th P.M., Douglas County, Colorado, 70 feet from the South section line and 2,100 feet from the East section line. 6.1.2.6 LIRF delivery reaches described in section 4.3.6 of the 10CW318 Decree, as follows: 6.1.2.6.1 ACWWA LIRF delivery reaches as described in the decree in Case No. 86CW388A, Water Division No. 1, Colorado, dated December 9, 1991, including any amendments. An application to amend the decree was pending in Case No. 96CW1144 at the time of entry of the 10CW318 Decree; a decree was entered in Case No. 96CW1144 on May 19, 2016. The ACWWA LIRF delivery reaches are described in Appendix 1, para. 83-84. 6.1.2.6.2 Cottonwood LIRF delivery reaches as described in the decree in Case No. 81CW142, Water Division No. 1, Colorado, dated March 21, 1986, including any amendments. An application to amend the decree was pending in Case No. 08CW28 at the time of entry of the 10CW318 Decree; a decree was entered in Case No. 08CW28 on November 13, 2018. The Cottonwood LIRF delivery reaches are described in Appendix 1, paras. 85-87. 6.1.2.6.3 Pinery LIRF delivery reaches, Case No. 11CW298 entered on June 16, 2014, as described in Appendix 1, para. 88-89. 6.1.2.7 Confluence of Cherry Creek and Sulphur Gulch. Discharges from the PWSW wastewater treatment plant (“WWTP”) outfall, described in Appendix 1, para. 74, to Sulphur Gulch to the confluence of Sulphur Gulch and Cherry Creek, located in the SE1/4 NE1/4 Section 21, Township 6 South, Range 66 West, of the 6th P.M., Douglas County, Colorado, 1,800 feet from the North section line and 830 feet from the East section line. 6.1.2.8 Pinery WWTP outfalls, described in Appendix 1, para. 73. 6.1.2.9 Proposed Walker Reservoir outlet, described in Appendix 1, para. 79. 6.1.2.10 Confluence of Cherry Creek and Happy Canyon Creek. Releases from the proposed Chambers Reservoir outlet, described in Appendix 1, para. 81, to Happy Canyon Creek, located in or near the SW1/4 SW1/4, Section 5, Township 6 South, Range 66 West, of the 6th P.M., Douglas County, Colorado, to the confluence of Happy Canyon Creek and Cherry Creek, located in the NW1/4 NE1/4 Section 32, Township 5 South, Range 66 West, of the 6th P.M., Douglas County, Colorado, 700 feet from the North section line and 2,600 feet from the East section line. 6.1.2.11 Remarks: Pursuant to para. 5.1.2.8 of the 10CW318 Decree, any outfall may be relocated within 1,000 feet of the locations described without the need to seek to amend the 10CW318 decree. 6.1.3 Sources of exchange water. The following sources of water will be delivered at the exchange-from points described in 6.1.2, above. 6.1.3.1 The “Changed Water Rights” described in Section 2 of the 10CW318 Decree and **Table 1a** attached thereto, a copy of which is attached to this Application, either by releases from storage or by successive use of LIRFs or effluent generated from members’ use of the Changed Water Rights, which Changed Water Rights include: (1) Hewins Well No. 2; (2) Kelty Well No. 1; (3) Vessel Well No. 1; (4) Franktown Well No. 1; (5) Franktown Well No. 2; (6) Walker Well No. 1; (7) Walker Sump No. 1; (8) Lemen Ditch; (9) Barnes Ditch; (10) Christiansen Well No. 3; (11) Christiansen Well No. 4; (12) Vessel Well QAL-3; and (13) Franktown Well QAL-3. 6.1.3.2 The Walker Reservoir and the Subject Wells described in Section 4 and 5 above, by releases from storage or by successive use of LIRFs or effluent generated from members’ use of such water rights. 6.1.3.3 Nontributary and not nontributary groundwater rights owned by CCPWA, which are more particularly described below and **Table 3** to the 10CW318 Decree, copy of which is attached hereto, by releases to Cherry Creek, releases from storage, or successive use of LIRFs or effluent generated from members’ use of the CCPWA’s nontributary and not-nontributary groundwater rights. The nontributary and not-nontributary groundwater rights are associated with the following parcels: 6.1.3.3.1 Newton Parcel, decreed in Case No. 93CW093, Water Division No. 1, Colorado, revised amended decree dated May 5, 2005. 6.1.3.3.2 Burgoyne Parcel, decreed in Case No. 93CW093, Water Division No. 1, Colorado, revised amended decree dated May 5, 2005. 6.1.3.3.3 Stevens Parcel, decreed in Case No. 93CW093, Water Division No. 1, Colorado, revised amended decree dated May 5, 2005. 6.1.3.3.4 Shafroth Parcel, decreed in Case No. 89CW046, Water Division No. 1, Colorado, amended decree dated July 3, 2001; and Case No. 93CW09, Water Division No. 1, Colorado, revised amended decree dated May 5, 2005. 6.1.3.3.5 Parker Parcel, decreed in Case No. 84CW128, Water Division No. 1, Colorado, amended decree entered September 28, 2000; and Case No. 84CW129, Water Division No. 1, Colorado, amended decree entered September 28, 2000. 6.1.3.3.6 Vessel Parcel, decreed in Case No. 84CW128, Water Division No. 1, Colorado, amended decree entered

September 28, 2000; and Case No. 84CW129, Water Division No. 1, Colorado, amended decree entered September 28, 2000. 6.1.3.3.7 Franktown Parcel, decreed in Case No. 84CW129, Water Division No. 1, Colorado, amended decree entered September 28, 2000; and Case No. 86CW205, Water Division No. 1, Colorado, amended decree entered January 22, 2003. 6.1.3.3.8 Walker Parcel, decreed in 88CW096, Water Division No. 1, Colorado, decree entered August 31, 1989. 6.1.3.3.9 Castlewood Canyon State Park, decreed in Case No. 94CW65, Water Division No. 1, Colorado, decree entered March 21, 1995; and Case No. 93CW093, Water Division No. 1, Colorado, revised amended decree dated May 5, 2005. 6.1.3.3.10 Grange Parcel, decreed in Case No. 85CW168, Water Division No. 1, Colorado, decree entered October 31, 1986. 6.1.3.4 Reusable LIRFs and effluent attributable to the members' water rights summarized in **Table 4**¹ to the 10CW318 Decree, a copy of which is attached hereto, and the quantified LIRFs described in Section 4.2.1 of the 10CW318 Decree as follows: (1) ACWWA Case No. 86CW388A, Water Division No. 1, Colorado, dated December 9, 1991, including any amendments, with an application to amend the decree was pending in Case No. 96CW1144 at the time of entry of the 10CW318 Decree; a decree was entered in Case No. 96CW1144 on May 19, 2016; and (2) Cottonwood Case No. 81CW142, Water Division No. 1, Colorado, dated March 21, 1986, including any amendments with an application to amend the decree was pending in Case No. 08CW28 at the time of entry of the 10CW318 Decree; a decree was entered in Case No. 08CW28 on November 13, 2018. In addition, the Pinery has claimed LIRFs in Case No. 11CW298 entered on June 16, 2014. Use of LIRFs quantified and adjudicated by ACWWA, Cottonwood and the Pinery shall be made pursuant to all relevant terms and conditions described in Case Nos. 96CW1144, 08CW28, and 11CW298. The legal descriptions for the reaches associated with the ACWWA, Cottonwood and Pinery LIRFs are described in Appendix 1, Paras. 83-89. Any other LIRFs, including LIRFs referred to in Sections 4.2.2 through 4.2.5 of the 10CW318 Decree, shall be quantified and adjudicated in a decree and added to the 10CW318 augmentation plan pursuant to Section 4.2.6 of the 10CW318 Decree prior to using them as sources of augmentation water.

6.2 Newlin Gulch Aqueduct No. 2 Exchange. CCPWA appropriated conditional rights of exchange to Newlin Gulch Aqueduct No. 2. The sources of replacement supply for these exchanges are delivered to Cherry Creek from reservoir releases, releases of water pumped from wells, or discharges of reusable effluent.

6.2.1 Exchange-to point: Newlin Gulch Aqueduct No. 2, a diversion structure which intersects the thread of Cherry Creek in the SE1/4 NW1/4 Section 3, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, at a point approximately 2,090 feet south of the North section line of said Section 3, and approximately 1,870 feet east of the West section line of said Section 3.

6.2.2 Exchange-from points:

6.2.2.1 Cherry Creek Reservoir outlet, described in Appendix 1, para. 67, from the following locations:

6.2.2.1.1 Water stored in Cherry Creek Reservoir. Before CCPWA may exchange water stored in Cherry Creek Reservoir under CCPWA exchanges claimed in this case, CCPWA must obtain permission to store water in Cherry Creek Reservoir pursuant to paragraph 2.2.2.1.4 of the 10CW318 Decree.

6.2.2.2 Discharges from the Lone Tree Creek Water Reuse Facility outfall to Lone Tree Creek, described in Appendix 1, para. 71, to Cherry Creek Reservoir, described in Appendix 1.

6.2.2.3 Releases from the Inverness Reservoir outlet to Cottonwood Creek, described in Appendix 1, para. 80, to Cherry Creek Reservoir.

6.2.2.4 Discharges from the Cottonwood-ACWWA JWPP concentrate discharge to Windmill Creek, described in Appendix 1, para. 76, to the confluence of Windmill Creek and Lone Tree Creek, located in the NE1/4 SW1/4 Section 13, Township 5 South, Range 67 West, of the 6th P.M., Arapahoe County, Colorado, at a point 1,700 feet from the South section line and 2,450 feet from the West section line, to the confluence of Lone Tree Creek and Cottonwood Creek, located in the NE1/4 SW1/4 Section 13, Township 5 South, Range 67 West, of the 6th P.M., Arapahoe County, Colorado, 1,970 feet from the South section line and 1,660 feet from the West section line, to Cherry Creek Reservoir as described in Section 5.2.1.1 of the 10CW318 Decree.

6.2.2.5 Confluence of Cherry Creek and Happy Canyon Creek. Releases from the proposed Chambers Reservoir outlet, described in Appendix 1, para. 81, to Happy Canyon Creek, located in or near the SW1/4 SW1/4 Section 5, Township 6 South, Range 66 West, of the 6th P.M., Douglas County, Colorado, to the confluence

¹ Table 4 is a summary of water rights and, if there are any inconsistencies between Table 4 and the decrees for the water rights described in Table 4, the relevant decrees are controlling and Table 4 will not preempt any provisions or conditions of such decrees.

of Happy Canyon Creek and Cherry Creek, located in the NW1/4 NE1/4 Section 32, Township 5 South, Range 66 West, of the 6th P.M., Douglas County, Colorado, 700 feet from the North section line and 2,600 feet from the East section line. 6.2.2.6 Remarks: Pursuant to para. 5.2.2.3 of the 10CW318 Decree, any outfall may be relocated within 1,000 feet of the locations described without the need to seek to amend the 10CW318 Decree. 6.2.3 Sources of exchange water. The following sources of water will be delivered at the exchange-from points described in para. 6.2.2, above. 6.2.3.1 The Changed Water Rights described in Paragraph 6.1.3.1, above and **Table 1a to the 10CW318 Decree, a copy of which is attached to this Application**, either by releases from storage or by successive use of effluent generated from members' use of such water rights. 6.2.3.2 Conditional ground water and storage water rights described in Section 3 of the 10CW318 Decree (described in this Application as Walker Reservoir and the Subject Wells), by releases from storage or by successive use of effluent generated from members' use of such water rights. 6.2.3.3 Nontributary and not nontributary groundwater rights owned by the CCPWA, which are more particularly described in Paragraph 6.1.3.3, above and **Table 3** attached to this Application, by releases to Cherry Creek, releases from storage, or successive use of effluent generated from members' use of CCPWA's nontributary and not-nontributary groundwater rights. 6.2.3.4 Reusable effluent attributable to the members' water rights summarized in **Table 4** to the 10CW318 Decree, a copy of which is attached hereto. 6.3 **Appropriation and amount of the Augmentation Exchange and the Newlin Gulch Aqueduct No. 2 Exchange**. 6.3.1 Date of Appropriation: December 30, 2010. 6.3.2 Amount claimed: A maximum exchange rate of 20 cfs for each exchange and in the aggregate, conditional. Multiple exchanges may be operated simultaneously. Individual exchange rates will be limited to the amount of substitute supply provided and the lesser of the capacities of the exchange-from and exchange-to points. The exchanges shall be limited to a total of 4,000 acre-feet per year. 6.4 **Use**. 6.4.1 Types of use. All municipal purposes including domestic, agricultural, industrial, commercial, irrigation, augmentation, stock watering, recreation, fish and wildlife, mining, mine reclamation and continuing mine depletions from the exposure of groundwater, and fire protection uses. Water may be produced for: immediate application to beneficial use; for storage, including the locations described below or by aquifer storage and recovery in the Denver Basin aquifers, and subsequent application to beneficial use or release and redirection to storage; for exchange purposes; for replacement of depletions resulting from the use of water from other sources; and for all other augmentation and replacement purposes, including augmentation of not nontributary groundwater diversions. Water may be used, reused, and successively used to extinction. The right to reuse and successively use the water will be conditioned on CCPWA's or its members' ability to maintain legal dominion and control over the water and the term and conditions of Section 6.6 of the 10CW318 Decree. 6.4.2 Places of storage. Water may be stored at the following locations: 6.4.2.1 Walker Reservoir. Located in Section 34, Township 7 South, Range 66 West of the 6th P.M., Douglas County, Colorado. 6.4.2.2 Rueter-Hess Reservoir. The axis of the dam of Rueter-Hess Reservoir intersects the thread of Newlin Gulch at a point in the SE1/4 SW1/4 Section 30, Township 6 South, Range 66 West, 6th P.M., Douglas County, Colorado, which point is approximately 98 feet north of the South section line and 2,348 feet east of the West section line of said Section 30. The northwest abutment of the dam is in the SE1/4 SE1/4 Section 25, Township 6 South, Range 67 West, 6th P.M., approximately 1,026 feet west of the East section line, and approximately 708 feet north of the South section line of said Section 25. The southeast abutment of the dam is in the NE1/4 SE1/4 Section 31, Township 6 South, Range 66 West, 6th P.M., approximately 4,227 feet east of the West section line and 2,950 feet south of the North section line of said Section 31. CCPWA will obtain any necessary permission before storing water in Rueter-Hess Reservoir. 6.4.2.3 Inverness Reservoir. Located in the NW1/4 SE1/4 and the SW1/4 SE1/4 Section 35, Township 5 South, Range 67 West, 6th P.M., Arapahoe County, Colorado. 6.4.2.4 Cherry Creek Reservoir. An on-channel reservoir located in Sections 1, 2, 3, 10, 11, 12, 13, 14, 23, and 24, Township 5 South, Range 67 West, 6th P.M.; Sections 31 and 32, Township 4 South, Range 66 West, 6th P.M.; and Sections 7, 18 and 19, Township 5 South, Range 66 West, 6th P.M., Arapahoe County, Colorado. The initial point of survey of the high water line of the reservoir is located at a point whence the SW Corner of Section 34, Township 4 South, Range 67 West, 6th P.M., bears North 54°54' West a distance of 5,856.8 feet. The outlet works are located in the NW1/4 NE1/4 Section 2, Township 5 South, Range 67 West, 6th P.M., with an approximate latitude of 39°39'08" North and approximate longitude of 104°51'20" West. The initial point of survey of the high water line of the reservoir is located at a point

whence the SW Corner of Section 34, Township 4 South, Range 67 West, 6th P.M. bears North 54°54' West a distance of 5,856.8 feet. Before CCPWA may exchange water stored in Cherry Creek Reservoir under CCPWA's exchanges claimed in this case, CCPWA must obtain permission to store water in Cherry Creek Reservoir pursuant to paragraph 2.2.2.1.4 of the 10CW318 Decree. 6.4.2.5 Chambers Reservoir. Located in Section 8, Township 6 South, Range 66 West, 6th P.M., Douglas County, Colorado. The centerline of the Chambers Reservoir dam crosses an unnamed tributary of Happy Canyon Creek in the NW1/4 NW1/4 Section 8, Township 6 South, Range 66 West, 6th P.M., Douglas County, Colorado, at a point 340 feet from the North line and 630 feet from the West line of said Section 8. 6.4.3 All of the places of storage described in this Section are depicted on the map attached as **Exhibit A**. 6.4.4 Places of use: All areas within the current and future boundaries and service areas of the members; all areas within the current and future boundaries and service areas of PWS and Castle Rock; and all parcels owned by CCPWA. CCPWA owns the following parcels: the "Vessel Parcel," located in the E1/2 Section 4 and the NW1/4 Section 3, Township 7 South, Range 66 West, of the 6th P.M., Douglas County; the "Walker Parcel," located in the N1/2 of Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County; and the "Franktown Parcel," located in Section 22 and the N1/2 of the N1/2 of Section 27, Township 7 South, Range 66 West, 6th P.M., Douglas County. The places of use are depicted on the map attached hereto as **Exhibit B**. 7. **Conditional Walker Reservoir and Groundwater Rights**. 7.1 Remarks: Use of the conditional Walker Reservoir and Groundwater Rights is subject to the terms and conditions of 10CW318 Decree, including but not limited to Para. 6.2 of the 10CW318 Decree. 8. **Appropriative Rights of Exchange**. 8.1 Remarks: The Subject Exchanges are subject to the terms and conditions of 10CW318 Decree, including but not limited to Para. 6.4 of the 10CW318 Decree. 9. Outline of what has been done toward completion or for completion of the appropriations and application of water to a beneficial use as conditionally decreed, including expenditures. 9.1 The CCPWA is a body corporate and politic, a political subdivision of the State of Colorado, and a water authority as defined in C.R.S. § 29-1-204.2, created by agreement of the members of CCPWA dated October 14, 2005. The purpose of CCPWA is to develop and operate a stable and efficient water system for its members. The current members of CCPWA are Inverness Water and Sanitation District ("Inverness"); Castle Rock; the Pinery; and Cottonwood Water and Sanitation District ("Cottonwood"), all of which are political subdivisions of the State of Colorado responsible for supplying water for municipal purposes within their respective service areas and boundaries (collectively, the "Members"). This list reflects the recent change in membership wherein Arapahoe County Water and Wastewater Authority ("ACWWA") transferred its interest in the CCPWA to Castle Rock, which transaction closed in early 2021. CCPWA owns water rights in the Cherry Creek basin, and each member of CCPWA has a right to use a percentage of the water produced by the water rights owned by CCPWA. 9.2 In November 2005, CCPWA purchased the water rights for a water supply project known as the Cherry Creek Project, including the subject water rights, from Western Water Company. The 10CW318 Decree decreed the subject water rights as part of an integrated system of water rights and structures pursuant to C.R.S. § 37-92-301(4)(b), along with the other water rights and structures owned by CCPWA, stating that work performed and effort and costs expended on any of the water rights or structures that are part of its integrated water system shall, for the purposes of demonstrating reasonable diligence in future proceedings involving all water rights described in the 10CW318 Decree be considered to be diligence on all features of CCPWA's entire integrated water supply system. Decree for 10CW318 at Para. 7. CCPWA employs a manager and other staff to oversee the management and development of CCPWA's integrated water supply, including the subject water rights, expending in excess of \$250,000 for said services. 9.3 CCPWA expended time and effort, including expenditures exceeding \$28,780, to begin revising and updating its water rights master plan in 2020 and 2021. This effort included modeling of CCPWA's wells to support filling of Walker Reservoir. 9.4 With respect to Walker Reservoir, a cornerstone of CCPWA's integrated system and decreed place of storage for the Subject Water Rights, CCPWA: (1) completed reservoir design at a cost in excess of \$300,000; (2) obtained a necessary Clean Water Act Section 404 permit at a cost of \$11,006; (3) performed significant work to obtain floodplain permitting at the cost of \$44,230; (4) secured a funding grant from the CWCB to construct the reservoir; and (5) solicited bids and awarded a bid for construction. 9.5 CCPWA also rehabilitated the Christiansen Well No. 3 to supply water to the CCPWA members at a cost of \$15,500 and has supplied water to the Pinery during the diligence period, through which

