

**SUBSTITUTE WATER SUPPLY PLAN AND PRODUCED NONTRIBUTARY
GROUNDWATER NOTIFICATION LIST**

Section 37-92-308(6), C.R.S. directs the State Engineer to establish a notification list for each water division for the purpose of notifying interested parties of requests for the State Engineer’s approval of substitute water supply plans (“SWSP”) filed in that water division pursuant to section 37-92-308, C.R.S. The SWSP notification list is also used to provide notice of proposed water right loans to the Colorado Water Conservation Board for use as instream flows under section 37-83-105(2)(b)(II), C.R.S., notice of applications for the State Engineer’s approval of interruptible water supply agreements under section 37-92-309(3)(a), C.R.S., notice of applications for fallowing-leasing pilot projects under section 37-60-115(8)(e)(II), C.R.S., notice of fire suppression ponds under section 37-80-124(10)(a)(II)(E), C.R.S., and notice of storm water detention and infiltration facilities under section 37-92-602(8)(d), C.R.S.

Pursuant to Rule 17.5(B)(2) of the Rules and Regulations for the Determination of the Nontributary Nature of Ground Water Produced Through Wells in Conjunction with the Mining of Minerals, at 2 CCR 402-17 (“Rules”), the State Engineer is publishing this invitation to persons to be included on the Produced Nontributary Ground Water Notification List. According to Rule 17.5(B)(2) of the Rules, the State Engineer must establish a Produced Nontributary Ground Water Notification List for each water division within the State of Colorado for the purposes of ensuring that water users within each water division receive adequate notice of proceedings held pursuant to the Rules. In order to establish such notification list, the State Engineer is directed, in January of each year, to cause to have published in the water court resume for each water division this invitation to be included on the Produced Nontributary Ground Water Notification List for the applicable water division.

This notice is an invitation to be included on the SWSP or Produced Nontributary Groundwater notification lists. Sign up for these or other notification lists maintained by the State Engineer at: <https://dwr.colorado.gov/public-information/notification-lists>. Additional information is available on the Division of Water Resources' website at: <https://dwr.colorado.gov/>.

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

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

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

2022CW27 MICHAEL L. WALKER and LISA M. WALKER, 37361 Forest Trail, Elbert, CO 80107, 303-898-2545 mwalkerdpd@gmail.com **APPLICATION FOR UNDERGROUND WATER RIGHTS IN THE DENVER BASIN AQUIFERS IN ELBERT COUNTY.** Name of Structure: Walker Property Well located SW 1/4, NE 1/4, S28, T7S, R64W 6th PM in Elbert County. UTM coordinates: Easting 537806.7 Northing 4362629.8. One well located on property. Parcel of land consists of 5 acres of land. Well Permit 150946. Depth to bottom of well: 450 ft. Pumping rate: 15 gpm. Amount claimed in acre-feet annually: 2. Household use, domestic animals and irrigation.

2022CW28 (16CW31) DON HITES AND LISA HITES, 852 County Road 277, Canon City, CO 81212. 303-669-0289. lhites@comcast.net **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN PARK COUNTY.** Date of original decree: 07-29-76 in case W-8107, WD1. Subsequent decrees: 03-16-04 in case 96CW779, WD1, 07-22-10 in case 10CW98, WD1, and 12-20-16 in case 16CW31, WD1. Hites Well located NE 1/4, NW 1/4, S3, T10S, R75W, of the 6th PM in Park County at a distance of 215 ft. from the North section line and 2225 ft. from the West section line. Elkhorn Ranches Subdivision, Lot 74, Filing 5, also known as 35 Pelican Place. Source: Groundwater.

Appropriation date: 12-31-75. Amount: 15 gpm. Use: Household use only inside a single-family dwelling, no irrigation.

2022CW29 (16CW32) PAMELA KUHN 4548 Atlanta, Plano, TX 75093. 469-438-8129. pk_kuhn@yahoo.com and **CHERYL KOTTWITZ**, 18920 Mahaffie, Spring Hill, KS 66083. 913-710-2507. ck05kc@gmail.com **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN PARK COUNTY.** Date of original decree: 01-14-04 in case 96CW562, WD1. Subsequent decrees: 04-22-11 in case 09CW562, WD1, and 12-14-16 in case 16CW32, WD1. Rowland Well located SW 1/4, SW 1/4, S34, T9S, R75W, of the 6th PM in Park County at a distance of 560 ft. from the South section line and 820 ft. from the West section line. Indian Mountain Subdivision, Lot 95, Filing 18, also known as 2240 Warrior Circle. Source: Groundwater. Appropriation date: 03-31-73. Amount: .033 cfs Use: Household use only in a single-family dwelling.