CCPWA can divert several of its water rights. CCPWA also rehabilitated the McLain Arapahoe Well and equipped it with SCADA at a combined cost of \$208,773. 9.6 CCPWA entered into an annual agreement with USGS for stream gage monitoring and calibration at a total cost of \$9,956. 9.7 CCPWA has also contracted with HRS Water Consultants for accounting services at a cost of \$75,263. 9.8 CCPWA has also contracted with Douglas County for the purchase of water rights in connection to the integrated system at a cost of \$128,228. 9.9 During the diligence period, CCPWA spent more than \$360,000 on attorney's fees related to the development of its integrated system, including projects described above and for the protection and development of its water rights. During that period CCPWA also spent more than \$100,754 on water rights engineering services to develop and protect its water rights. These legal and engineering services included the filing of statements of opposition to various water court applications within the Cherry Creek basin. 9.10 CCPWA reserves the right to identify additional diligence activities or provide additional details as may be necessary. 10. 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. The owners of land on which wells and structures listed herein are located is provided as **Exhibit C**. WHEREFORE, Applicant requests that the Court enter a decree finding that Applicant has been reasonably diligent under all the facts and circumstances concerning the development of the Subject Water Rights, and continuing the Subject Water Rights for another diligence period. (25 pgs., 9 Exhibits)

21CW3148. RYAN K. AND GINGER G. ROBITAILLE, 1450 Serenity Circle Longmont, CO 80504, **APPLICATION FOR APPROVAL OF ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINT OF DIVERSION PURSUANT TO §§ 37-92-305(3.6), C.R.S. IN BOULDER COUNTY.** Please send pleadings to: Matthew Machado, Esq. Lyons Gaddis, P.O. Box 978 Longmont, CO 80502-0978 (303) 776-9900 **CLAIM FOR RELIEF: CORRECTION OF ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINT OF DIVERSION** 2. Decreed water rights for which correction is sought: Well No. 1 2.1 Date of original and all relevant subsequent decrees: Case No. W-4045, decree entered May 9, 1974 by the Division No. 1 Water Court ("Original Decree"). 2.2. Legal description of structure: The decreed location of Well No. 1 is the NE 1/4 of SW 1/4 of Section 26, Township 3 North, Range 73 West of the 6th P.M., Boulder County, Colorado, at a point bearing South 82°33'34" East from the W 1/4 Corner of said Section 26 for a distance of 2383.10 feet. 2.3. Decreed source: Groundwater. 2.4 Appropriation Date: December 31, 1950. 2.5 Total Amount decreed to structure: 0.0617 cfs, absolute. 2.6 Decreed use: Domestic. 3. Detailed description of proposed correction to an established but erroneously described point of diversion: 3.1 Complete statement of correction to an established but erroneously described point of diversion, including whether it is erroneously described. See §§ 37-92-305(3.6)(a) & (b), C.R.S.: This Application seeks to correct the erroneous legal description for Well No. 1 set forth in the Original Decree to match the actual location of the well since it was constructed over 70 years ago. Applicant Ryan Robitaille's mother obtained the original decree, and Mr. Robitaille has been personally familiar with the well and its location at the time of ever since the original decree was entered. 3.2. Legal Description of the corrected point of diversion (i.e. actual location of Well No. 1): The corrected and actual location of Well No. 1 is approximately 330 feet from the actual location, which is UTM coordinates (NAD 83 datum, Zone 13) 454543 Easting, 4449716 Northing, being in the SE 1/4 NW 1/4 of Section 26, Township 3 North, Range 73 West of the 6th P.M. The actual location was determined by a hand held GPS. 3.3. Map: Attached as **EXHIBIT A** is a map showing the decreed and actual locations of Well No. 1. 3.4. Property: Well No. 1 is located on Applicants' property in Allenspark (street address 465 CR 90). 3.5. Limit on Use: The well will continue to be used for domestic uses. Irrigation shall be limited to 2000 s.f. and one residence with a nonevaporative septic system. 4. Names and addresses of owners or reputed owners of 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. Applicants. WHEREFORE, Applicants requests the Court to enter a decree approving the correction for an established but erroneously described point of diversion pursuant to Section 37-92-305(3.6)(d). Number of pages in application: 4, excluding exhibit.

21CW3149 PUBLISHED IN DIVISION 2 IN CASE 21CW3040

21CW3150 (14CW3024, 02CW391) TROLLCO, INC. (“Trollco”) c/o Martin Lind, President 1625 Pelican Lakes Point Suite 201 Windsor, CO 80550 970-686-5828; Raindance Aquatic Investments, LLC (“RAI”) c/o Martin Lind, President 1625 Pelican Lakes Point Suite 201 Windsor, CO 80550 970-686-5828; RainDance Metropolitan District No. 1 (“RDMD”) c/o White Bear Ankele Tanaka & Waldron 2154 E. Commons Ave, Ste. 2000 Centennial, CO 80122 303-858-1800, Serve all pleadings on: Madoline Wallace-Gross, Kara Godbehere, Anthony J. Basile, Lyons Gaddis Kahn Hall Jeffers Dworak & Grant, P.C. P.O. Box 978 Longmont, CO 80502-0978 mwg@lyonsgaddis.com; kgodbehere@lyonsgaddis.com; abasile@lyonsgaddis.com. (303) 776-9900. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN WELD COUNTY.** 2. **Name of Structures:** Raindance Reservoir No. 1 and Raindance Reservoir No. 2 (“Subject Water Rights”). 3. **Description of Conditional Water Storage Rights:** A. **Original Decree:** Case No. 02CW391, District Court, Water Division No. 1, entered February 8, 2008. This decree awarded absolute and conditional water storage rights for ten reservoirs. The water storage rights decreed in that case constitute an integrated water system for the Property described in paragraph 3.I. B. **Subsequent Decree:** Case No. 14CW3024, District Court, Water Division No. 1, entered August 11, 2015. This decree awarded absolute storage rights and abandoned conditional storage rights associated with the reservoirs. As a result, the Subject Water Rights are the only water rights that remained conditional. C. **Locations, Capacities, and Surface Areas of the Subject Water Rights as decreed in Case No. 02CW391:** See Figure 1. i. *Raindance Reservoir No. 1:* a. To be located in Section 31 and S 1/2 of Section 30, Township 6 North, Range 67 West of the 6th P.M., in Weld County. b. Capacity: 3,500 acre feet. c. Surface area: 120 acres. d. Amount remaining conditional: 3,500 acre feet. e. Remarks: Raindance No. 1 includes what was identified in Case No. 02CW391 as Raindance No. 3; pursuant to the 02CW391 Decree, the decreed capacity of Raindance No. 1 remained the same as the capacity which was claimed in the original application. ii. *Raindance Reservoir No. 2:* a. To be located in the NW 1/4 and W 1/2 NE 1/4 of Section 6, Township 5 North, Range 67 West of the 6th P.M., in Weld County. b. Capacity: 1,500 acre feet. c. Surface area: 29 acres. d. Amount remaining conditional: 1,500 acre feet. D. **Sources of Water for the Subject Water Rights:** i. Cache la Poudre River, drainage water, storm water, and return flows from irrigation. ii. B.H. Eaton Ditch may be used to fill Raindance No. 1 and Raindance No. 2. The legal description of the point of diversion for the B.H. Eaton Ditch is: South side of the Cache La Poudre River in the NW 1/4 SE 1/4, Section 19, Township 6 North, Range 67 West, 6th P.M., Weld County, Colorado. E. **Appropriation Dates for the Subject Water Rights:** December 31, 2002. F. **Filling Rate for the Subject Water Rights:** 50 cfs via the B.H. Eaton Ditch. G. **Use of the Subject Water Rights:** Irrigation, commercial (including snowmaking), industrial, municipal on the property identified in paragraph 3.H by the Poudre Tech Metropolitan District, domestic, fire protection, wetland establishment and maintenance, wildlife habitat, fish habitat, recreation, replacement, augmentation and exchange uses. H. **Place of Use.** Use of the Subject Water Rights, including for irrigation, will be on lands located in Sections 28, 29, 30, 31, 32, 33 and 34, Township 6 North, Range 67 West of the 6th P.M. that have been included as part of Water Valley Subdivisions and/or any lands within the current or future boundaries of the Poudre Tech Metropolitan District (“Property”). I. **Subsequent Application:** Case No. 20CW3093, District Court, Water Division No. 1, pending. Co-applicant RDMD seeks a change of water rights for the Subject Water Rights such that the reservoirs can be constructed in a different location and as more than one or more cells. In addition, if it is found that the lands to be served are not within the place of use already decreed for the Subject Water Rights, then Co-applicant RDMD and Poudre Tech Metropolitan District (“Poudre Tech”) seek to change the place of use for use of the Subject Water Rights to include the lands within the service areas of the Co-applicant RDMD and Poudre Tech. 4. **Detailed outline of what has been done toward completion or for completion of the appropriations and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period:** Pursuant to C.R.S. § 37-92-301(4)(b), work conducted on one feature of an integrated system must be considered in finding that reasonable diligence has been shown in the development of the water rights for all features of the entire project or system. During this diligence period, the Applicants expended more than \$43,000,000 to undertake the following work in furtherance of the Subject Water Rights and the integrated

system: A. Co-applicant RAI entered into a *Water Storage Right Lease (Raindance Reservoir No. 2)* with Vima Partners, LLC (“Vima”), dated September 17, 2020, to lease the Raindance Reservoir No. 2 conditional water storage right for up to 99 years. B. Vima entered into a *Water Storage and Water Storage Right Lease (Raindance Reservoir No. 2)* with Co-applicant RDMD, dated September 17, 2020, to lease Raindance Reservoir No. 2 and the Raindance Reservoir No. 2 conditional water storage right for up to 99 years. C. Co-applicant RDMD and Poudre Tech entered into an *Intergovernmental Agreement* dated July 22, 2021 that authorizes the sharing of infrastructure and water rights, including the Subject Water Rights. D. Applicants designed Raindance Reservoir No. 2 and the infrastructure used to divert, carry, measure and release water from Raindance Reservoir No. 2 (“associated infrastructure”). E. Vima was issued Permit M-2021-020 (Construction Material Operation) dated May 11, 2021 by the Division of Reclamation, Mining and Safety (“DRMS”). F. Vima applied for and DRMS acknowledge receipt of M-2021-049 (112c Construction Materials Reclamation Permit Application) dated August 11, 2021. G. Co-applicant RDMD entered into a contract with Colorado Department of Transportation (“CDOT”), whereby CDOT will excavate Raindance Reservoir No. 2 and use the fill material for road construction. Pursuant to the contract, CDOT has begun excavating Raindance Reservoir No. 2. H. Applicants have begun to construct the Raindance Reservoir No. 2 associated infrastructure. I. Co-applicant RDMD filed an application in Case No. 20CW3093 in District Court, Water Division No. 1, as described in paragraph 3.I. above, to change the Subject Water Rights. The application also seeks to change water rights decreed to the B.H. Eaton Ditch for use on the Property, including for storage in Raindance Reservoir Nos. 1 and 2. J. Co-applicant RDMD filed an application in Case No. 19CW3226 in District Court, Water Division No. 1 that seeks to change water rights decreed to the Whitney Ditch for use on the Property, including for storage in Raindance Reservoir Nos. 1 and 2. K. Co-applicant RDMD was awarded a conditional right of appropriative exchange of the Subject Water Rights in Case No. 18CW3240, District Court, Water Division No. 1. L. Co-applicant RDMD opposed the application of the Colorado Water Conservation Board in Case No. 21CW3056 to protect the Subject Water Rights. M. Co-applicant RDMD and Poudre Tech expended more than \$46,000 in engineering consultant fees to Martin & Wood for the development and refinement of the integrated water supply system accounting. N. Co-applicant RDMD expended more than \$330,000 in engineering consultant fees to Martin & Wood to: support Case Nos. 18CW3240, 19CW3226 and 20CW3093; support the acquisition of water rights that can be stored in Raindance Reservoir Nos. 1 and 2; and conduct water modelling, water efficiency planning and drought planning. O. Co-applicant RDMD and Trollco expended more than \$195,000 in attorneys’ fees to: draft leases and intergovernmental agreements related to water rights, including the Subject Water Rights; prosecute Case Nos. 18CW3240, 19CW3226 and 20CW3093; to support the acquisition of water rights that can be stored in Raindance Reservoir Nos. 1 and 2; and to protect the Subject Water Rights in Water Court. P. Applicants expended more than \$2,400,000 to retain the services of personnel to oversee the operation of the integrated water system. 4. **Name and address of owner or reputed owner 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:** A. Raindance Reservoir No. 1 (sites 1 and 2): Raindance Aquatic Investments LLC, Raindance Development LLC, Raindance North Holdings LLC, Raindance Land Company LLC, All Attn: Martin Lind 1625 Pelican Lakes Point, Suite 201 Windsor, CO 80550. B. Raindance Reservoir No. 2: Lind Land Company Inc, Martin Lind, Vima Partners, LLC Attn: Martin Lind 1625 Pelican Lakes Point, Suite 201 Windsor, CO 80550. Number of pages in application: 7, excluding exhibits.

21CW3151 (99CW207 and 14CW3117). CITY OF WESTMINSTER. 4800 West 92nd Avenue, Westminster, Colorado 80030, (303) 658-2400. Please send all correspondence and pleadings to: Lee H. Johnson, Mason H. Brown, and Katrina B. Fiscella, Carlson, Hammond & Paddock, LLC, 1900 Grant Street, Suite 1200, Denver, Colorado 80203, Phone Number: (303) 861-9000, Email: ljohnson@chp-law.com; mbrown@chp-law.com; kfiscella@chp-law.com. **APPLICATION FOR A FINDING OF REASONABLE DILIGENCE IN WELD, ADAMS AND JEFFERSON COUNTIES, COLORADO.** 2. **Name of Structures:** In Case No. 99CW207, Westminster adjudicated conditional exchanges involving the following structures: Westminster’s Big Dry Creek Wastewater Treatment Plant, Brighton Ditch, Brantner Ditch,

Wattenberg Lake, Wattenberg Well Field, Wattenberg Pipeline, Lower Clear Creek Ditch, West Gravel Lakes, Kershaw Ditch, Manhart Ditch, Jim Baker Reservoir, Croke Canal, Farmers' High Line Canal, and the Church Ditch, all as described in the decree in Case No. 99CW207 and as generally shown on a map of Westminster's Water Supply System attached as Exhibit A. The locations of the above-named structures are as follows: A. The outfall from Westminster's Big Dry Creek Wastewater Treatment Plant ("BDCWWTP") is located at a point on the north bank of Big Dry Creek 400 feet east of Huron Street in the NW1/4 of the SW1/4 of Section 27, Township 1 South, Range 68 West, of the 6th P.M., County of Adams, State of Colorado. Westminster provides the following coordinates to help further identify the approximate relevant location utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (500574 E, 4420578 N). B. The headgate of the Brighton Ditch is located on the west bank of the South Platte River in the SE1/4SE1/4 of Section 11, Township 1 South, Range 67 West of the 6th P.M., County of Adams, State of Colorado. Westminster provides the following coordinates to help further identify the relevant location utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (512719 E, 4424883 N). C. The headgate of the Brantner Ditch is located on the west bank of the South Platte River in the NE1/4SW1/4 of Section 4, Township 2 South, Range 67 West of the 6th P.M., County of Adams, State of Colorado. D. Wattenberg Lake will be located in Sections 25 and 36, Township 1 North, Range 67 West of the 6th P.M., and Section 30, Township 1 North, Range 66 West of the 6th P.M. Wattenberg Lake may be filled by releases from the Brantner Ditch, the Brighton Ditch, the Wattenberg Pipeline located NE1/4 of Section 1, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado, and the Wattenberg Well Field located immediately adjacent to Wattenberg Lake and the South Platte River, more particularly located in the S1/2 of the NE1/4 and the E1/2 of the SW1/4 and the SE1/4 of Section 25, Township 1 North, Range 67 West of the 6th P.M., Weld County, Colorado and the W1/2 of the SW1/4 of Section 30, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. E. The headgate of the Lower Clear Creek Ditch is located on the north bank of Clear Creek at a point 1400 feet west and 1200 feet north of the SE corner of Section 4, Township 3 South, Range 68 West of the 6th P.M., Adams County Colorado. Westminster provides the following coordinates to help further identify the relevant location utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (499883 E, 4407356 N). F. The West Gravel Lakes are located in portions of Section 25 and 36, Township 2 South, Range 68 West of the 6th P.M., Adams County, Colorado. The outfall of the West Gravel Lakes is located in the W1/2 of the NW1/4 of Section 30, Township 2 South, Range 67 West of the 6th P.M., Adams County, Colorado. Westminster provides the following coordinates to help further identify the approximate location of the West Gravel Lakes outlet works pump house utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (505031 E, 4411328 N). G. The headgate of the Kershaw Ditch is located on the North Bank of Clear Creek in the NE1/4 of the NW1/4 of Section 18, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado. Westminster provides the following coordinates to help further identify the relevant location utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (496254 E, 4405228 N). H. The headgate of the Manhart Ditch is located on the North bank of Ralston Creek in the SW1/4 of Section 12, Township 3 South, Range 69 West of the 6th P.M., Jefferson County, Colorado. Westminster provides the following coordinates to help further identify the relevant location utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (494178 E, 4405876 N). I. Jim Baker Reservoir is located in the S1/2 of the NE1/4 and the N1/2 of the SE1/4 of Section 7, Township 3 South, Range 68 West of the 6th P.M., in Adams County, Colorado. Westminster provides the following coordinates to help further identify the approximate location of the Jim Baker Reservoir outlet works utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (496995 E, 4406098 N). J. The headgates of the Croke Canal are located: (1) On the north bank of Clear Creek in the NW1/4NE1/4 of Section 26, Township 3 South, Range 70 West, 6th P.M., Jefferson County, Colorado. Westminster provides the following coordinates to help further identify the relevant location

utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (483408 E, 4402089 N). (2) On Ralston Creek where the Croke Canal crosses Ralston Creek in Section 1, Township 3 South, Range 70 West, 6th P.M., Jefferson County, Colorado at a point near the center of said Section 1. Westminster provides the following coordinates to help further identify the approximate relevant location on Ralston Creek utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (485135 E, 4407840 N). K. The headgates of the Farmers' High Line Canal are located: (1) On the north bank of Clear Creek in the SW1/4 of Section 27, Township 3 South, Range 70 West, 6th P.M., a short distance below the Ford Street Bridge across Clear Creek in the City of Golden, Jefferson County, Colorado (decreed as the Clear Creek point of diversion for the Farmers' High Line Canal in Case No. 60052, District Court for the City and County of Denver, Division II, May 13, 1936). Westminster provides the following coordinates to help further identify the relevant location of the Farmers' High Line Canal headgate on Clear Creek utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (481286 E, 4400999 N). (2) At a point where the Farmers' High Line Canal crosses Van Bibber Creek in the SW1/4 of Section 12, Township 3 South, Range 70 West, 6th P.M., Jefferson County, Colorado, which point is approximately 800 feet north of the south line and 400 feet west of the east line of said SW1/4. Westminster provides the following coordinates to help further identify the relevant approximate location utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (484922 E, 4405598 N). L. The headgate of the Church Ditch is located: (1) The headgate of the Church Ditch on Clear Creek, (also known as the Golden City and Ralston Creek Ditch), is located on the north bank of Clear Creek at a point in the NE1/4 of Section 32, Township 3 South, Range 70 West, 6th P.M., Jefferson County, Colorado, 1450 feet S 69° 30' W from the northeast corner of said section. Westminster provides the following coordinates to help further identify the relevant location utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (478991 E, 4400296 N). **3. Description of conditional water rights:** The conditional exchanges adjudicated in Case No. 99CW207, are identified in the Exchange Matrix, attached as Exhibit B, and more particularly described as follows: A. Big Dry Creek Exchange: 1. In substitution for releases of reusable effluent from the BDCWWTP, water shall be diverted from the South Platte River by exchange at the following structures: a. Brantner Ditch, located as described in Paragraph 2.C, above, for storage in Wattenberg Lake. b. Brighton Ditch, located as described in Paragraph 2.B, above, for storage in Wattenberg Lake. c. Wattenberg Pipeline, located as described in Paragraph 2.D, above, for storage in Wattenberg Lake. d. Wattenberg Well Field, located as described in Paragraph 2.D, above, for storage in Wattenberg Lake. 2. The reach of the stream system over which this exchange will operate includes Big Dry Creek from the outfall of the BDCWWTP downstream to its confluence with the South Platte River, thence upstream on the South Platte River to the points of diversion identified above, the furthest upstream of which is the headgate of the Brantner Ditch located as described in paragraph 2.C. Contemporaneously with its diversions by exchange, unless the Division Engineer requires that the water be made available at another time in order to account for travel time to avoid injury, Westminster will introduce an amount of substitute supply equal to the amount of its diversions by exchange, as adjusted for river transit losses, if any. The Division Engineer may take travel times into account and require that the substitute supply reach a certain point at the same time as the effect from the diversion by exchange also reaches that point. 3. Amount Claimed: 40 c.f.s., conditional. 4. Appropriation Date: December 21, 1999. 5. Use of exchange water: All municipal uses associated with the City of Westminster's Municipal Water Supply System including, but not limited to, municipal, irrigation, domestic, commercial, industrial, recreational, exchange, replacement, and augmentation purposes. To the extent water provided as a substitute supply is fully consumable, any water diverted into Westminster's system by exchange shall carry identical rights of use, reuse, and successive use, and may be fully consumed. 6. Source of water diverted by exchange: South Platte River. B. Wattenberg Lake Exchange: 1. In substitution for releases of water stored in Wattenberg Lake to the South Platte River, water shall be diverted by exchange at the following structures: a. Lower Clear Creek Ditch, located as described in Paragraph 2.E, above, for storage in the West Gravel Lakes. b. Kershaw Ditch, located as described in Paragraph 2.G, above, for storage

in Jim Baker Reservoir. c. Manhart Ditch, located as described in Paragraph 2.H, above, for storage in Jim Baker Reservoir. d. Croke Canal, located as described in Paragraph 2.J, above, for storage in Standley Lake and/or delivery into the Westminster Municipal Water Supply System, and/or municipal uses directly from the Croke Canal. e. Farmers' High Line Canal, located as described in Paragraph 2.K, above, for storage in Standley Lake and/or delivery into the Westminster Municipal Water Supply System, and/or municipal uses directly from the Farmers' High Line Canal. f. The Church Ditch, located as described in Paragraph 2.L, above, for storage in Standley Lake and/or delivery into the Westminster Municipal Water Supply System, and/or municipal uses directly from the Church Ditch. 2. The reach of the stream system over which this exchange will operate includes the South Platte River from the outfall of Wattenberg Lake, thence upstream on the South Platte River to the confluence with Clear Creek, thence upstream on Clear Creek and its tributaries to the points of diversion identified above, the furthest upstream of which is the headgate of the Church Ditch located as described in paragraph 2.L. Contemporaneously with its diversions by exchange, unless the Division Engineer requires that the water be made available at another time in order to account for travel time to avoid injury, Westminster will introduce an amount of substitute supply equal to the amount of its diversions by exchange, as adjusted for river transit losses, if any. The Division Engineer may take travel times into account and require that the substitute supply reach a certain point at the same time as the effect from the diversion by exchange also reaches that point. 3. Amount Claimed: 50 c.f.s., conditional. 4. Appropriation Date: December 21, 1999. 5. Use of exchange water: All municipal uses associated with the City of Westminster's Municipal Water Supply System including, but not limited to, municipal, irrigation, domestic, commercial, industrial, recreational, exchange, replacement, and augmentation purposes. To the extent water provided as a substitute supply is fully consumable, any water diverted into Westminster's system by exchange shall carry identical rights of use, reuse, and successive use, and may be fully consumed. 6. Source of water diverted by exchange: Clear Creek, Ralston Creek, and Van Bibber Creek. C. West Gravel Lakes Exchange: 1. In substitution for water stored in the West Gravel Lakes that is: (i) released to the South Platte River, or (ii) booked over into the City of Thornton's storage account in the West Gravel Lakes, or (iii) pumped from the West Gravel Lakes into the Lower Clear Creek Ditch, water shall be diverted by exchange at the following structures: a. Kershaw Ditch, located as described in Paragraph 2.G, above, for storage in Jim Baker Reservoir. b. Manhart Ditch, located as described in Paragraph 2.H, above, for storage in Jim Baker Reservoir. c. Croke Canal, located as described in Paragraph 2.J, above, for storage in Standley Lake and/or delivery into the Westminster Municipal Water Supply System, and/or municipal uses directly from the Croke Canal. d. Farmers' High Line Canal, located as described in Paragraph 2.K, above, for storage in Standley Lake and/or delivery into the Westminster Municipal Water Supply System, and/or municipal uses directly from the Farmers' High Line Canal. e. The Church Ditch, located as described in Paragraph 2.L, above, for storage in Standley Lake and/or delivery into the Westminster Municipal Water Supply System, and/or municipal uses directly from the Church Ditch. 2. The reach of the stream system over which this exchange will operate includes the South Platte River from the outfall of the West Gravel Lakes, thence upstream on the South Platte River to the confluence with Clear Creek, thence upstream on Clear Creek and its tributaries to the points of diversion identified above, the furthest upstream of which is the headgate of the Church Ditch located as described in paragraph 2.L. Contemporaneously with its diversions by exchange, unless the Division Engineer requires that the water be made available at another time in order to account for travel time to avoid injury, Westminster will introduce an amount of substitute supply equal to the amount of its diversions by exchange, as adjusted for river transit losses, if any. The Division Engineer may take travel times into account and require that the substitute supply reach a certain point at the same time as the effect from the diversion by exchange also reaches that point. In addition, this exchange may be operated within the Lower Clear Creek Ditch system (to the extent the exchange is facilitated by a bookover to the City of Thornton's storage account in West Gravel Lakes or pumped from the West Gravel Lakes into the Lower Clear Creek Ditch itself), thence upstream on Clear Creek and its tributaries to the points of diversion identified above, the furthest upstream of which is the headgate of the Church Ditch located as described in paragraph 2.L. Substitution at the Lower Clear Creek Ditch, will occur through either of the following two methods: a. water in the West Gravel Lakes owned by Westminster may be removed from Westminster's account and placed in Thornton's account in place of Clear Creek water which would otherwise be diverted

for Thornton's shares in the Lower Clear Creek Ditch ("Bookover Exchange"); or b. water from West Gravel Lakes may be pumped into the Lower Clear Creek Ditch, at a point located in the N1/2 of Section 25, Township 2 South, Range 68 West of the 6th P. M., Adams County, Colorado, in place of Clear Creek water which would otherwise be diverted for shareholders other than Thornton ("Ditch Exchange"). Either method may satisfy a portion of the demand of the Lower Clear Creek Ditch and in turn may cause the reduction of its diversions from Clear Creek. To the extent such diversions are reduced, an equal amount of water may then be diverted by exchange at the exchange diversion points. The Ditch Exchange in the Lower Clear Creek Ditch involving shares not owned by Thornton shall not operate to burden or otherwise limit future changes in use of water rights of such shares. Nothing in this decree shall require the Lower Clear Creek Ditch Company, or its shareholders who are not subject to a separate agreement, to take delivery, or call for delivery of their water entitlement below the exchange point of discharge to the Lower Clear Creek Ditch. The need for water and the beneficial use of water by Lower Clear Creek Ditch Company shareholders below the discharge point shall be exclusively determined by the Company and its stockholders served thereby. The Ditch Exchange shall be operated in a manner which ensures that all Lower Clear Creek Ditch shareholders, including shareholders who take delivery of their share water up-ditch of the point of discharge to the Lower Clear Creek Ditch, shall receive the same amount of water as they would receive in the absence of the operation of the Ditch Exchange. 3. Amount Claimed: 100 c.f.s., conditional. 4. Appropriation Date: December 21, 1999. 5. Use of exchange water: All municipal uses associated with the City of Westminster's Municipal Water Supply System including, but not limited to, municipal, irrigation, domestic, commercial, industrial, recreational, exchange, replacement, and augmentation purposes. To the extent water provided as a substitute supply is fully consumable, any water diverted into Westminster's system by exchange shall carry identical rights of use, reuse, and successive use, and may be fully consumed. 6. Source of water diverted by exchange: Clear Creek, Ralston Creek, and Van Bibber Creek. D. Jim Baker Reservoir Exchange: 1. In substitution for water stored in Jim Baker Reservoir and released to Clear Creek, water shall be diverted by exchange at the following structures: a. Croke Canal, located as described in Paragraph 2.J, above, for storage in Standley Lake and/or delivery into the Westminster Municipal Water Supply System, and/or municipal uses directly from the Croke Canal. b. Farmers' High Line Canal, located as described in Paragraph 2.K, above, for storage in Standley Lake and/or delivery into the Westminster Municipal Water Supply System, and/or municipal uses directly from the Farmers' High Line Canal. c. The Church Ditch, located as described in Paragraph 2.L, above, for storage in Standley Lake and/or delivery into the Westminster Municipal Water Supply System, and/or municipal uses directly from the Church Ditch. 2. The reach of the stream system over which this exchange will operate includes Clear Creek from the outfall of Jim Baker Reservoir, thence upstream on Clear Creek and its tributaries to the points of diversion identified above, the furthest upstream of which is the headgate of the Church Ditch located as described in paragraph 2.L. Contemporaneously with its diversions by exchange, unless the Division Engineer requires that the water be made available at another time in order to account for travel time to avoid injury, Westminster will introduce an amount of substitute supply equal to the amount of its diversions by exchange, as adjusted for river transit losses, if any. The Division Engineer may take travel times into account and require that the substitute supply reach a certain point at the same time as the effect from the diversion by exchange also reaches that point. 3. Amount Claimed: 25 c.f.s., conditional. 4. Appropriation Date: December 21, 1999. 5. Use of exchange water: All municipal uses associated with the City of Westminster's Municipal Water Supply System including, but not limited to, municipal, irrigation, domestic, commercial, industrial, recreational, exchange, replacement, and augmentation purposes. To the extent water provided as a substitute supply is fully consumable, any water diverted into Westminster's system by exchange shall carry identical rights of use, reuse, and successive use, and may be fully consumed. 6. Source of water diverted by exchange: Clear Creek, Ralston Creek, and Van Bibber Creek. **4. Detailed outline of what has been done toward completion of the appropriation and application to a beneficial use:** A. Wattenberg Lake remains under construction, and is not yet entirely completed and operational. Wattenberg Lake will be lined gravel lake storage located on lands owned by Westminster. The owner of the mineral interests associated with said lands is Aggregate Industries ("AI"). Pursuant to a Storage Facility Agreement, AI is conducting gravel mining activities on the property and will ultimately deliver lined gravel lake storage to Westminster upon completion of its mining activities. AI's

mining activities on the property are ongoing. During the diligence period, however, Westminster took delivery of the first phase of lined storage associated with Wattenberg Lake. Initial closing occurred in late December of 2019 at which time Westminster took title to approximately 2,500 acre feet of the initial storage amount associated with Wattenberg Lake. After completing a survey of the first phase of lined storage, a final first delivery closing was held in September 2020. In connection with the initial and final first delivery closings for the first phase of lined storage, Westminster made payments to Aggregate Industries in excess of \$5.8 million dollars. These funds were expended during the diligence period. Work on the second phase of lined storage is ongoing and has occurred during the diligence period. As of the date of this application, AI has completed the first cell of lined storage as discussed above and delivered the first cell to Westminster. Design work on inlet and outlet components is ongoing.

B. During the diligence period, Westminster incurred operation and maintenance expenses associated with the BDCWWTP. Another source of water to be stored directly in Wattenberg Lake is Westminster's fully consumable effluent generated at the Metro Wastewater Reclamation District Plant. Westminster also paid certain fees to the Metro Wastewater Reclamation District for treatment and discharge of Westminster's effluent at the Metro Plant.

C. The decree in Case No. 99CW207 identifies several different means to deliver water into Wattenberg Lake. One such method of water delivery is via the Brighton Ditch. Prior to the current diligence period, Westminster entered into a carriage agreement with the Brighton Ditch Company for the delivery of water to Wattenberg Lake. During the current diligence period, Westminster has continued to pay annual maintenance fees to the Brighton Ditch Company consistent with the requirements of its carriage agreement.

D. Westminster is the owner of a storage account at the West Gravel Lakes, that is used, in part, for storage of water pursuant to the decree in Case No. 99CW207. Westminster has incurred expenses during the diligence period associated with its storage account at the West Gravel Lakes, including but not limited to expenses associated with the operation and maintenance of its storage account and the Lower Clear Creek/Colorado Agricultural ditches as well as pumping costs associated with the operation of the storage account.

E. During the diligence period, Westminster has operated and maintained Jim Baker Reservoir. Activities include, but are not limited to, monitoring lake levels, operating and maintaining inlet and outlet works, accounting and record keeping activities, wetlands monitoring and general reservoir maintenance activities. Operation and maintenance of the reservoir is an integral component of the Jim Baker Reservoir Exchange. Operation and maintenance expenses were incurred during the diligence period, including, but not limited to, City staff time and expenses and outside consultant expenses.

F. During the diligence period, Westminster continued to operate under the carriage agreement with the Farmers' High Line Canal and Reservoir Company for the use of excess capacity in the Farmers' High Line Canal. This agreement allows Westminster to carry additional water through the Farmers' High Line Canal, including water exchanged to the Farmers' High Line Canal in accordance with the decree in Case No. 99CW207. Westminster is contractually obligated to pay an annual fee for use of the Farmers' High Line Canal. Westminster has continually made these payments during the diligence period.

G. During the diligence period, Westminster has also paid funds in the form of ditch assessments to the Church Ditch Water Authority, the Farmers' High Line Canal and Reservoir Company, FRICO, the Manhart Ditch Company and the Kershaw Ditch Company. Said funds have been used, in part, to maintain the ditches necessary for operation of the conditional exchanges.

H. As set forth in paragraph 29 of the decree in Case No. 14CW3117, the conditional exchanges decreed in Case No. 99CW207 are part of Westminster's Clear Creek Water Supply System, an integrated system under § 37-92-301(4)(b), C.R.S. During the diligence period, Westminster has continued the development of its Clear Creek Water Supply System. Activities have included, among other things: acquisition of additional interests in water on Clear Creek and its tributaries and the South Platte River; prosecuting Water Court applications to incorporate said interests into the City's Water Supply System; exercising conditional exchanges and making portions absolute or obtaining diligence decrees on the remaining conditional portions; operation of an aeration system related to Jim Baker Reservoir; negotiation of bypass agreement for Lower Clear Creek/Colorado Agricultural Ditch; and, participation in numerous Water Court cases for purposes of protecting, maintaining and developing Westminster's Water Supply System. Expenses associated with these activities were incurred during the diligence period.

I. During the diligence period, Westminster has participated in a number of water court proceedings in an effort, in part, to protect and maintain return flows to Big Dry Creek and the Clear Creek and South Platte River basins.