2022CW30 (14CW28) CONIFER RIDGE PROPERTIES, LLC, 600 Owl Drive, Louisville, CO 80027. 303-763-0251. the75bus@gmail.com and **MOUNTAIN MUTUAL RESERVOIR COMPANY. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN JEFFERSON COUNTY.** Date of original decree: 06-23-08 in case 07CW88, WD1. Subsequent decree: 12-13-16 in case 14CW28, WD1. **Conifer Ridge Well No. 1** located SE1/4, NW1/4, S14, T6S, R71W of the 6th PM at a point approximately 1790 ft. from N and 2330 ft. from W; **Conifer Ridge Well No. 2** located SE1/4, NW1/4, S14, T6S, R71W of the 6th PM at a point approximately 2140 ft. from N and 2350 ft. from W; **Conifer Ridge Well No. 3** located SE1/4, NW1/4, S14, T6S, R71W of the 6th PM at a point approximately 2370 ft. from N and 2140 ft. from W; **Conifer Ridge Well No. 4** located SE1/4, NW1/4, S14, T6S, R71W of the 6th PM at a point approximately 1520 ft. from N and 2610 ft. from W; **Conifer Ridge Well No. 5** located SW1/4, NE1/4, S14, T6S, R71W of the 6th PM at a point approximately 1760 ft. from N and 2340 ft. from E; **Conifer Ridge Well No. 6** located SW1/4, NE1/4, S14, T6S, R71W of the 6th PM at a point approximately 2030 ft. from N and 2230 ft. from E; **Conifer Ridge Well No. 7** located SE1/4, NW1/4, S14, T6S, R71W of the 6th PM at a point approximately 2190 ft. from N. and 2630 ft. from W; **Conifer Ridge Well No. 8** located SE1/4, NW1/4, S14, T6S, R71W of the 6th PM at a point approximately 1860 ft. from N and 2580 ft. from W. Source: Groundwater. Appropriation date: 04-30-07. Amount: Total of 16 af, 11 Conditional. Use: Domestic, commercial, irrigation and fire protection.

2022CW31 BASILE F. COLEMAN, 1864 Buttercup Rd., Elizabeth, CO 80107. 303-324-3400. ymarkenator@gmail.com **APPLICATION FOR UNDERGROUND WATER RIGHTS IN THE DENVER BASIN AQUIFERS IN ELBERT COUNTY.** Name of Structure: Coleman Property Well located NW 1/4, SE 1/4, S26, T7S, R65W 6th PM in Elbert County. Subdivision: Ponderosa Park Estates, Lot 2, Block 10 also known as 1864 Buttercup Rd. One well located on property. Parcel of land consists of 9.54 acres of land. Well Permit 67468. Date of appropriation: 01-19-73. Date water applied to beneficial use: 07-31-73. Depth to bottom of well: 262 ft. Pumping Rate: 11.5 gpm. Amount claimed in acre-fee annually: 1. Household use, domestic animals and irrigation.

2022CW3194 CRANE HOLLOW LLC (“Crane Hollow”) Steven A. Demos, Managing Partner, 11666 Crane Hollow Drive, Longmont, Colorado 80503 (Jennifer M. DiLalla, Molly K. Haug, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Boulevard, Suite 240, Boulder, Colorado 80302) **APPLICATION TO AMEND AUGMENTATION PLAN IN BOULDER COUNTY** 2. Augmented structures: Crane Hollow Pond Nos. 1, 2, and 3 (“Crane Hollow Ponds”): 2.1 Type of structures: Pond wells. 2.2 Permit Nos.: Crane Hollow Pond No. 1: 66542-F; Crane Hollow Pond No. 2: 66543-F; Crane Hollow Pond No. 3: 77772-F. 2.3 Original decree: Case No. 02CW382, Water Div. No. 1, entered July 3, 2007 (“02CW382 Decree”). 2.4 Subsequent decrees: Case No. 13CW3073, entered Apr. 14, 2014; Case No. 19CW3235, entered July 7, 2020. 2.5 Legal descriptions: 2.5.1 Crane Hollow Pond No. 1 (WDID