Costs associated with these efforts were incurred during the diligence period. **5. Water applied to beneficial use:** N/A. **6. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** The BDCWWTP, and the relevant BDCWWTP outfall, is owned by Westminster and located on City lands. There is no need to modify said structure in order to accomplish the conditional exchanges. As noted above, Wattenberg Lake is still under construction. The lands on which it will be located are owned by Westminster. The mineral interests, including gravel deposits, located on said lands are owned by Aggregate Industries – WCR, Inc. Pursuant to an agreement with AI, the lined storage created by mining the gravel deposits will be owned by Westminster. By separate agreement, Westminster has conveyed a portion of the storage volumes in the resulting lined storage to South Adams County Water & Sanitation District. The lands on which the Wattenberg Well Field will be located are also owned by Westminster. On information and belief, the lands on which the Wattenberg Pipeline diversion point will be located are owned by: City of Thornton, 9500 Civic Center Drive, Thornton, Colorado 80229-4326. Upon completion of construction, Wattenberg Lake may also be filled by the Brighton Ditch and/or the Brantner Ditch, both existing ditches. Westminster has a carriage agreement with the Brighton Ditch. Westminster does not currently have a carriage agreement with the Brantner Ditch. Consistent with the decree in Case No. 99CW207, this application and any resulting decree does not seek to establish a carriage right in the Brantner Ditch. Any such carriage right shall be by separate agreement. West Gravel Lakes is an existing structure located on lands owned by the City of Thornton. Westminster owns storage space in the West Gravel Lakes. There is no need to modify West Gravel Lakes, or its outfall, to accomplish the conditional exchanges. Jim Baker Reservoir is an existing structure owned by Westminster and located on lands owned by the City. There is no need to modify Jim Baker Reservoir, or its outfall, to accomplish the conditional exchanges. All structures associated with the conditional exchanges diverting from Clear Creek are existing, not new structures. In addition, the Manhart Ditch headgate diverts from Ralston Creek and is an existing, not a new, structure. There is no need to modify these structures in order to accomplish the conditional exchanges. Westminster holds carriage rights in each of the existing ditches diverting from Clear Creek identified in this application and the Manhart Ditch diverting from Ralston Creek. On information and belief, a new or modified diversion structure diverting from Ralston Creek into the Croke Canal may be located on lands owned by: Farmers Reservoir and Irrigation Company, 80 South 27th Avenue, Brighton, Colorado 80601; City of Arvada, 8101 Ralston Road, Arvada, Colorado 80002. On information and belief, a new or modified diversion structure diverting water from Van Bibber Creek into the Farmers’ High Line Canal may be located on lands owned by: Farmers’ High Line Canal and Reservoir Company, 8399 W 89th Avenue, Westminster, Colorado 80021; Jefferson County, 100 Jefferson County Parkway, Golden, Colorado 80419. In Case No. 14CW3117, Westminster did not seek diligence as to the “exchange to” point on Leyden Creek at the Croke Canal. As a result, the Leyden Creek diversion point was abandoned as an “exchange to” point under the decree in Case No. 99CW207. That determination applied solely to the diversion point adjudicated for exchange purposes in Case No. 99CW207, and no other decree or water right. Additional notice by certified or registered mail, as set forth in § 37-92-302(2)(b), C.R.S., will be provided to the entities identified above for the Wattenberg Pipeline diversion point, the Ralston Creek diversion point to the Croke Canal and the Van Bibber Creek diversion point to the Farmers’ High Line Canal. The remaining structures involved with the conditional exchanges are all existing, not new, diversion or storage structures and no additional notice beyond the notice provided by newspaper publication and the water court resume is required. **WHEREFORE**, Westminster requests the Court to enter its decree and ruling as follows: 1. To make a finding of reasonable diligence as to the entirety of the remaining conditional exchanges originally adjudicated in Case No. 99CW207 and providing that a subsequent showing of diligence be made six years from the date of entry of a decree of diligence in this matter; and, 2. Any other ruling the Court deems appropriate in the above-captioned matter

21CW3152 JOSHUA AND SONYA NEAL, MOUNTAIN MUTUAL RESERVOIR COMPANY, AND NORTH FORK ASSOCIATES, LLC; Joshua and Sonya Neal, 23728 Inca Road, Indian Hills, CO 80453; Email: jdneal@gmail.com; Telephone: (720) 805-7710; 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 UNDERGROUND WATER RIGHTS AND PLAN FOR AUGMENTATION INCLUDING EXCHANGE IN JEFFERSON COUNTY. CLAIM NO. 1: APPLICATION FOR UNDERGROUND WATER RIGHT** 2. Names of Well and Permit Number: Neal Well No. 1, Well Permit No. 191921. a. Legal Description of the Well: Neal Well No. 1 is located in the NE1/4 SW1/4, Section 7, Township 5 South, Range 70 West, 2,175 feet from the South section line and 1,800 feet from the West section line, as shown on the map attached as **Exhibit A**. b. Source: Groundwater tributary to Parmalee Gulch, tributary to Turkey Creek, tributary to Bear Creek. c. Date of Appropriation: December 13, 1995. d. How Appropriation was Initiated: By drilling and applying the well to beneficial use. e. Date Water Applied to Beneficial Use: September 2, 1997. f. Amount Claimed: 6 gpm, ABSOLUTE. g. Depth: 700 feet. h. Uses: Household use. i. Names and Addresses of Owners of Land on Which the Well is Located: Co-Applicant, the Neals. j. Remarks: Applicants will seek a new well permit for the Neal Well No. 1 consistent with the final decree entered in this case. **CLAIM NO. 2: APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE** 3. Names of Structures to be Augmented: Neal Well No. 1. The Neal Well No. 1 will divert groundwater on approximately 1.25 acres lying in the NE1/4 SW1/4, Section 7, Township 5 South, Range 70 West of the 6th P.M., Jefferson County, Colorado (“Neal Property”). It is in the drainage of an unnamed draw tributary to Parmalee Gulch, tributary to Turkey Creek, which is tributary to Bear Creek. The rate of diversion for the well will not exceed 15 gallons per minute. The Neal Property on which Neal Well No. 1 will be located is shown on the map attached as **Exhibit A**. The present and future water supply will be provided by the Neal Well No.1 located on the Neal Property. 4. Water Rights to be Used for Augmentation Purposes: The Neals have entered into a contract with North Fork Associates, LLC to purchase 1.3 shares of Mountain Mutual Reservoir Company (“MMRC”) stock, which represents a firm annual yield of 0.041 of an acre-foot to satisfy the present and anticipated future replacements needs, attached as **Exhibit B**. a. The water rights which MMRC owns for the benefit of its shareholders (hereinafter referred to as the “**Bear Creek/Turkey Creek water rights**”), are summarized as follows: i. Harriman Ditch: 7.71 shares of the 400 shares of capital stock (1.93%), issued and outstanding in the Harriman Ditch Company. Said company owns direct flow water rights decreed to the Harriman Ditch. Pursuant to the decree entered in Civil Action No. 6832, on February 4, 1884, the ditch was awarded the following direct flow priorities:

Appropriation Date	Priority Number	Source	Amount	MMRC Entitlement
April 15, 1868	21	Turkey Creek	10.75 cfs	0.2072 cfs
March 16, 1869	23	Bear Creek	7.94 cfs	0.1530 cfs
May 1, 1871	25	Bear Creek	25.54 cfs	0.4923 cfs
March 1, 1882	30	Bear Creek	12.87 cfs	0.2481 cfs

The Bear Creek headgate of the Harriman Ditch is located on the South bank of Bear Creek in the NE1/4 NE1/4, Section 2, Township 5 South, Range 70 West, 6th P.M., Jefferson County, Colorado. The Turkey Creek headgate of the Harriman Ditch is located on the South bank of Turkey Creek near the Southwest corner of Section 6, Township 5 South, Range 69 West, 6th P.M., Jefferson County. The ditch was originally decreed for irrigation, livestock watering, domestic and municipal purposes. ii. Warrior Ditch: 2.0 shares of 160 shares of capital stock (1.25%), issued and outstanding in the Warrior Ditch Company. Said company

owns direct flow water rights decreed to the Warrior Ditch. Pursuant to the decree entered in Civil Action No. 6832 on February 4, 1884, the ditch was awarded the following direct flow priorities:

Appropriation Date	Priority Number	Source	Amount	MMRC Entitlement
Dec. 1, 1861	4	Bear Creek	12.33 cfs	0.1541 cfs
April 16, 1862	8	Turkey Creek	2.86 cfs	0.0358 cfs
Oct. 31, 1864	14	Bear Creek	25.47 cfs	0.3184 cfs
April 1, 1865	16	Bear Creek	11.49 cfs	0.1436 cfs

iii. Soda Lakes Reservoir Nos. 1 and 2: 8.71 shares of the 400 shares of capital stock (2.18%), issued and outstanding in the Soda Lakes Reservoir and Mineral Water Company. Said company owns storage water rights decreed to the Soda Lakes Reservoir Nos. 1 and 2. Pursuant to the decree entered in Civil Action No. 91471 on September 24, 1935, the Soda Lakes Reservoir Nos. 1 and 2 were adjudicated for 1,794 acre-feet for irrigation purposes, and 598 acre-feet for storage for supplying the City of Denver with water for municipal purposes, including the watering of lawns and gardens. The date of appropriation awarded to the structures was February 11, 1893. The Soda Lakes Reservoirs are located in Section 1, Township 5 South, Range 70 West, 6th P.M., Jefferson County. The reservoirs are filled through the Harriman Ditch. iv. Meadowview Reservoir: The structure is located in the NE1/4 SW1/4 and the NW1/4 SE1/4 of Section 26, Township 5 South, Range 71 West, 6th P.M., Jefferson County. Meadowview Reservoir was awarded absolute water rights in Case No. 09CW92 (01CW294), in an amount of 20 acre-feet, and in Case No. 16CW3022 (94CW290), in an amount of 30 acre-feet, for augmentation, replacement, exchange and substitution purposes. The source is North Turkey Creek and water tributary to North Turkey Creek. Harriman Ditch and Warrior Ditch direct flow water and water available to MMRC in the Soda Lakes Reservoirs are also stored in Meadowview Reservoir by exchange pursuant to the appropriative rights of substitution and exchange decreed in Case Nos. 94CW290, 00CW060 and 01CW293. b. The overall “firm” yield of consumptive use water available from the MMRC portfolio of Bear Creek/Turkey Creek water rights and storage facilities was quantified in the decrees entered by the District Court for Water Division 1 in Case No. 01CW293, dated July 16, 2003, and Case No. 94CW290, dated October 16, 2006. The terms and conditions under which the Bear Creek/Turkey Creek water rights are used for augmentation and replacement purposes are set forth in the decrees in Case Nos. 01CW293 and 94CW290, and are deemed to be *res judicata* in future proceedings involving such rights, pursuant to *Williams v. Midway Ranches*, 938 P.2d 515 (Colo. 1997). Reference is made to the decrees in Case Nos. 01CW293 and 94CW290 for more detailed information. c. Terms from Case No. 19CW3154. Defined terms used here but not defined or used in other sections of this application shall have the meaning set forth in the decree for Case No. 19CW3154. i. When and to the extent the Bear Creek/Turkey Creek Firm Yield committed to the plan described in this application is not needed to make replacements pursuant to said plan, MMRC’s use of the Bear Creek/Turkey Creek Firm Yield that is committed to this application may be used as a Supplemental Supply as defined in the decree in Case No. 19CW3154 only in the manner, and subject to the terms and conditions, set forth in said decree, including but not limited to the provisions set forth in Sections 21.1 through 21.7 and 22.2.1 through 22.2.9 and 22.3.1 and 22.3.2. An excerpt of the decree in Case No. 19CW3154 that includes these referenced sections will be attached as an exhibit to the final decree in this case. ii. On an ongoing basis, if MMRC’s storage volume in Meadowview Reservoir is less than the Turkey Creek Estimated Actual Depletions from the current month until the next April 30, MMRC shall cease making replacements of pond evaporation depletions in the Turkey Creek basin that are to be augmented pursuant to this application. 5. Statement of Plan for Augmentation: The Neals are the owners of the Neal Property in the drainage of an unnamed draw tributary to Parmalee Gulch, tributary to Turkey Creek, which is tributary to Bear Creek. Neal Well No. 1 is intended to serve in-house

domestic uses for one single family residence, hot tub, and greenhouse. This augmentation plan will replace out-of-priority depletions associated with Neal Well No. 1, for both indoor and outdoor uses, as described below. a. The water requirements for Neal Well No. 1 are for one-single family dwelling, with an average occupancy of 3.5 persons per house (“Indoor Use”). The estimated water requirements for Indoor Use for each well is 80 gallons per capita per day (gpcd) with 10% consumption based on subsurface discharge from individual septic tank-soil absorption systems. In addition, the “Outdoor Uses” consist of a hot tub at 5 gallons per day with 100% consumption and a greenhouse at 0.047 af/1000 square feet. This plan will require 0.041 of an acre-foot of replacement water as is shown in Table 1 below.

Use	Water Requirements	Units	Quantity AF	CU Rate	Replacement Requirements		
					Total Ac-Ft	Summer Ac-Ft	Winter Ac-Ft
Single-Family In-house Use	80 gl/cap/dy(3.5 cap)	1	0.3140	10%	0.0314	0.0157	0.0157
Hot tub	5 gl/dy	365	0.0050	100%	0.0050	0.0025	0.0025
Greenhouse (10x10)	0.047 af/1000 sq ft.	100 sq ft.	0.0047	100%	0.0047	0.0023	0.0023
Total			1.0		0.041	0.0205	0.0205

The monthly depletions are as follows in acre-feet:

Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
0.003	0.003	0.003	0.003	0.003	0.003	0.003	0.003	0.003	0.003	0.003	0.003

This equates to a maximum stream depletion of 0.02 of a gallon per minute. b. 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 from storage of short duration. c. The total consumptive use water requirement will be 0.041 of an acre-foot of the annual firm yield of 23.8 acre-feet of the Turkey Creek water rights. These requirements are needed at the point of depletion in the NE1/4 SW1/4, Section 7, Township 5 South, Range 70 West. This is upstream of the points of replacement at the confluence of Bear Creek and Turkey Creek in the NE1/4 NW1/4, Section 5, Township 5 South, Range 69 West of the 6th P.M. 6. Water Exchange Project: Since the point of depletion associated with Neal Well No. 1 is 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 point of depletion to Turkey Creek that is associated with water usage from the Neal Well No. 1 is within the exchange reach described in the decrees entered in Case Nos. 94CW290 and 01CW293. Therefore, no separate priority is required for the operation of this augmentation plan regarding such depletion that occur within the reach described in those cases. However, since depletions will also impact an unnamed tributary of Parmalee Gulch, tributary to Turkey Creek that is located in the NE1/4 SW1/4, Section 7, Township 5 South, Range 70 West, the reach of said new exchange project right shall extend from the confluence of Turkey Creek and Parmalee Gulch in the NW1/4 SE1/4, Section 16, up Parmalee Gulch to the confluence with an unnamed tributary in the SE1/4 NE1/4, Section 7, thence up the unnamed tributary to the point of depletion in the NE1/4 SW1/4 Section 7, all in Township 5 South, Range 69 West, 6th P.M. In the event there is a senior call between the source of the water and the point of depletion that precludes the exchange, the Applicants can have replacement water delivered via trucking to a point above the calling 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 30, 2021, at a maximum flow rate of 0.001 of a cubic foot per second and a maximum

depletion in all reaches of 0.02 of a gallon per minute. 7. Administration of Plan: Appropriate accounting forms will be established for reporting usage and determining required releases to be made pursuant to this augmentation plan throughout each year. 8. Names and address 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: The Co-Applicants, the Neals. WHEREFORE, Applicants request the entry of a decree approving this application, specifically (1) granting the appropriation 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, or any replacement well permits required, for the Neal Well No. 1 consistent with the final decree entered in this case. (10 pgs., 2 Exhibits)

21CW3153 MATTHEW AND VALLI CROCKETT, MOUNTAIN MUTUAL RESERVOIR COMPANY, AND NORTH FORK ASSOCIATES, LLC; Matthew and Valli Crockett, 6525 South Joan Lane, Evergreen, CO 80439; Email: crockett.matthew1@gmail.com; Telephone: (303) 956-8175; 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 UNDERGROUND WATER RIGHTS AND PLAN FOR AUGMENTATION INCLUDING EXCHANGE IN JEFFERSON COUNTY. CLAIM NO. 1: APPLICATION FOR UNDERGROUND WATER RIGHT 2. Names of Well and Permit Number: Crockett Well No. 1, Well Permit No. 128772. a. Legal Description of the Well: Crockett Well No. 1 is located in the SW1/4 SW1/4, Section 21, Township 5 South, Range 71 West, approximately 1,010 feet from the South section line and 950 feet from the West section line, Jefferson County, Colorado, as shown on the map attached as **Exhibit A**. b. Source: Groundwater in the drainage of Cub Creek, tributary to Bear Creek, tributary to the South Platte River. c. Date of Appropriation: December 8, 1994. d. How Appropriation was Initiated: By drilling and applying the well to beneficial use. e. Date Water Applied to Beneficial Use: December 8, 1994. f. Amount Claimed: 8.5 gpm, ABSOLUTE. g. Depth: 282 feet. h. Uses: Household use. i. Names and Addresses of Owners of Land on Which the Well is Located: Co-Applicant, the Crocketts. j. Remarks: Applicants will seek a new well permit for the Crockett Well No. 1 consistent with the final decree entered in this case. **CLAIM NO. 2: APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE** 3. Names of Structures to be Augmented: Crockett Well No. 1. The Crockett Well No. 1 will divert groundwater on approximately 5.1 acres lying in the SW1/4, Section 21, Township 5 South, Range 71 West of the 6th P.M., Jefferson County, Colorado (“Crockett Property”). It is in the drainage of Cub Creek, tributary to Bear Creek, tributary to the South Platte River. The rate of diversion for the well will not exceed 15 gallons per minute. The Crockett Property on which Crockett Well No. 1 will be located is shown on the map attached as **Exhibit A**. The present and future water supply will be provided by the Crockett Well No. 1 located on the Crockett Property. 4. Water Rights to be Used for Augmentation Purposes: The Crocketts have entered into a contract with North Fork Associates, LLC to purchase 3.0 shares of Mountain Mutual Reservoir Company (“MMRC”) stock, which represents a firm annual yield of 0.095 of an acre-foot to satisfy the present and anticipated future replacement needs, attached as **Exhibit B**. a. The water rights which MMRC owns for the benefit of its shareholders (hereinafter referred to as the “**Bear Creek/Turkey Creek water rights**”), are summarized as follows: i. Harriman Ditch: 7.71 shares of the 400 shares of capital stock (1.93%), issued and outstanding in the Harriman Ditch Company. Said company owns direct flow water rights decreed to the Harriman Ditch. Pursuant to the decree entered in Civil Action No. 6832, on February 4, 1884, the ditch was awarded the following direct flow priorities:

Appropriation Date	Priority Number	Source	Amount	MMRC Entitlement
April 15, 1868	21	Turkey Creek	10.75 cfs	0.2072 cfs
March 16, 1869	23	Bear Creek	7.94 cfs	0.1530 cfs
May 1, 1871	25	Bear Creek	25.54 cfs	0.4923 cfs
March 1, 1882	30	Bear Creek	12.87 cfs	0.2481 cfs

The Bear Creek headgate of the Harriman Ditch is located on the South bank of Bear Creek in the NE1/4 NE1/4, Section 2, Township 5 South, Range 70 West, 6th P.M., Jefferson County, Colorado. The Turkey Creek headgate of the Harriman Ditch is located on the South bank of Turkey Creek near the Southwest corner of Section 6, Township 5 South, Range 69 West, 6th P.M., Jefferson County. The ditch was originally decreed for irrigation, livestock watering, domestic and municipal purposes. ii. Warrior Ditch: 2.0 shares of 160 shares of capital stock (1.25%), issued and outstanding in the Warrior Ditch Company. Said company owns direct flow water rights decreed to the Warrior Ditch. Pursuant to the decree entered in Civil Action No. 6832 on February 4, 1884, the ditch was awarded the following direct flow priorities:

Appropriation Date	Priority Number	Source	Amount	MMRC Entitlement
Dec. 1, 1861	4	Bear Creek	12.33 cfs	0.1541 cfs
April 16, 1862	8	Turkey Creek	2.86 cfs	0.0358 cfs
Oct. 31, 1864	14	Bear Creek	25.47 cfs	0.3184 cfs
April 1, 1865	16	Bear Creek	11.49 cfs	0.1436 cfs

iii. Soda Lakes Reservoir Nos. 1 and 2: 8.71 shares of the 400 shares of capital stock (2.18%), issued and outstanding in the Soda Lakes Reservoir and Mineral Water Company. Said company owns storage water rights decreed to the Soda Lakes Reservoir Nos. 1 and 2. Pursuant to the decree entered in Civil Action No. 91471 on September 24, 1935, the Soda Lakes Reservoir Nos. 1 and 2 were adjudicated for 1,794 acre-feet for irrigation purposes, and 598 acre-feet for storage for supplying the City of Denver with water for municipal purposes, including the watering of lawns and gardens. The date of appropriation awarded to the structures was February 11, 1893. The Soda Lakes Reservoirs are located in Section 1, Township 5 South, Range 70 West, 6th P.M., Jefferson County. The reservoirs are filled through the Harriman Ditch. iv. Meadowview Reservoir: The structure is located in the NE1/4 SW1/4 and the NW1/4 SE1/4 of Section 26, Township 5 South, Range 71 West, 6th P.M., Jefferson County. Meadowview Reservoir was awarded absolute water rights in Case No. 09CW92 (01CW294), in an amount of 20 acre-feet, and in Case No. 16CW3022 (94CW290), in an amount of 30 acre-feet, for augmentation, replacement, exchange and substitution purposes. The source is North Turkey Creek and water tributary to North Turkey Creek. Harriman Ditch and Warrior Ditch direct flow water and water available to MMRC in the Soda Lakes Reservoirs are also stored in Meadowview Reservoir by exchange pursuant to the appropriative rights of substitution and exchange decreed in Case Nos. 94CW290, 00CW060 and 01CW293. b. The overall “firm” yield of consumptive use water available from the MMRC portfolio of Bear Creek/Turkey Creek water rights and storage facilities was quantified in the decrees entered by the District Court for Water Division 1 in Case No. 01CW293, dated July 16, 2003, and Case No. 94CW290, dated October 16, 2006. The terms and

conditions under which the Bear Creek/Turkey Creek water rights are used for augmentation and replacement purposes are set forth in the decrees in Case Nos. 01CW293 and 94CW290, and are deemed to be *res judicata* in future proceedings involving such rights, pursuant to *Williams v. Midway Ranches*, 938 P.2d 515 (Colo. 1997). Reference is made to the decrees in Case Nos. 01CW293 and 94CW290 for more detailed information.

c. Terms from Case No. 19CW3154. Defined terms used here but not defined or used in other sections of this application shall have the meaning set forth in the decree for Case No. 19CW3154. i. When and to the extent the Bear Creek/Turkey Creek Firm Yield committed to the plan described in this application is not needed to make replacements pursuant to said plan, MMRC’s use of the Bear Creek/Turkey Creek Firm Yield that is committed to this application may be used as a Supplemental Supply as defined in the decree in Case No. 19CW3154 only in the manner, and subject to the terms and conditions, set forth in said decree, including but not limited to the provisions set forth in Sections 21.1 through 21.7 and 22.2.1 through 22.2.9 and 22.3.1 and 22.3.2. An excerpt of the decree in Case No. 19CW3154 that includes these referenced sections will be attached as an exhibit to the final decree in this case. ii. On an ongoing basis, if MMRC’s storage volume in Meadowview Reservoir is less than the Turkey Creek Estimated Actual Depletions from the current month until the next April 30, MMRC shall cease making replacements of pond evaporation depletions in the Turkey Creek basin that are to be augmented pursuant to this application.

5. Statement of Plan for Augmentation: The Crocketts are the owners of the 5.1-acre Crockett Property, which property is in the drainage of Cub Creek, tributary to Bear Creek, tributary to the South Platte River. Crockett Well No. 1 is intended to serve in-house domestic uses for one single family residence, in-house use for an auxiliary unit, watering of large animals, irrigation, and fire protection. This augmentation plan will replace out-of-priority depletions associated with Crockett Well No. 1, for both indoor and outdoor uses, as described below. a. The water requirements for Crockett Well No. 1 are for one-single family dwelling, with an average occupancy of 3.5 persons per house and an auxiliary dwelling unit with an average occupancy of 2.0 persons per house (“Indoor Uses”). The estimated water requirements for the Indoor Uses is 80 gallons per capita per day (gpcd) with 10% consumption based on subsurface discharge from individual septic tank-soil absorption systems. In addition, the “Outdoor Uses” consist of up to two horses using 10 gallons per day with 100% consumption, turf irrigation with 1.2 af/ac application with 80% consumption and garden irrigation with 0.5 af/ac with 80% consumption. This plan will require 0.095 of an acre-foot of replacement water as is shown in Table 1 below.

Use	Water Requirements	Units	Quantity AF	CU Rate	Replacement Requirements		
					Total Ac-Ft	Summer Ac-Ft	Winter Ac-Ft
Single-Family In-house Use	80 gl/cap/dy(3.5 cap)	1	0.3140	10%	0.0314	0.0157	0.0157
Auxiliary Unit	80 gl/dy (2.0 cap)	1	0.1790	10%	0.0179	0.0089	0.0089
Turf irrigation 1000 sq ft*	1.2 af/ac	0.023	0.0276	80%	0.0230	0.0230	0.0000
Horses	10 gl/hd/dy	2	0.0224	100%	0.0224	0.0112	0.0112
Total			0.54		0.095	0.058	0.0358
*Garden irrigation 2,400sq. ft.	0.50 af/ac	0.055	0.0276	80%	0.0230	0.0230	

* Replacement requirements for combined turf and/or garden irrigation will not exceed 0.023 acre-feet annually.

The monthly depletions are as follows in acre-feet:

Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
0.003	0.003	0.003	0.003	0.003	0.003	0.003	0.003	0.003	0.003	0.003	0.003

This equates to a maximum stream depletion of 0.07 of a gallon per minute. b. 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 from storage of short duration. c. The total consumptive use water requirement will be 0.095 of an acre-foot of the annual firm yield of 39.0 acre-feet of the Bear Creek rights. These requirements are needed at the point of depletion in the SE1/4 SW1/4, Section 21, Township 5 South, Range 71 West. This is upstream of the points of replacement at the confluence of Bear Creek and Turkey Creek in the NE1/4 NW1/4, Section 5, Township 5 South, Range 69 West of the 6th P.M. 6. Water Exchange Project: Since the point of depletion associated with Crockett Well No. 1 is 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 said exchange shall extend from the confluence of Bear Creek and Turkey Creek in the NE1/4 NW1/4, Section 5, Township 5 South, Range 69 West thence up Bear Creek to the confluence with Cub Creek in the SW1/4, NE1/4, Section 10, Township 5 South, Range 71 West, thence up Cub Creek to the point of depletion in the SE1/4 SW1/4, Section 21, Township 5 South, Range 71 West, all in the 6th P.M. In the event there is a senior call between the source of the water and the point of depletion that precludes the exchange, the Applicants can have replacement water delivered via trucking to a point above the calling 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, 2021, at a maximum flow rate of 0.001 of a cubic foot per second and a maximum depletion in all reaches of 0.07 of a gallon per minute. 7. Administration of Plan: Appropriate accounting forms will be established for reporting usage and determining required releases to be made pursuant to this augmentation plan throughout each year. 8. Names and address 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: The Co-Applicants, the Crocketts. WHEREFORE, Applicants request the entry of a decree approving this application, specifically (1) granting the appropriation 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, or any replacement well permits required, for the Crockett Well No. 1 consistent with the final decree entered in this case. (11 pgs., 2 Exhibits)

21CW3154 CHARLIE MEZZENGA, 65 Stockwell Street, Castle Rock, CO 80104. James J. Petrock and Eric K. Trout, Hayes Poznanovic Korver LLC, 1999 Broadway, Suite 3200, Denver 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT NONTRIBUTARY SOURCES AND APPROVAL OF PLAN FOR AUGMENTATION, IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE AND LARAMIE-FOX HILLS**

AQUIFERS AND THE NOT-NONTRIBUTARY UPPER DAWSON AQUIFER IN DOUGLAS COUNTY. Subject Property: 5.02 acres generally located in the SW1/4 NE1/4, Section 33, Township 7 South, Range 65 West of the 6th P.M., also known as 2649 Ponderosa Rd, Franktown, CO, 80116, Douglas County, State of Colorado, as shown on **Exhibit A** (“Subject Property”). Applicant is the sole owner of the Subject Property. Well Permits: There are currently no wells on the Subject Property. Well permits will be applied for prior to construction of wells. Source of Water Rights: The Upper Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Amounts: Applicant estimates the following annual amounts may be available for withdrawal:

Aquifer	Annual Amount (acre-feet)
Upper Dawson (NNT)	1.41
Lower Dawson (NT)	0.65
Denver (NT)	1.59
Arapahoe (NT)	2.10
Laramie-Fox Hills (NT)	1.49

Proposed Uses: Domestic, commercial, irrigation, stockwatering, fire protection, and augmentation 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). Summary of Plan for Augmentation: Groundwater to be Augmented: Approximately 0.65 acre-feet per year of Upper Dawson Aquifer groundwater, as follows: 0.3 acre-feet per year for in-house use in one single-family residence, 0.1 acre-feet per year for up to 8 large domestic animals, and 0.25 acre-feet for up to 5,000 square-feet of irrigation. Water Rights to be Used for Augmentation: Return flows from the use of not nontributary and nontributary groundwater and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: The Upper Dawson aquifer groundwater will be used for domestic purposes, including in-house use, irrigation, stockwatering, and fire protection, through one or more wells, both on and off the Subject Property. Applicant reserves the right to amend the amount and uses without amending the application or republishing the same. Sewage treatment for in-house use will be provided by non-evaporative septic systems. Return flows from in-house use will be approximately 90% of that use, and return flows from irrigation use will be approximately 15% of that use. During pumping Applicant will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the Cherry Creek stream system and return flows accrue to that creek system and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicant will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post pumping augmentation requirements. Applicant requests the Court approve the above underground water rights and augmentation plan, 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.

21CW3155 CAROLINE COOLEY AND DAVID MOORE, 10180 Longview Drive, Lone Tree, CO, 80124. James J. Petrock and Eric K. Trout, Hayes Poznanovic Korver LLC, 1999 Broadway, Suite 3200, Denver, CO, 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM**

NONTRIBUTARY AND NOT NONTRIBUTARY SOURCES AND APPROVAL OF PLAN FOR AUGMENTATION, IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS AND THE NOT-NONTRIBUTARY UPPER DAWSON AQUIFER IN DOUGLAS COUNTY. Subject Property: 20 acres generally located in the S1/2 S1/2, Section 5, Township 9 South, Range 66 West of the 6th P.M., also known as 4345 Lake Gulch Road, Castle Rock, CO, 80104, Douglas County, State of Colorado, as shown on **Exhibit A** (“Subject Property”). Applicants are the sole owners of the Subject Property. Well Permits: There are currently no wells on the Subject Property. Well permits will be applied for prior to construction of wells. Source of Water Rights: The Upper Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Amounts: Applicants estimate the following annual amounts may be available for withdrawal:

Aquifer	Annual Amount (acre-feet)
Upper Dawson (NNT)	7.30
Lower Dawson (NT)	3.45
Denver (NT)	14.16
Arapahoe (NT)	14.24
Laramie-Fox Hills (NT)	5.40

Proposed Uses: Domestic, commercial, irrigation, stockwatering, fire protection, and augmentation 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). Summary of Plan for Augmentation: Groundwater to be Augmented: Approximately 0.9 acre-feet per year of Upper Dawson Aquifer groundwater, as follows: 0.6 acre-feet per year for in-house use in 2 single-family residences (0.3 acre-feet per year per residence), 0.05 acre-feet per year for up to 4 large domestic animals, and 0.25 acre-feet for up to 5,000 square-feet of irrigation. Water Rights to be Used for Augmentation: Return flows from the use of not nontributary and nontributary groundwater and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: The Upper Dawson aquifer groundwater will be used for domestic purposes, including in-house use, irrigation, stockwatering, and fire protection, through one or more wells, both on and off the Subject Property. Applicants reserve the right to amend the amount and uses without amending the application or republishing the same. Sewage treatment for in-house use will be provided by non-evaporative septic systems. Return flows from in-house use will be approximately 90% of that use, and return flows from irrigation use will be approximately 15% of that use. During pumping Applicants will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the Cherry Creek stream system and return flows accrue to that creek system and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicants will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post pumping augmentation requirements. Applicants request the Court approve the above 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.

3 Pages.

21CW3156 CHRISTOPHER AND JESSICA BOYD, 6238 Gilmer Way, Westerville, OH, 43081. James J. Petrock and Eric K. Trout, Hayes Poznanovic Korver LLC, 1999 Broadway, Suite 3200, Denver, CO, 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT NONTRIBUTARY SOURCES AND APPROVAL OF PLAN FOR AUGMENTATION, IN THE NONTRIBUTARY DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS AND THE NOT-NONTRIBUTARY DAWSON AQUIFER IN EL PASO COUNTY**. Subject Property: 35.88 acres generally located in the SW1/4 SW1/4, Section 7, Township 11 South, Range 65 West of the 6th P.M., also known as 18735 Brown Road, Colorado Springs, El Paso County, State of Colorado, as shown on Exhibit A (“Subject Property”). Well Permits: There are no wells on the Subject Property. Well permits will be applied for prior to construction of 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:

Aquifer	Annual Amount (acre-feet)
Dawson (NNT)	33.24
Denver (NT)	29.94
Arapahoe (NT)	15.90
Laramie-Fox Hills (NT)	11.11

Proposed Uses: Domestic, commercial, irrigation, including use in greenhouses, swimming pool filling, stockwatering, fire protection, and augmentation 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). Summary of Plan for Augmentation: Groundwater to be Augmented: 2.25 acre-feet per year of Dawson aquifer groundwater. The Dawson Aquifer groundwater will be withdrawn in up to three (3) individual wells. Each individual well will withdraw up to 0.75 acre-feet per year, as follows: 0.3 acre-feet per year for in-house use, 0.4 acre-feet per year for up to 8,000 square-feet of irrigation, including use in greenhouses, and 0.05 acre-feet per year for 4 large domestic animals. Water Rights to be Used for Augmentation: Return flows from the use of not nontributary and nontributary groundwater and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: The Dawson Aquifer groundwater will be used for domestic purposes, including in-house use, irrigation, commercial, stockwatering, and fire protection, including storage, through one or more wells, both on and off the Subject Property. Applicants reserve the right to amend the amount and uses without amending the application or republishing the same. Sewage treatment for in-house use will be provided by non-evaporative septic systems. Return flow from in-house use will be approximately 90% of that use, and return flow from irrigation use will be approximately 15% of that use. During pumping Applicants will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the Cherry Creek and Monument Creek stream systems and return flows accrue to that creek system and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicants will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post pumping augmentation requirements. Applicants request the Court approve the above 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.

21CW3157 CHRISTOPHER AND DENISE LEFOR, 32651 E 137th Way, Brighton, CO, 80603. James J. Petrock and Eric K. Trout, Hayes Poznanovic Korver LLC, 1999 Broadway, Suite 3200, Denver, CO, 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT NONTRIBUTARY SOURCES AND APPROVAL OF PLAN FOR AUGMENTATION, IN THE NONTRIBUTARY UPPER ARAPAHOE, LOWER ARAPAHOE, AND LARAMIE-FOX HILLS AQUIFERS AND THE NOT-NONTRIBUTARY DENVER AQUIFER IN ADAMS COUNTY.** Subject Property: 62.12 acres generally located in the SE1/4 SE1/4, Section 30, Township 1 South, Range 64 West of the 6th P.M., Adams County, State of Colorado, as shown on **Exhibit A** (“Subject Property”). Applicants are the sole owners of the Subject Property. Well Permits: There are currently no wells on the Subject Property. Well permits will be applied for prior to construction of 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)	5.0*
Upper Arapahoe (NT)	12.6
Lower Arapahoe (NT)	10.5
Laramie-Fox Hills (NT)	14.4

*The total estimated amount of Denver Aquifer water is 9 acre-feet annually. 4 acre-feet is being withheld from this adjudication for use by future exempt wells, and for any future exempt purposes. Proposed Uses: Domestic, commercial, irrigation, stockwatering, fire protection, and augmentation 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). Summary of Plan for Augmentation: Groundwater to be Augmented: Approximately 1.3 acre-feet per year of Denver Aquifer groundwater. The Denver Aquifer groundwater will be withdrawn in up to two (2) individual wells. Each individual well will withdraw up to 0.65 acre-feet per year, as follows: 0.3 acre-feet per year for in-house use, 0.3 acre-feet per year for up to 6,000 square-feet of irrigation, and 0.05 acre-feet per year for 4 large domestic animals. Water Rights to be Used for Augmentation: Return flows from the use of not nontributary and nontributary groundwater and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: The Upper Dawson aquifer groundwater will be used for domestic purposes, including in-house use, irrigation, stockwatering, and fire protection, through one or more wells, both on and off the Subject Property. Applicant reserves the right to amend the amount and uses without amending the application or republishing the same. Sewage treatment for in-house use will be provided by non-evaporative septic systems. Return flows from in-house use will be approximately 90% of that use, and return flows from irrigation use will be approximately 15% of that use. During pumping Applicant will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the Cherry Creek stream system and return flows accrue to that creek system and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicant will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post pumping augmentation requirements. Applicant requests the

Court approve the above underground water rights and augmentation plan, 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. 4 Pages.

21CW3158 GLENN THEODORE FORSEY TRUST, MOUNTAIN MUTUAL RESERVOIR COMPANY, AND NORTH FORK ASSOCIATES, LLC; Glenn Theodore Forsey Trust, c/o Glenn Forsey, 24418 Stanley Park Road, Evergreen, CO 80439; Email: gf@crumpco.com; Telephone: (303) 638-5908; 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 UNDERGROUND WATER RIGHTS AND PLAN FOR AUGMENTATION INCLUDING EXCHANGE IN JEFFERSON COUNTY.** 2. Overview of Claims.