0505487): Located in the NE1/4 of the NE1/4 and the SE1/4 of the NE1/4 of Sec. 35, T3N, R70W of the 6th P.M., Boulder County, CO, with the approximate centroid of the pond being located at a point 1,250 feet south of the north section line and 400 feet west of the east section line of said Sec. 35, as shown on **Ex. A.** (UTM: 4448343.7 Northing, 483909.8 Easting, Zone 13.) 2.5.2 Crane Hollow Pond No. 2 (WDID 0505596): Located in the SE1/4 of the NE1/4 of Sec. 35, T3N, R70W of the 6th P.M., Boulder County, CO, with the approximate centroid of the pond being located at a point 1,850 feet south of the north section line and 400 feet west of the east section line of said Sec. 35, as shown on **Ex. A.** (UTM: 4448151.2 Northing, 483916.4 Easting, Zone 13.) 2.5.3 Crane Hollow Pond No. 3 (WDID 0505597): Located in the NE1/4 of the NE1/4 of Sec. 35, T3N, R70W of the 6th P.M., Boulder County, CO, with the approximate centroid of the pond being located at a point 900 feet south of the north section line and 250 feet west of the east section line of said Sec. 35, as shown on **Ex. A.** (UTM: 4448443.8 Northing, 483963.8 Easting, Zone 13.) 2.6 Source: Ground water in the alluvium of St. Vrain Creek, tributary to the South Platte River. 2.7 Appropriation date: Dec. 17, 1996, for augmentation and replacement of lake and reservoir evaporation (“1996 Appropriation”); Dec. 31, 2002, for all other uses (“2002 Appropriation”). 2.8 Amount: 2.8.1 1996 Appropriation: 14.78 acre-feet cumulatively among Crane Hollow Pond Nos. 1, 2, and 3. 2.8.2 2002 Appropriation: 12.59 acre-feet cumulatively among Crane Hollow Ponds 1, 2, and 3. 2.8.3 The overall decreed volume is 14.78 acre-feet for the two appropriations together. 2.9 Use: 2.9.1 1996 Appropriation: Replacement of evaporation from the Crane Hollow Ponds. The beneficial use occurs as ground water infiltrates into the ponds to keep them full following evaporative loss. 2.9.2 2002 Appropriation: Aesthetic, recreation, and fish and wildlife preservation and propagation. 2.10 Depth: 2.10.1 Crane Hollow Pond No. 1: 8 feet. 2.10.2 Crane Hollow Pond No. 2: 10 feet. 2.10.3 Crane Hollow Pond No. 3: 8 feet. 2.11 Other water rights diverted at the Crane Hollow Ponds: None. 3. Crane Hollow Augmentation Plan: The Crane Hollow Ponds operate under the plan for augmentation approved in the 02CW382 Decree (“Crane Hollow Augmentation Plan”). 3.1 Decreed augmentation supply: Consumptive use credit attributable and available to Crane Hollow’s interest in the Webster-McCaslin Ditch (WDID 0500537), described in the 02CW382 Decree as follows: 3.1.1 Original decree: Entered June 2, 1882, in Civil Action No. 1349, Boulder County District Court. 3.1.2 Diversion point: The headgate is located on the South Branch of St. Vrain Creek in the SW1/4 SW1/4 Sec. 26, T3N, R70W of the 6th P.M., Boulder County, as shown on attached **Ex. A.** 3.1.3 Source: St. Vrain Creek, tributary to the South Platte River. 3.1.4 Appropriation date: July 5, 1865. 3.1.5 Amount: 13.23 cfs, of which Crane Hollow owns 1.90 cfs and of which 0.91 cfs was changed for augmentation and replacement use in Case No. 02CW382 (such 0.91 cfs, the “Existing Augmentation Supply”). 3.1.6 Use: For the Existing Augmentation Supply, irrigation; augmentation and replacement, by either direct diversion or exchange into storage, of depletions attributable to the Crane Hollow Ponds. 3.1.7 Season of use: Diversion of the Existing Augmentation Supply is limited to the historical irrigation season of Apr. 1 through Oct. 31 (“Diversion Season”). 3.1.8 Volumetric limits: Consumptive use credit available to the Existing Augmentation Supply is limited to the following monthly volumes during the Diversion Season (all in acre-feet): (i) Apr.: 0.70; (ii) May: 3.31; (iii) June: 3.84; (iv) July: 4.40; (v) Aug.: 3.32; (vi) Sept.: 2.20; (vii) Oct.: 0.97. 3.2 Decreed operation of the Crane Hollow Augmentation Plan: Under and as required by the 02CW382 Decree, the Crane Hollow Augmentation Plan operates as follows to replace out-of-priority depletions attributable to the Crane Hollow Ponds: 3.2.1 Diversion Season: During the Diversion Season, Crane Hollow diverts the Existing Augmentation Supply into Crane Hollow Pond No. 2, from which consumptive use credit is released to St. Vrain Creek through the pond’s outlet structure. Crane Hollow also is entitled to store consumptive use credit in Crane Hollow Pond No. 2 for augmentation use in the month of diversion or the subsequent month during the Diversion Season; and to exchange consumptive use credit into Foothills Reservoir, as described in par. 3.2.2 below, for subsequent release. 3.2.2 Winter Season: To replace out-of-priority depletions during the period from Nov. through Mar. (“Winter Season”), inclusive, Crane Hollow exchanges up to 5 afy of the Existing Augmentation Supply into Foothills Reservoir during the Diversion Season, under the appropriative right of exchange confirmed in the 02CW382 Decree and a lease with the Highland Ditch Company (“Foothills Lease”). The Foothills Reservoir Inlet Ditch is located on St. Vrain Creek in the NW1/4 SE1/4, Sec. 21, T3N, R70W of the 6th P.M., Boulder County, as shown on **Ex. A.** (UTM: 4451071.3 Northing, 480020.1 Easting, Zone 13.) The