Applicant Forsey Trust owns a parcel of land located on approximately 13 acres lying in the SW1/4 SW1/4, Section 18, Township 5 South, Range 70 West of the 6th P.M., Jefferson County, Colorado (“Forsey Property”). It is in the drainage of Giant Gulch, tributary to Parmalee Gulch, tributary to Turkey Creek, which is tributary to Bear Creek and the South Platte River. The Forsey Trust seeks to divide the Forsey Property into two lots of approximately six acres each. One lot will be supplied by Forsey Well No. 1, an existing exempt well for in-house use only which is being adjudicated pursuant to Claim 1 of this application, while the other lot will be supplied by Forsey Well No. 2, which will be subject to the augmentation plan sought in Claim 2 of this Application. The Forsey Property on which Forsey Well Nos. 1 and 2 will be located is shown on the map attached as **Exhibit A. CLAIM NO. 1: APPLICATION FOR UNDERGROUND WATER RIGHT** 3. Names of Well and Permit Number: Forsey Well No. 1, Well Permit No. 206399. a. Legal Description of the Well: Forsey Well No. 1 is located in the SW1/4 SW1/4, Section 18, Township 5 South, Range 70 West, 1,000 feet from the South section line and 400 feet from the West section line, as shown on the map attached as **Exhibit A.** b. Source: Groundwater tributary to Giant Gulch, tributary to Parmalee Gulch, tributary to Turkey Creek, tributary to Bear Creek. c. Date of Appropriation: November 7, 1997. d. How Appropriation was Initiated: By drilling and applying the well to beneficial use. e. Date Water Applied to Beneficial Use: August 18, 1998. f. Amount Claimed: 1 gpm, ABSOLUTE. g. Depth: 900 feet. h. Uses: Ordinary household purposes inside a single family dwelling. i. Names and Addresses of Owners of Land on Which the Well is Located: Co-Applicant, Forsey Trust. j. Remarks: Applicants may seek a new well permit for the Forsey Well No. 1 referencing the final decree entered in this case. The Forsey Well No. 1 is an exempt well that will keep its exempt status. Senate Bill 20-0155, adopted on July 2, 2020, amended Section 37-92-602(3) to allow an existing exempt well permitted pursuant to Section 37-92-602(3)(b)(II)(A) to retain its presumption of noninjury after the land on which the well is located has been divided, provided that the existing well is only used on a single lot of the divided land and remains the only well serving that lot.

CLAIM NO. 2: APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE 4. Names of Structures to be Augmented: Forsey Well No. 2. Forsey Well No 2 will divert groundwater on one of the two lots to be subdivided from the Forsey Property for in-house use only. The rate of diversion for the well will not exceed 15 gallons per minute. An application to construct Forsey Well No. 2 will be submitted to Colorado Division of Water Resources when the Forsey Property described herein is developed and the well is needed. 5. Water Rights to be Used for Augmentation Purposes:

The Forsey Trust has entered into a contract with North Fork Associates, LLC to purchase 1.0 share of Mountain Mutual Reservoir Company (“MMRC”) stock, which represents a firm annual yield of 0.0314 of an acre-foot to satisfy the present and anticipated future replacement needs, attributable to MMRC’s Turkey Creek Firm Yield, as show on the summary of Firm Yield commitments, attached as **Exhibit B**, and described below. a. The water rights which MMRC owns for the benefit of its shareholders (hereinafter referred to as the “**Bear Creek/Turkey Creek water rights**”), are summarized as follows: i. Harriman Ditch: 7.71 shares of the 400 shares of capital stock (1.93%), issued and outstanding in the Harriman Ditch Company. Said

company owns direct flow water rights decreed to the Harriman Ditch. Pursuant to the decree entered in Civil Action No. 6832, on February 4, 1884, the ditch was awarded the following direct flow priorities:

Appropriation Date	Priority Number	Source	Amount	MMRC Entitlement
April 15, 1868	21	Turkey Creek	10.75 cfs	0.2072 cfs
March 16, 1869	23	Bear Creek	7.94 cfs	0.1530 cfs
May 1, 1871	25	Bear Creek	25.54 cfs	0.4923 cfs
March 1, 1882	30	Bear Creek	12.87 cfs	0.2481 cfs

The Bear Creek headgate of the Harriman Ditch is located on the South bank of Bear Creek in the NE1/4 NE1/4, Section 2, Township 5 South, Range 70 West, 6th P.M., Jefferson County, Colorado. The Turkey Creek headgate of the Harriman Ditch is located on the South bank of Turkey Creek near the Southwest corner of Section 6, Township 5 South, Range 69 West, 6th P.M., Jefferson County. The ditch was originally decreed for irrigation, livestock watering, domestic and municipal purposes. ii. Warrior Ditch: 2.0 shares of 160 shares of capital stock (1.25%), issued and outstanding in the Warrior Ditch Company. Said company owns direct flow water rights decreed to the Warrior Ditch. Pursuant to the decree entered in Civil Action No. 6832 on February 4, 1884, the ditch was awarded the following direct flow priorities:

Appropriation Date	Priority Number	Source	Amount	MMRC Entitlement
Dec. 1, 1861	4	Bear Creek	12.33 cfs	0.1541 cfs
April 16, 1862	8	Turkey Creek	2.86 cfs	0.0358 cfs
Oct. 31, 1864	14	Bear Creek	25.47 cfs	0.3184 cfs
April 1, 1865	16	Bear Creek	11.49 cfs	0.1436 cfs

iii. Soda Lakes Reservoir Nos. 1 and 2: 8.71 shares of the 400 shares of capital stock (2.18%), issued and outstanding in the Soda Lakes Reservoir and Mineral Water Company. Said company owns storage water rights decreed to the Soda Lakes Reservoir Nos. 1 and 2. Pursuant to the decree entered in Civil Action No. 91471 on September 24, 1935, the Soda Lakes Reservoir Nos. 1 and 2 were adjudicated for 1,794 acre-feet for irrigation purposes, and 598 acre-feet for storage for supplying the City of Denver with water for municipal purposes, including the watering of lawns and gardens. The date of appropriation awarded to the structures was February 11, 1893. The Soda Lakes Reservoirs are located in Section 1, Township 5 South, Range 70 West, 6th P.M., Jefferson County. The reservoirs are filled through the Harriman Ditch. iv. Meadowview Reservoir: The structure is located in the NE1/4 SW1/4 and the NW1/4 SE1/4 of Section 26, Township 5 South, Range 71 West, 6th P.M., Jefferson County. Meadowview Reservoir was awarded absolute water rights in Case No. 09CW92 (01CW294), in an amount of 20 acre-feet, and in Case No. 16CW3022 (94CW290), in an amount of 30 acre-feet, for augmentation, replacement, exchange and substitution purposes. The source is North Turkey Creek and water tributary to North Turkey Creek. Harriman Ditch and Warrior Ditch direct flow water and water available to MMRC in the Soda Lakes Reservoirs are also stored in Meadowview Reservoir by exchange pursuant to the appropriative rights of substitution and exchange decreed in Case Nos. 94CW290, 00CW060 and 01CW293. b. The overall “firm” yield of consumptive use water available from the MMRC portfolio of Bear Creek/Turkey Creek water rights and storage facilities was quantified in the decrees entered by the District Court for Water Division 1 in Case

No. 01CW293, dated July 16, 2003, and Case No. 94CW290, dated October 16, 2006. The terms and conditions under which the Bear Creek/Turkey Creek water rights are used for augmentation and replacement purposes are set forth in the decrees in Case Nos. 01CW293 and 94CW290, and are deemed to be *res judicata* in future proceedings involving such rights, pursuant to *Williams v. Midway Ranches*, 938 P.2d 515 (Colo. 1997). Reference is made to the decrees in Case Nos. 01CW293 and 94CW290 for more detailed information.

c. Terms from Case No. 19CW3154. Defined terms used here but not defined or used in other sections of this application shall have the meaning set forth in the decree for Case No. 19CW3154.

i. When and to the extent the Bear Creek/Turkey Creek Firm Yield committed to the plan described in this application is not needed to make replacements pursuant to said plan, MMRC's use of the Bear Creek/Turkey Creek Firm Yield that is committed to this application may be used as a Supplemental Supply as defined in the decree in Case No. 19CW3154 only in the manner, and subject to the terms and conditions, set forth in said decree, including but not limited to the provisions set forth in Sections 21.1 through 21.7 and 22.2.1 through 22.2.9 and 22.3.1 and 22.3.2. An excerpt of the decree in Case No. 19CW3154 that includes these referenced sections will be attached as an exhibit to the final decree in this case.

ii. On an ongoing basis, if MMRC's storage volume in Meadowview Reservoir is less than the Turkey Creek Estimated Actual Depletions from the current month until the next April 30, MMRC shall cease making replacements of pond evaporation depletions in the Turkey Creek basin that are to be augmented pursuant to this application.

6. Statement of Plan for Augmentation: This augmentation plan will replace out-of-priority depletions associated with the Forsey Well No. 2 for indoor use, in the manner described below.

a. The water requirements for Forsey Well No. 2 are for one-single family dwelling, with an average occupancy of 3.5 persons per house ("Indoor Use"). The estimated water requirements for Indoor Use for each well is 80 gallons per capita per day (gpcd) with 10% consumption based on subsurface discharge from individual septic tank-soil absorption systems. This plan will require 0.0314 of an acre-foot of replacement water as is shown in Table 1 below.

Use	Water Requirements	Units	Quantity AF	CU Rate	Replacement Requirements		
					Total Ac-Ft	Summer Ac-Ft	Winter Ac-Ft
Single-Family In-house Use	80 gl/cap/dy(3.5 cap)	1	0.314	10%	0.0314	0.0157	0.0157
Total			0.314		0.0314	0.0157	0.0157

The monthly depletions are as follows in acre-feet:

Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
0.002	0.002	0.002	0.002	0.002	0.003	0.003	0.003	0.003	0.003	0.003	0.003

This equates to a maximum stream depletion of 0.02 of a gallon per minute.

b. 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 release from storage of short duration.

c. The total consumptive use water requirement will be 0.0314 of an acre-foot of the annual firm yield of 23.8 acre-feet of the Turkey Creek rights. These requirements are needed at the point of depletion in the SW1/4 SW1/4, Section 18, Township 5 South, Range 70 West. This is upstream of the point of replacement at the confluence of Bear Creek and Turkey Creek in the Section 5, Township 5 South, Range 69 West of the 6th P.M.

7. Water Exchange Project: Since the point of depletion associated with Forsey Well No. 2 is 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 point of depletion to Turkey Creek that is associated with water usage from Forsey Well No. 2 is within the exchange reach

described in the decrees entered in Case Nos. 94CW290 and 01CW293. Therefore, no separate priority is required for the operation of this augmentation plan regarding such depletion that occur within the reach described in those cases. However, since depletions will also impact Giant Gulch tributary of Parmalee Gulch, tributary to Turkey Creek that is located in the NW1/4 SW1/4, Section 18, Township 5 South, Range 70 West the reach of said exchange shall extend from the confluence of Turkey Creek and Parmalee Gulch in the NW1/4 SE1/4, Section 16, up Parmalee Gulch to the confluence with Giant Gulch in the NW1/4 NE1/4, Section 17, thence up Giant Gulch to the point of depletion in the NW1/4 SW1/4, Section 18, all in Township 5 South, Range 70 West, 6th P.M. In the event there is a senior call between the source of the water and the point of depletion that precludes the exchange, the Applicants can have replacement water delivered via trucking to a point above the calling 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, 2021, at a maximum flow rate of 0.001 of a cubic foot per second and a maximum depletion in all reaches of 0.02 of a gallon per minute. 8. Administration of Plan: Appropriate accounting forms will be established for reporting usage and determining required releases to be made pursuant to this augmentation plan throughout each year. 9. Names and address 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: The Co-Applicants, Forsey Trust. WHEREFORE, Applicants request the entry of a decree approving this application, specifically (1) granting the appropriation 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, or any replacement well permits required, for Forsey Well Nos. 1 and 2 consistent with the final decree entered in this case. (11 pgs., 2 Exhibits)

21CW3159 HOMESTEAD WATER COMPANY, a Colorado nonprofit corporation, 6949 County Highway 73, Suite 15, Evergreen, CO, 80439. Matthew S. Poznanovic, Eric K. Trout, Hayes Poznanovic Korver LLC, 1999 Broadway, Suite 3200, Denver, CO, 80202. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN JEFFERSON COUNTY.** Prior Decree Information: Originally decreed in Case No. 07CW123 on December 11, 2008. The Case No. 07CW123 decree approved an augmentation plan to replace out of priority depletions from the Sprucedale Infiltration Gallery Nos. 1 and 2 and Sprucedale Ditch and evaporation losses from Sprucedale Reservoir, conditional water rights for the Sprucedale Infiltration Gallery Nos. 1 and 2 and Sprucedale Ditch and an absolute appropriative right of substitute supply and exchange which are all used to serve a maximum of 100 single-family home development that will be constructed at the Subject Property described in Paragraph 4.5. Water for the development will be supplied from a central water system using water obtained from the Sprucedale Infiltration Gallery Nos. 1 and 2 and the Sprucedale Ditch. Pursuant to its conditional water right, the Sprucedale Ditch is used to convey water through the Sprucedale Reservoir. The Sprucedale Reservoir is a component of the Case No. 07CW123 augmentation plan. A portion of the conditional water rights was made absolute and a finding of reasonable diligence was found in Case No. 14CW3170. The period of diligence which is the subject of this application is from the date of decree in Case No. 14CW3170 being August 14, 2015. Name of Structures: Sprucedale Infiltration Gallery No. 1. Sprucedale Infiltration Gallery No. 2. Sprucedale Ditch. Description of Conditional Water Rights: Appropriation Dates: Sprucedale Infiltration Gallery No. 1: June 30, 1963. Sprucedale Infiltration Gallery No. 2: June 30, 2006. Sprucedale Ditch: June 30, 1962. Source: The source of water for the Sprucedale Infiltration Gallery Nos. 1 and 2 is the alluvium of Cub Creek, a tributary of Bear Creek and the South Platte River. The source of water for the Sprucedale Ditch is Cub Creek. Amounts: Sprucedale Infiltration Gallery No. 1: The original decreed amounts were 4.7 gpm, absolute, and 10.3 gpm, conditional for all decreed uses. Sprucedale Infiltration Gallery No. 2: The original decreed amount was 15 gpm, conditional. The decree in Case No. 14CW3170 made 4.7 gpm absolute for ordinary household purposes inside single-family dwellings, and found diligence on the

remaining 10.3 gpm for ordinary household purposes inside single-family dwellings, and 15 gpm for fire protection purposes. Sprucedale Ditch: 30 gpm, conditional. The maximum instantaneous diversion rate shall not exceed 60 gpm if all three structures are diverting simultaneously. Legal Descriptions of Structures: The Sprucedale Infiltration Gallery No. 1 is located in the NE 1/4 NW 1/4 of Section 28, Township 5 South, Range 71 West, 6th P.M., Jefferson County, at a point approximately 2,650 feet from the East Section line and 110 feet from the North Section line of said Section 28. The structure was hand dug in 1963 to a depth of approximately 15 feet. The Sprucedale Infiltration Gallery No. 2 is located in the NE 1/4 NW 1/4 of Section 28, Township 5 South, Range 71 West, 6th P.M., Jefferson County, at a point approximately 2,720 feet from the East Section line and 190 feet from the North Section line of said Section 28. The structure was constructed to a depth of between six and ten feet below the natural ground surface. The Sprucedale Ditch is located in the NE 1/4 NW 1/4 of Section 28, Township 5 South, Range 71 West, 6th P.M., Jefferson County, at a point approximately 2,810 feet from the East Section line and 300 feet from the North Section line of said Section 28. The Ditch is used to divert water from Cub Creek into and through Sprucedale Reservoir on a continuous basis. Uses and Places of Use: Water from each of the structures is decreed for ordinary household purposes inside single-family dwellings and fire protection purposes. The decreed place of use is approximately 102 acres of land located in portions of Section 28, Township 5 South, Range 71 West, 6th P.M., Jefferson County. The property is more particularly described in **Exhibit A** attached to this application, and consists of portions of Blocks A, C and D of the Cragmont Subdivision (located in the NW 1/4 NE 1/4, the SW 1/4 NE 1/4, and the NW 1/4 SE 1/4 of Section 28), Block H of the Sprucedale Park Subdivision (located in the SE 1/4 NW 1/4 and the E 1/2 NE 1/4 NW 1/4 of Section 28), and the NW 1/4 SE 1/4 NE 1/4 of Section 28, (“Subject Property”). **APPLICATION TO MAKE ABSOLUTE** Applicant requests that an additional 3.978 g.p.m. of the Sprucedale Infiltration Gallery No. 1 conditional water right be made absolute for ordinary household purposes inside single-family dwellings. In-priority diversions made by the Sprucedale Infiltration Gallery No. 1 were made on at least the following dates and in the following amounts:

Dates	Amount
June 18 – July 19, 2019	8.678 gpm
March 21 – April 6, 2020	7.427 gpm
May 4 – May 13, 2021	7.415 gpm
May 29 – June 4, 2021	7.443 gpm

In the alternative, if this amount is not made absolute, Applicant requests that a diligence finding be made to continue this amount pursuant to the activity described below. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE**. This Application to Make Absolute and for Finding of Reasonable Diligence is filed in a timely manner pursuant to the Water Right Determination and Administration Act of 1969, C.R.S. § 37-92-302. During this diligence period, in continuing the development of the conditional water rights, Applicant has been diligent in the continued use and development of the water rights involved. The conditional water rights are components of Applicant’s integrated water supply system which provides water service to single family dwellings at properties described in this application. Work completed on any part of the unified system is considered to be diligence for these conditional water rights. These activities performed by Applicant, including expenditures for legal, consulting, construction and maintenance work, include, but are not limited to, the following: Water has been released from the Sprucedale Reservoir pursuant to the Case No. 07CW123 augmentation plan to replace stream depletions associated with water usage under the augmentation plan. The developer of 60 lots in the Cragmont Subdivision designed and is currently constructing 4,500 feet of main water line with fire hydrants and pressure reducing vaults, for connection to the existing water system, at a cost in excess of \$450,000. After construction, the improvements will be deeded to Applicant. The developer in the Cragmont Subdivision sold an additional 11 lots. Of those 11 lots, 6 new water taps were sold. One home was constructed and connected to the central water system, and an additional home was converted from well water to receiving water from the central water system. Applicant made upgrades to the water treatment plant, and constructed a water transmission line from the storage tank at the water treatment plant to serve the Cragmont Subdivision at a cost of

approximately \$250,000. There has been an increase in the number of single-family homes served at the Subject Property, from 17 to 19 homes. Seasonal maintenance and cleaning of the Sprucedale Ditch and the Sprucedale Reservoir inlet and outlet works was performed. Water was diverted for beneficial use pursuant to the Sprucedale Infiltration Gallery No. 1 conditional water right described above. Daily diversion records are prepared, maintained and provided to Mountain Mutual Reservoir Company, and Mountain Mutual Reservoir Company prepares and provides plan for augmentation accounting to the Office of the Division Engineer. During the diligence period, legal counsel has reviewed the resume of applications as published by the Water Clerk for Water Division 1 and advised Applicant on whether Statements of Opposition need to be filed to protect the water rights. The work and expenditures listed above are illustrative and not exhaustive. Additional work and additional or revised expenditures may be claimed in support of this application. Ronald P. Lewis and Carol J. Lewis, 26624 N. Turkey Creek Rd., Evergreen, CO, 80439, are the owners of land upon which the Sprucedale Infiltration Gallery Nos. 1 and 2, Sprucedale Reservoir and headgate of the Sprucedale Ditch are located. WHEREFORE, Applicant requests that this Court enter a decree finding that Applicant has made an additional 3.978 gpm of the Sprucedale Infiltration Gallery No. 1 conditional water right absolute, has exercised reasonable diligence in the development of the remaining conditional water rights, continuing the remaining conditional water rights, and for such other and further relief as this Court deems just and proper in the premises. 5 pages.

21CW3160 ROBERT and SHARI JASTER, 932 Nob Hill Trail, Franktown, CO, 80106. James J. Petrock and Eric K. Trout, Hayes Poznanovic Korver LLC, 1999 Broadway, Suite 3200, Denver, CO, 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT NONTRIBUTARY SOURCES, IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE, AND LARAMIE-FOX HILLS AQUIFERS AND THE NOT-NONTRIBUTARY UPPER DAWSON AQUIFER IN DOUGLAS COUNTY.** Subject Property: 4.591 acres generally located in the SE1/4, Section 17, Township 8 South, Range 65 West of the 6th P.M., also known as 932 Nob Hill Trail, Franktown, CO, 80106, Douglas County, State of Colorado, as shown on **Exhibit A** (“Subject Property”). Applicants are the sole owners of the Subject Property. Well Permits: There is one existing domestic well on the Subject Property under Well Permit Number 146189. 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 Upper Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Amounts: Applicants estimate the following annual amounts may be available for withdrawal:

Aquifer	Annual Amount (acre-feet)
Upper Dawson (NNT)	0.80*
Lower Dawson (NT)	1.08
Denver (NT)	1.57
Arapahoe (NT)	2.23
Laramie-Fox Hills (NT)	1.60

*The total estimated amount of Upper Dawson Aquifer water is 1.80 acre-feet annually. 1 acre-foot is being withheld from this adjudication for use by existing exempt Well Permit Number 146189, and any future exempt purposes. Proposed Use: Domestic, 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 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.

21CW3161 (2014CW3119 and 2000CW261). FORT MORGAN RESERVOIR AND IRRIGATION COMPANY AND FORT MORGAN FARMS, LLC. Fort Morgan Reservoir and Irrigation Company (“FMRIC”), P.O. Box 38, Fort Morgan, CO 80701, (970) 867-7561. Fort Morgan Farms, LLC (“Fort Morgan Farms”), 5821 West County Road 54, Bellevue, CO 80512, Telephone: (970) 482-5789. Communications, including pleadings regarding this application should be directed to counsel for the Applicant FMRIC, Andrea L. Benson, and Gilbert Y. Marchand, Jr., Alperstein & Covell P.C., 1391 Speer Blvd., Suite 730, Denver, CO 80204; and to counsel for Applicant Fort Morgan Farms, John P. Justus, Hoskin Farina & Kampf, Post Office Box 40, Grand Junction, Colorado 81502. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE, IN WELD AND MORGAN COUNTIES.** Fort Morgan Company Augmentation Water Right. 1. Name of Structure: Fort Morgan Canal. A. Decrees: The water right (“Augmentation Water Right”) was confirmed in the decree entered by this Court in Case No. 2000CW261 on September 16, 2008 (“00CW261 Decree”). The first diligence case was filed in Case No. 2014CW3119 and decreed on August 12, 2015 (“14CW3119 Decree”). B. Legal description: The point of diversion of the Augmentation Water Right is the headgate of the Fort Morgan Canal located at a point on the South Bank of the South Platte River 23 chains north and 5 chains west of the Southeast Corner of Section 31, Township 5 North, Range 59 West of the 6th P.M., Morgan County, Colorado. C. Source of water: South Platte River. D. Appropriation Date: December 29, 2000. E. Amount: 50 cubic feet per second (“cfs”), with 14 cfs of this amount made absolute in the 14CW3119 Decree, and 36 cfs remains conditional. F. Uses: Substitution and exchange, replacement of depletions through recharge of the aquifer, and augmentation. The water may be fully consumed during the first use of the water or recaptured and reused until the water is fully consumed. Appropriative Right of Substitution and Exchange. 2. Name of Structure: Fort Morgan Canal. A. Decrees: The appropriative right of substitution and exchange was confirmed as conditional in the 00CW261 Decree (“Exchange Right”). The first diligence case was filed in Case No. 2014CW3119 and decreed on August 12, 2015 (“2014CW3119 Decree”). B. Legal description: The point of diversion of the Water Right is the headgate of the Fort Morgan Canal located at a point on the South Bank of the South Platte River 23 chains north and 5 chains west of the Southeast Corner of Section 31, Township 5 North, Range 59 West of the 6th P.M., Morgan County, Colorado. The exchange-from point of the Exchange Right is a reach of the South Platte River, consisting of an upstream point of the Fort Morgan Canal headgate and downstream point of the confluence of the South Platte River and Beaver Creek in Section 4, Township 4 North, Range 55 West of the 6th P.M., as described in paragraph 45 of the 00CW261 decree. C. Source of water: Excess replacement water delivered to the South Platte River pursuant to the plans for augmentation decreed in Case Nos. W-2692, 91CW035, W-9383-78, 94CW185, 94CW186, 96CW017, 92CW081, and 00CW261 between the point of diversion and downstream to the point of the confluence of the South Platte River and Beaver Creek in Section 4, Township 4 North, Range 55 West of the 6th P.M. D. Appropriation Date: December 29, 2000. E. Amount: 100 cfs, of which 20.1 cfs was made absolute in the 14CW3119 Decree, and 79.9 cfs remains conditional. F. Uses: Water diverted under the Exchange Rights is (1) directly delivered to water users under the Fort Morgan Canal for irrigation, augmentation and recharge purposes, and/or (2) delivered to the groundwater recharge sites described in the 00CW261 Decree, and the decrees entered in Case Nos. W-2692, 94CW185, 92CW081, or any other recharge site identified in a final decree or substitute supply plan approved pursuant to C.R.S. § 37-92-308. The water diverted under the Exchange Rights is fully consumable and may be reused or successively

used to extinction. Provide a detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: During the subject diligence period, Applicants continued to plan for and pursue development and use of the Augmentation Water Right and Exchange Right. The Augmentation Water Right and Exchange Right are part of the unified water system described in the 00CW261 Decree, so that work done on any one part of the system may be considered in evaluating reasonable diligence in the development of the Augmentation Water Right and Exchange Right. During the last diligence period, Applicant FMRIC has diverted water under the Augmentation Water Right when available in priority for delivery to the Bath Recharge Site for recharge of the South Platte alluvial aquifer and replacement of well pumping depletions. Fort Morgan Farms pumped the Bath and Heit Wells under the augmentation plan decreed in the 00CW261 Decree when the projection of depletions from such wells as decreed in the 00CW261 Decree indicated that the depletions would be replaced under the augmentation plan. Since entry of the 14CW3119 Decree, Applicant FMRIC has diverted water under the Exchange Right when available in priority for delivery to various recharge sites described in the 00CW261 Decree for purposes of replacement of depletions through recharge of the South Platte aquifer, and has engaged in routine operation and maintenance of the ditch and ditch laterals to permit delivery of recharge water to the Bath Recharge Site and other sites identified in the 00CW261 Decree. Applicant FMRIC also reviewed the water court resume to determine if applications had been filed which might adversely affect the subject water rights and has continued participation as an opposer in numerous water court cases within Water Division No. 1 in the interest of protecting the subject water rights. Applicant FMRIC has expended approximately \$55,663.43 in costs for the routine operation and maintenance and \$84,998.50 in legal fees for defense and protection of the subject conditional water rights. Since entry of the 14CW3119 Decree, Fort Morgan Farms has spent approximately \$144,775.41 on pond and pipeline construction, operation of the wells augmented under the 00CW261 Decree, engineering, accounting, and legal fees related to applying the Augmentation Water Right and Exchange Right to beneficial use and developing the unified water system described in the 00CW261 Decree. Since the entry of the 14CW3119 Decree, Applicants have undertaken numerous and sufficient actions to demonstrate reasonable diligence in the development of the Augmentation Water Right and Exchange Right. Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored: No 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 pursuant to this Application. However, all related structures are located on lands owned or controlled by Applicants or on which Applicants own an easement. WHEREFORE, Applicants, Fort Morgan Reservoir and Irrigation Company and Fort Morgan Farms, having demonstrated that they have steadily applied effort to complete the appropriation of these water rights in a reasonably expedient and efficient manner under all the facts and circumstances, respectfully request that this Court find the Applicants have exercised reasonable diligence in putting to beneficial use the remaining conditional portions of the water rights decreed to the Augmentation Water Right and Appropriative Right of Substitution and Exchange, and to continue the conditional decree for those amounts for another six years, or such period as may otherwise be permitted by law. (6 pages).

21CW3162 BRITTON and JANA ELY, 8510 Kirk Drive, Colorado Springs, CO, 80908. James J. Petrock and Eric K. Trout, Hayes Poznanovic Korver LLC, 1999 Broadway, Suite 3200, Denver, CO, 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT NONTRIBUTARY SOURCES AND APPROVAL OF PLAN FOR AUGMENTATION, IN THE NONTRIBUTARY DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS AND THE NOT-NONTRIBUTARY DAWSON AQUIFER IN EL PASO COUNTY.** Subject Property: 5 acres generally located in the SW1/4 SE1/4, Section 33, Township 11 South, Range 65 West of the 6th P.M., also known as 8510 Kirk Dr, Colorado Springs, El Paso County, State of Colorado, as shown on Exhibit A (“Subject Property”). Applicants are the sole owners of the Subject Property. Well Permits: There is one existing Dawson Aquifer household-use only well on the Subject Property under Well Permit Number

259398. This well will be re-permitted under the plan for augmentation requested in this application. 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:

Aquifer	Annual Amount (acre-feet)
Dawson (NNT)	5.15
Denver (NT)	3.47
Arapahoe (NT)	2.19
Laramie-Fox Hills (NT)	1.39

Proposed Uses: Domestic, commercial, irrigation, stockwatering, fire protection, and augmentation 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). Summary of Plan for Augmentation: Groundwater to be Augmented: 0.875 acre-feet per year of Dawson aquifer groundwater, as follows: 0.3 acre-feet per year for in-house use, 0.525 acre-feet per year for up to 10,500 square-feet of irrigation, 0.05 acre-feet per year for 4 large domestic animals. Water Rights to be Used for Augmentation: Return flows from the use of not nontributary and nontributary groundwater and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: The Dawson Aquifer groundwater will be used for domestic purposes, including in-house use, irrigation, commercial, stockwatering, and fire protection, including storage, through one or more wells, both on and off the Subject Property. Applicants reserve the right to amend the amount and uses without amending the application or republishing the same. Sewage treatment for in-house use will be provided by non-evaporative septic systems. Return flow from in-house use will be approximately 90% of that use, and return flow from irrigation use will be approximately 15% of that use. During pumping Applicants will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the Cherry Creek and Monument Creek stream systems and return flows accrue to that creek system and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicants will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post pumping augmentation requirements. Applicants request the Court approve the above 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.

21CW3163 TOWN OF WINDSOR, COLORADO (“WINDSOR”) AND KERN RESERVOIR AND DITCH COMPANY (“KERN”); 301 Walnut Street, Windsor, CO 80550. Please send correspondence and pleadings to: Bradley C. Grasmick and David L. Strait, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Reagan Blvd., suite 1, Johnstown, CO 80534; Phone: (970) 622-8181; brad@lcwaterlaw.com; dstrait@lcwaterlaw.com. **CONCERNING THE APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE, in LARIMER AND WELD COUNTIES. 2. Description of Conditional Water Right:** 2.1. Name of Structures: Main Park East Well #2 Town Hall Right and Main Park West Well #3 Town Hall Right. 2.2. Summary: A conditional water right was decreed to the Main Park East Well #2 Town Hall Right and Main Park West Well #3 Town Hall Right (collectively, the “Town Hall Well Rights”), in Case No. 15CW3027. That decree also added the conditional groundwater rights as rights to be

augmented pursuant to the plan for augmentation decreed in Case No. 02CW301, District Court, Water Division No. 1 (“Kern Decree”). The Town Hall Well Rights are decreed for irrigation of the Town of Windsor’s Town Hall property as described herein. The Town Hall Well Rights were added to the augmentation plan decreed in the Kern Decree pursuant to Paragraph 25 of that Decree. In particular, pursuant to the Kern Decree, any well added to the plan for augmentation that is used for irrigation shall use the consumptive use factor of 83% and shall use the Glover methodology, or a similar method, for determining the timing and location of depletions from past and future pumping. Further, as set forth in Paragraph 25 of the Kern Decree, any out of priority depletions resulting from the past use of the Town Hall Well Rights shall be replaced. In addition to operations under the permit described below, the Main Park East Well #2 Town Hall Right may also operate under Well Permit No. 13410-R-R, decreed by the Division 1 Water Court as Windsor Well No. 2-13410 in Case No. W-4300 for the irrigation of the Windsor Main Park pursuant to the Weld County Underground Water Users Association augmentation plan decreed in Case No. W-7921. Also, in addition to operations under the permit described below, the Main Park West Well #3 Town Hall Right may also operate under Well Permit No. 13413-R-R, decreed by the Division 1 Water Court as Windsor Well No. 3-13413 in Case No. W-4300 for the irrigation of the Windsor Main Park pursuant to the Cache la Poudre Water Users Association augmentation plan decreed in Case No. W-7921. For purposes of operation and accounting, in operation of the wells, Applicant distinguishes between deliveries attributable to the Town Hall Well Rights and deliveries attributable to the rights decreed in W-7921 for the irrigation of Main Park. The well structures used to divert the Town Hall Well Rights are also used to divert rights decreed in W-4300 for the irrigation of the Windsor Main Park that are augmented by the Weld County Underground Water Users Association pursuant to the Augmentation plan decreed in Case No. W-7921.

2.3. Date of Original Decree: August 17, 2015, Case No. 15CW3027, District Court, Water Division No. 1.

2.4. Diligence Decrees: None.

2.5. Legal Description:

2.5.1. Main Park East Well #2 Town Hall Right

2.5.1.1. Legal Description of Well: NE1/4 of the NW1/4 of Section 21, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado, at a point 1,231 feet from the North section line and 2,287 feet from the West section line.

2.5.1.2. Well Permit Number: 79489-F; WDID: 0305150

2.5.1.3. Source: Groundwater.

2.5.1.4. Appropriation Date: March 13, 2015.

2.5.1.5. Amounts: 0.39 c.f.s., conditional, 0.28 c.f.s. absolute

2.5.1.6. Use: Irrigation of the Town of Windsor Town Hall Property located in the NE1/4 of the NW1/4 of Section 21, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado.

2.5.2. Main Park West Well #3 Town Hall Right

2.5.2.1. Legal Description of Well: SE1/4 of the NW1/4 of Section 21, Township 6 North, Range 67 West of the 6th P.M. Weld County, Colorado, at a point 1,380 feet from the North section line and 1,900 feet from the West section line.

2.5.2.2. Well Permit Number: 79488-F; WDID: 0306907

2.5.2.3. Source: Groundwater.

2.5.2.4. Appropriation Date: March 13, 2015.

2.5.2.5. Amount: 0.246 c.f.s., conditional, 0.11 c.f.s. absolute

2.5.2.6. Use: Irrigation of the Town of Windsor Town Hall Property located in the NE1/4 of the NW1/4, of Section 21, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado.

3. Outline of Work Toward Completion of Appropriation During the Diligence Period:

3.1. Applicant was decreed the Town Hall Well Rights on August 17, 2015 in Case No. 15CW3027, District Court, Water Division No. 1.

3.2. On October 8, 2015 Applicant submitted General Purpose Water Well Permit Application(s) to change and increase the use of the Main Park East Well #2 Town Hall Right and the Main Park West Well #3 Town Hall Right.

3.3. General Purpose Water Well Permit Application(s) to change and increase the use of the Main Park East Well #2 Town Hall Right and the Main Park West Well #3 Town Hall Right were approved by the State Engineer on November 24, 2015.

3.4. During the diligence period, Applicant expended the following sums in relation to the Town Hall Well Rights:

3.4.1. From 2014 through 2021, Applicant spent \$79,270.00 on the Kern Ditch rider salary. Kern Ditch riders in part coordinate the delivery of augmentation supplies.

3.4.2. From 2014 through 2020, Applicant spent \$43,122.00 on improvements and repairs to the non-potable SCADA system of which the Town Hall Well Water Rights are a part.

3.4.3. Applicant spent \$311,775.00 in the design of the Kyger Reservoir pump station and \$2,281,887.00 on the construction of the Kyger Reservoir pump station. The Kyger Reservoir is a source of replacement water for the Town Hall Well Rights.

3.5. In 2019, Applicant completed an audit of the entire Main Park irrigation system which includes the Town Hall Well Rights.