Highland Ditch Company has informed Crane Hollow that it will terminate the Foothills Lease as of Dec. 31, 2022. 3.2.3 Monthly depletions, including lagged: In the 02CW382 Decree, the Court confirmed the following volumes of monthly depletions, including lagged depletions, to be replaced under the Crane Hollow Augmentation Plan (all in acre-feet): (i) Jan.: 0.54; (ii) Feb.: 0.66; (iii) Mar.: 0.81; (iv) Apr.: 1.39; (v) May: 1.83; (vi) June: 2.62; (vii) July: 3.09; (viii) Aug.: 2.72; (ix) Sept.: 1.84; (x) Oct.: 1.32; (xi) Nov.: 0.67; (xii) Dec.: 0.47. 4. Complete statement of amendment to Crane Hollow Augmentation Plan: As recited in par. 3.2.2 above, the Highland Ditch Company has informed Crane Hollow that it will terminate the Foothills Lease as of Dec. 31, 2022. Accordingly, Crane Hollow seeks to amend the Crane Hollow Augmentation Plan to provide for a new source of supply and a new methodology for replacement of Winter Season depletions, which Crane Hollow no longer will replace by releasing water from Foothills Reservoir. 4.1 Annually renewable memberships in the St. Vrain and Left Hand Water Conservancy District's ("SVLHWCD" or "District") Augmentation Program: 4.1.1 Crane Hollow has obtained annually renewable memberships in SVLHWCD's Augmentation Program for each of the Crane Hollow Ponds, for replacement of Winter Season depletions under the District's plan for augmentation decreed in Case No. 02CW334 ("SVLHWCD Augmentation Plan"). 4.1.2 As documented in attached **Ex. B**, SVLHWCD's 2022 Annual Report to the Division Engineer gave notice, in accordance with the terms of the decree in Case No. 02CW334, of Crane Hollow's request for membership in the SVLHWCD Augmentation Plan for replacement of Winter Season depletions attributable to each of the Crane Hollow Ponds. The sum of the monthly Winter Season depletions shown in Tables 9, 10, and 11 of **Ex. B** is identical to the monthly Winter Season depletions for the Crane Hollow Ponds under the 02CW382 Decree, as summarized in par/ 3.2.3 above. 4.1.3 As documented in attached **Ex. C**, the Division Engineer determined that the Crane Hollow Ponds' Winter Season depletions can be augmented under the SVLHWCD Augmentation Plan, on the following conditions: (i) Crane Hollow shall coordinate operation and accounting with the District to ensure that accounting under the Crane Hollow Augmentation Plan and the accounting under the SVLHWCD Augmentation Plan are in agreement and that replacements are made in accordance with the terms and conditions of the 02CW382 Decree; and (ii) Diversion Season depletions attributable to the Crane Hollow Ponds and return flow obligations from Crane Hollow's Webster-McCaslin Ditch water right will continue to be made in accordance with the terms and conditions of the 02CW382 Decree and are not subject to replacement under the SVLHWCD Augmentation Plan. 4.1.4 SVLHWCD will replace Winter Season depletions attributable to the Crane Hollow Ponds with water available to the following water rights ("SVLHWCD Augmentation Supply"): 4.1.4.1 Copeland Reservoir: 4.1.4.1.1 Original decree: Entered June 1, 1926, in Case No. W-6673, Boulder County District Court. 4.1.4.1.2 Relevant subsequent decree: Entered Dec. 19, 2007, in Case No. 02CW334, Water Div. No. 1 ("02CW334 Decree"). 4.1.4.1.3 Legal description: SW1/4 Sec. 14, T3N, R73W of the 6th P.M. in Boulder County. 4.1.4.1.4 Source: North Fork of St. Vrain Creek, tributary to the South Platte River. 4.1.4.1.5 Appropriation date: June 30, 1913. 4.1.4.1.6 Amount: 75 acre-feet absolute; 100 acre-feet conditional. 4.1.4.1.7 Use: Domestic, irrigation, lighting and power, commercial, industrial, recreation, fish and wildlife propagation, augmentation, replacement, and exchange, for use by SVLHWCD anywhere within the District's present and future boundaries. 4.1.4.2 Rock'n WP Ranch, Lake No. 4 ("Lake No. 4"): 4.1.4.2.1 Original decree: Entered Apr. 26, 2006, in Case No. 01CW262, Water Div. No. 1. 4.1.4.2.2 Relevant subsequent decree: 02CW334 Decree. 4.1.4.2.3 Legal description: The center point of the lake, which has a surface area of approximately 40 acres, is located 2,040 feet south of the north section line and 2,040 feet east of the west section line, Sec. 27, T3N, R70W, 6th P.M., Boulder County. 4.1.4.2.4 Source: St. Vrain Creek, tributary to the South Platte River. 4.1.4.2.5 Appropriation date: Dec. 19, 2001. 4.1.4.2.6 Amount: 600 acre-feet, of which SVLHWCD owns 300 acre-feet, at a maximum rate of 100 cfs, conditional. 4.1.4.2.7 Use: Domestic; commercial; industrial; irrigation of lands within the District and Boulder County; recreation; fish and wildlife propagation; maintenance of minimum stream flows for fish, recreation, wildlife, and other purposes; augmentation for the above-referenced uses; replacement for the above-referenced uses; exchange for the above-referenced uses; and reuse, successive use, and use to extinction for the above-referenced uses. 4.1.4.3 One share of Longmont Supply Ditch Company: 4.1.4.3.1 Original decree: Entered June 2, 1882, in Civil Action 1383, Boulder County District Court. 4.1.4.3.2 Relevant subsequent decree: 02CW334 Decree. 4.1.4.3.3 Legal