3.6. Applicant diverted and beneficially used the following volumes of water under the Town Hall Well Rights during the diligence period:

3.6.1. 0.28 c.f.s. from the Main Park East Well #2 Town Hall

Right in June 2020 to irrigate the Town of Windsor's Town Hall property. 3.6.2. 0.11 c.f.s. from the Main Park West Well #3 Town Hall Right in June 2020 to irrigate the Town of Windsor's Town Hall Property. **4. Claim for Finding of Reasonable Diligence:** As described in Paragraph 3 hereto, Applicant has taken various steps in developing the Town Hall Well Rights for beneficial use. Pursuant to C.R.S. § 37-92-301(4), Applicant requests the Court find that Applicant has been reasonably diligent with respect to completing the appropriation of the Main Park East Well #2 Town Hall Right and Main Park West Well #3 Town Hall Right, decreed in Case No. 15CW3027, and order the same to continue as conditional water rights in the amounts of 0.39 c.f.s. and 0.246 c.f.s., respectively. **5. Claim to Make Absolute:** Applicant has diverted water under the Main Park East Well #2 Town Hall Right and Main Park West Well #3 Town Hall Right, in the amounts of 0.28 c.f.s. and 0.11 c.f.s., respectively, and has applied the same to beneficial use by irrigation of the Town of Windsor's Town Hall Property. Pursuant to C.R.S. § 37-92-301(2), Applicant hereby requests a decree making the Main Park East Well #2 Town Hall Right and Main Park West Well #3 Town Hall Right, decreed in Case No. 15CW3027, absolute in the amounts of 0.28 c.f.s. and 0.11 c.f.s., respectively. **6. Names and Addresses of Owners or Reputed Owners of Land/Structures:** Kern Reservoir and Ditch Company is the owner of the Kern Reservoir and Kern Lateral. The Town of Windsor is the owner of the well structures to be used to divert the Town Hall Well Rights, the land upon which the Town Hall Well Rights are located and the land to be irrigated by the Town Hall Well Rights. The Town of Windsor owns all 100 shares in the Kern Reservoir. The Town's address is: Town of Windsor, 301 Walnut Street, Windsor, CO 80550. Wherefore, Applicant requests the Court to enter a decree finding as follows: (1) Applicant has been reasonably diligent in the development of the Town Hall Well Rights; (2) Applicant has diverted and beneficially used the Main Park East Well #2 Town Hall Right and Main Park West Well #3 Town Hall Right, in the amounts of 0.28 c.f.s. and 0.11 c.f.s., respectively, and is entitled to a decree making that amount of the appropriations absolute; (3) that the Main Park East Well #2 Town Hall Right remain conditional in the amount of 0.39 c.f.s.; (4) that the Main Park West Well #3 Town Hall Right remain conditional in the amount of 0.246 c.f.s.; (5) all pursuant to C.R.S. § 37-92-301(2) and C.R.S. § 37-92-301(4); and (6) granting such other and further relief as the Court finds just.

The original format of this application is six pages in length.

21CW3164 B & L, LLC, 17401 Road 14, Atwood, CO 80722. Please send correspondence and pleadings to: Ryan M. Donovan and Rebecca E. Spence, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Reagan Blvd. Suite 1, Johnstown, CO 80534; Phone: (970) 622-8181; ryan@lcwaterlaw.com; rebecca@lcwaterlaw.com. **CONCERNING THE APPLICATION TO TERMINATE AUGMENTATION PLAN DECREED IN CASE 05CW52, IN LOGAN, MORGAN AND WASHINGTON COUNTIES.** **2. Summary of Application.** This Application seeks to terminate the augmentation plan decreed in Case No. 05CW52 ("Accomasso Plan") so that the structures augmented pursuant to that plan may be added to the Logan Well Users, Inc. ("Logan") augmentation plan decreed in Case No. 03CW195 ("Logan Plan"). The Accomasso Plan currently provides augmentation water to replace out of priority depletions from two wells, which were transferred to B and L, LLC on November 2, 2020, and can be described as: B and L, LLC Well (Accomasso No. 1) Permit Nos: 59462-F and 66490-F; and B and L, LLC Well (Accomasso No. 2) Permit No: 59463-F (together, the "Wells"). The addition of the Wells to the Logan Plan is permitted by ¶49.6 of the 03CW195 Decree and is described in the application in Case No. 20CW3166, which is currently pending in Division 1 Water Court. **3. Structures Included in the Accomasso Plan** **3.1. Name of Structure: B and L, LLC Well (Accomasso No. 1).** 3.1.1. Owner: B and L, LLC, 17401 CR 14, Atwood, CO 80722. 3.1.2. Permit Nos.: 59462-F and 66490-F. 3.1.3. Location: In the SE1/4 NE1/4, Section 9, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado, at a point 2,630 feet South and 1,320 feet West of the Northeast corner of said Section 9. UTM Coordinates (NAD 83 Zone 13) Easting 644051, Northing 4484826. 3.1.4. Appropriation Date: June 30, 1954. 3.1.5. Amount: 6.66 c.f.s., absolute. 3.1.6. Source: Groundwater Tributary to South Platte River. 3.1.7. Use: Irrigation of approximately 150 acres in the SE1/4NE1/4 and part of the SW 1/4 and the NE1/4 of Section 9; 80 acres in the W1/2 NW1/4 of Section 10, and 25 acres in the S1/2 SW1/4 SW 1/4 of Section 3, all located in the Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado. 3.1.8. Prior Decrees: Case Nos. W-3278, 98CW339,

05CW52, and pending – 20CW3166. 3.2. **Name of Structure: B and L, LLC Well (Accomasso No. 2).** 3.2.1. Owner: B and L, LLC, 17401 CR 14, Atwood, CO 80722. 3.2.2. Permit No.: 59463-F. 3.2.3. Location: In the SE1/4 NW1/4, Section 10, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado, at a point 2,630 feet South and 1,330 feet East of the Northwest corner of said Section 10. UTM Coordinates (NAD 83 Zone 13) Easting 644942, Northing 4484852. 3.2.4. Appropriation Date: August 10, 1960. 3.2.5. Amount: 4.58 c.f.s, absolute. 3.2.6. Source: Groundwater Tributary to South Platte River. 3.2.7. Use: Irrigation of approximately 80 acres in the E1/2 NW1/4 of Section 10, and 40 acres in the SE1/4 SW1/4 of Section 3, all located in the Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado. 3.2.8. Prior Decrees: Case Nos. W-3278, 98CW339, 05CW52, and pending – 20CW3166. 3.3. **Remarks:** 3.3.1. Applicant’s predecessor in interest, the Accomasso Brothers, obtained a decree in Case No. 98CW339 approving the use of the Wells as alternate points of diversion for 30 shares in the Davis Brothers Ditch and 23 acre rights of the Logan Prewitt Reservoir. Applicant acquired the subject 30 Shares in the Davis Brothers Ditch and the 23 Logan Prewitt acre rights from the Accomasso Brothers. Nothing herein is intended to nor does it modify the terms and conditions of the 98CW339 Decree. 3.3.2. Paragraph 20 of the 98CW339 Decree states the following: “Annual net withdrawals in excess of the volumes permitted in ¶ 13 [of the 98CW339 Decree] are not authorized pursuant to this decree, and must be authorized pursuant to a separate change of water rights decree for Applicant’s interest in the Schneider Ditch and/or augmented pursuant to an adjudicated augmentation plan, or legally sufficient substitute supply or replacement plan.” 3.3.3. In Case No. 05CW52, the Accomasso Brothers decreed an augmentation plan in compliance with the terms of Paragraph 20 of the 98CW339 Decree. Included among the decreed sources of augmentation supply are recharge accretions attributed to the delivery of water pursuant to the Schneider Ditch Recharge Project decreed in the 03CW195 Decree. Accomasso Brothers owned 19.5 of the 125 total outstanding shares in the Schneider Ditch, or 15.6%. Applicant acquired 17.5 of the subject Schneider Ditch Shares, and the recharge credits associated with such shares are proposed to be transferred to the Logan Plan, as described in the application pending in 20CW3166. 3.3.4. The Wells are included in the pending application filed by Logan in Case No. 20CW3166. In 20CW3166, Logan has asked, among other claims, for approval from the Court to add the Wells to the Logan Plan. The Logan Plan satisfies the requirements of paragraph 20 of Case No. 98CW339 and covers depletions that may occur when the Davis Brothers Ditch is not in priority and/or in excess of the pumping allocation set forth in 98CW339, paragraph 13. A copy of the 20CW3166 application is attached as **Exhibit 1**. 3.3.5. Out of priority depletions from the Wells are presently augmented pursuant to the terms of that Corrected Substitute Water Supply Plan approval dated March 4, 2021. 4. **Claim to Terminate Accomasso Plan.** Applicant hereby requests approval from the Court to terminate the Accomasso Plan subject to the following terms and conditions. Any post pumping depletions resulting from withdrawals authorized under the Accomasso Plan and the current SWSP Approval shall be replaced by Logan. Future diversions from the Wells in amounts in excess of the 30 Shares in the Davis Brothers Ditch and the 23 Logan Prewitt acre rights must be authorized and augmented pursuant to the terms of a subsequent approved substitute water supply plan or the Logan Plan, once a decree is entered in 20CW3166, or any other legally sufficient substitute supply or replacement plan as required by Paragraph 20 of the 98CW339 Decree. 5. **Names and Address of Owners of the Structures and Land on Which Structures are Located.** The Applicant owns the structures and the land described in this Application. The original format of this application is five pages in length plus one exhibit.

21CW3165 44 DELBERT, LLC, a Colorado limited liability company, 10860 Democrat Road, Parker, CO, 80134. James J. Petrock and Eric K. Trout, Hayes Poznanovic Korver LLC, 1999 Broadway, Suite 3200, Denver, CO, 80202. **APPLICATION FOR PLAN FOR AUGMENTATION IN THE NOT-NONTRIBUTARY UPPER DAWSON AQUIFER IN ELBERT COUNTY.** **Subject Property:** 161.0627 acres located in the SW1/4, Section 22, Township 6 South, Range 65 West of the 6th P.M., Elbert County, State of Colorado, as shown on **Exhibit A** (“Subject Property”). Applicant is the sole owner of the Subject Property. **Prior Decree:** Case No. 2005CW80, decreed on July 6, 2007, quantified the groundwater underlying the Subject Property. Applicant is the owner of the following amounts of groundwater as decreed in Case No. 2005CW80:

Aquifer	Annual Amount (acre-feet)
Upper Dawson (NNT)	35.3
Lower Dawson (NT)	27.4
Denver (NT)	104.1
Arapahoe (NT)	64.4
Laramie-Fox Hills (NT)	53.2

Additionally, an augmentation plan was approved in Case No. 17CW3183, and amended in Case No. 18CW3198, for use of 5.25 acre-feet per year of not-nontributary Upper Dawson Aquifer groundwater in up to seven (7) individual wells on the Subject Property. By this Application, Applicant is requesting use in an additional eight (8) individual wells on the Subject Property. Well Permits: There is one existing Upper Dawson Aquifer domestic well on the Subject Property under Well Permit Number 82156-F. This well is permitted pursuant to the plan for augmentation decreed in Case No. 17CW3183 and will continue to operate under its existing permit. Additional well permits will be applied for prior to construction of additional wells. Jurisdiction: The Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-203(1), 37-92-302(2). Summary of Proposed Plan for Augmentation: Groundwater to be Augmented: 6 acre-feet per year for of Upper Dawson Aquifer groundwater. The Upper Dawson Aquifer groundwater will be used in up to eight (8) individual wells on the Subject Property. Each well will withdraw 0.75 acre-feet per year, as follows: 0.4 acre-feet per year for in-house use, 0.3 acre-feet per year for up to 6,000 square-feet of irrigation, and 0.05 acre-feet per year for watering of up to 4 large domestic animals. Water Rights to be Used for Augmentation: Return flows from the use of not nontributary and nontributary groundwater and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: The Upper Dawson Aquifer groundwater will be used for domestic purposes, including in-house use, irrigation, stockwatering, and fire protection. Applicant reserves the right to amend the amount and uses without amending the application or republishing the same. Sewage treatment for in-house use will be provided by non-evaporative septic systems. Return flow from in-house use will be approximately 90% of that use, and return flow from irrigation use will be approximately 15% of that use. During pumping Applicant will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the Cherry Creek stream system and return flows accrue to that creek system and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicant will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post pumping augmentation requirements. Applicant requests the Court approve the above requested augmentation plan, find that Applicant 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.

*****AMENDED***21CW3125 (Previous Case No. 03CW428) - PARKER WATER AND SANITATION DISTRICT, 18100 E. Woodman Dr., Parker, CO 80134** (Please address all correspondence and inquiries regarding this matter to Applicant's attorney: Robert F. T. Krassa, Krassa & Miller, LLC, 2300 Canyon Blvd., Suite 2, Boulder, CO 80302, 303-442-2156)**APPLICATION FOR FINDING OF REASONABLE DILIGENCE DOUGLAS AND LOGAN COUNTIES Name of Structures**: Parker Iliff Intake and Parker Powell Intake. 3. Describe conditional water rights giving the following from the Referee's Ruling and Judgment and Decree: **a. Date of Original Decree**: July 20, 2015, Case 03CW428, Water Division No. 1. **b. List all subsequent decrees** awarding findings of diligence (all in this Court): not applicable as the present

application is the first diligence proceeding for the subject water rights. **c. Legal description of points of diversion** (see also maps attached as Exhibit A): **i. Parker Iliff Intake:** in the SE/4NW/4 Section 25, T 9 North, Range 52 West of the 6th P.M. in Logan County, at a point 2310 feet from the west line and 2100 feet from the North line of said Section 25. **ii. Parker Powell Intake:** in the NW/4SE/4 Section 1, T. 9 North, R. 51 West of the 6th P.M. in Logan County at a point 1580 feet from the east line and 2500 feet from the south line of said Section 1. **d. Source:** South Platte River **e. Date of Initiation of Appropriation:** December 9, 2003. **f. Amount:** 40 cfs (conditional) total combined diversions at the Parker Iliff Intake and the Parker Powell Intake, subject to a total volumetric limit of 18,000 in any Water Year (April 1 to March 31). Total annual combined diversions on the Parker Water Rights shall not exceed 94,000 acre-feet over any consecutive period of ten Water Years. These volumetric limits apply irrespective of whether diversions occur pursuant to a call or under free river conditions. **g. Use:** **i. The Parker Water Rights will be transported** via suitable stream channels, reservoirs, pumps and pipelines for all municipal purposes of Parker Water and Sanitation District including domestic, industrial, commercial, manufacturing, stock watering, recreational, piscatorial, fish and wildlife, fire protection, street washing, hydroelectric power production, and will also be used for exchange, replacement, and augmentation. Parker will use and re-use water diverted under the Parker Water Rights to extinction. The Decree in 03CW428 did not adjudicate a water storage right, and the mention therein of reservoirs as part of the project of which the water rights decreed therein will be components, was not intended to imply that a water storage right was adjudicated therein. **ii. The place of use** is within the boundaries of Parker Water and Sanitation District as those boundaries may from time to time be changed, and any locations of out-of-District service pursuant to contracts and the District's Rules and Regulations. The service area of the District is presently in portions of Township 6 South, Range 65 West, Township 6 South, Range 66 West, Township 6 South, Range 67 West, Township 7 South, Range 65 West Township 7 South, Range 66 West and Township 7 South, Range 67 West, in Douglas County, Colorado. **iii. Although the 03CW428 Decree established** that the subject water may be used for exchange, replacement and augmentation, no exchange or plan for augmentation was sought or approved by that decree. Accordingly, the subject water may not be used for exchange, replacement or augmentation except pursuant to a subsequent decree or an approved Substitute Water Supply Plan. **4. Provide a detailed outline of what has been done toward completion or for completion of appropriation and application of water to a beneficial use as conditionally decreed, including expenditures:** **a. During the diligence period** the following capital improvements were made to Parker's water system for a total of over \$ 137 million: Ridgeway 42" water main, Canyons 36" water main, water treatment plant and various other building improvements, Canyons Well Facility, Ridgeway Well Facility and numerous water main, fire hydrant and other infrastructure components. All of these improvements increased Parker's ability to use the subject conditional water rights. **b. The subject water rights** have always been a part of a larger project concept in order to deliver the yield of the subject water rights to Parker in an efficient and cost effective manner. During the diligence period, Parker conducted numerous engineering, economic, geotechnical investigations, discussions and negotiations as part of planning the project which ultimately culminated in the cooperative and joint Water Court application of Parker and Lower South Platte Water Conservancy District in Case 19CW3253. The subject water rights are an integral part of that Project. **c. Professional investigations and reports** conducted for Parker during the diligence period included: Long-Term Water Supply Plan report by Providence Infrastructure Consultants 2015; CH2M Technical Memo January-May 2018 Long Term Water Supply Strategic Plan; Jacobs Technical Memo December 2019 Long Term Water Supply Strategic Plan; RJH Consultants Inc. August 2020 Feasibility Report for Long Term Water Supply in Washington and Logan Counties, with focus on geotechnical aspects; Lytle Water Solutions LLC ("LWS") Ditch Flow Measurement Report regarding the Iliff & Platte Valley Ditch and the Powell and Blair Ditch August 24, 2020; the LWS development, operation and continual improvement of a point flow model for the project; Environmental Permitting Assessment report by E.O. Resources Corporation, August 6, 2020; report by Harvey Economics "Need for and Financial Feasibility of the PWSD-LSPWCD Joint Development" August 31, 2020; PWSD and LSPWCD Water Court Application Regulatory and Permitting Analysis by Jacobs, August 24, 2020; and LWS Preliminary Engineering Report for case 19CW3253, August 31, 2020. **d. Parker conducted negotiations** with and became a member of the Northeast Colorado Water Cooperative in establishing the

project as a cooperative project with a local entity. Lower South Platte Water Conservancy District subsequently became the cooperating entity as its authorizing statute is more appropriate for project development. **e. In addition, Parker has participated** as an opposer in various water court applications of others as necessary to protect ability to operate the project of which the subject water rights are a part. **f. Parker has spent** over \$ 800,000 on engineering, other professional reports and legal services as part of developing the project represented by pending case 19CW3253 which is essential to placing the subject conditional water rights to beneficial use. **g. All of these activities and expenditures** were and are essential to the proper development and use of the subject water rights. Parker has in all respects diligently worked toward placing these water rights to beneficial use. **5. Names and addresses of owner 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: As a stockholder in the Iliff and Platte Valley Ditch Company and the Proctor Water Company (also known as Powell and Blair Ditch Company), Parker owns or has the right to use the sites upon which all structures associated with this matter will be located. In addition, the following information is provided: **a. The diversion works of the Iliff and Platte Valley Ditch** are believed to be owned by: Iliff and Platte Valley Ditch Company, c/o Johnson & Associates, CPA, 400 S. Division Ave., PO Box 1723, Iliff, CO 80751, Based on examination of Logan County Assessor records, the land around said diversion works (Parcel ID 1089002) is believed to be owned by: Michael & Jeannette Cannon, PO Box 214 Fowler, CO 81039. **b. The diversion works of the Powell & Blair Ditch** are believed to be owned by: Proctor Water Company, c/o Johnson & Associates, CPA, 400 S. Division Ave., PO Box 1723, Iliff, CO 80751, Based on examination of Logan County Assessor records, the lands around said diversion works (Parcel IDs 723000 and 93048501) are believed to be owned by: Golden Eagle Ranch, 600 Grant Street, Suite 620, Denver, CO 80203.

WATER RIGHTS CLAIMED OR HERETOFORE ADJUDICATED THE WATER RIGHTS CLAIMED BY THESE APPLICATIONS MAY AFFECT IN PRIORITY ANY 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 2021** (forms available on www.courts.state.co.us or in the Clerk's office) and must be filed as an Original and include \$192.00 filing fee. A copy of each Statement of Opposition must also be served upon the Applicant or Applicant's Attorney and an affidavit or certificate of such service of mailing shall be filed with the Water Clerk.