description: The headgate of the Longmont Supply Ditch is located on the north side of St. Vrain Creek in the SE1/4 SW1/4 Sec. 22, T3N, R70W of the 6th P.M., Boulder County, at a point whence the South one-quarter corner of said Sec. 22 bears North 68° 12' West 1,020 feet more or less; the east line of the SW1/4 of said Sec. 22 as bearing North 00° 31' 4" West with all bearings relative thereto. 4.1.4.3.4 Source: St. Vrain Creek, tributary to the South Platte River. 4.1.4.3.5 Appropriation date: May 1, 1865. 4.1.4.3.6 Amount: 3.37 cfs, absolute, of which 0.251 cfs is associated with the District's share. 4.1.4.3.7 Use: Irrigation, domestic, commercial, industrial, recreation, fish and wildlife propagation, augmentation, replacement, and exchange for use by SVLHWCD anywhere within the District's present and future boundaries. 4.1.4.4 One share of Bonus Ditch Company: 4.1.4.4.1 Original decree: Entered June 2, 1882, in Civil Action 1337, Boulder County District Court. 4.1.4.4.2 Relevant subsequent decree: 02CW334 Decree. 4.1.4.4.3 Legal description: The headgate of the Bonus Ditch is located on the south bank of St. Vrain Creek just north of the center of Sec. 11, T2N, R69W, 6th P.M., Boulder County. 4.1.4.4.4 Source: St. Vrain Creek, tributary to the South Platte River. 4.1.4.4.5 Appropriation dates: Mar. 30, 1861 (Original); May 30, 1865 (First Enlargement). 4.1.4.4.6 Amounts: 12.73 cfs, absolute (Original), of which 0.1273 cfs is associated with the District's share; 10.5 cfs, absolute (First Enlargement), of which 0.105 cfs is associated with the District's share; for a total of 0.2323 cfs associated with the District's share. 4.1.4.4.7 Use: Irrigation, domestic, commercial, industrial, recreation, fish and wildlife propagation, augmentation, replacement, and exchange for use by SVLHWCD anywhere within the District's present and future boundaries. 4.1.4.5 0.75 shares of Oligarchy Irrigation Company – direct-flow water rights (first two priorities): 4.1.4.5.1 Original decree: Entered June 2, 1882, in Civil Action 1335, Water District No. 5, Boulder County District Court. 4.1.4.5.2 Relevant subsequent decree: 02CW334 Decree. 4.1.4.5.3 Legal description: The headgate of the Oligarchy Ditch is located on the north side of St. Vrain Creek in the SE1/4 NE1/4 Sec. 27, T3N, R70W 6th P.M., Boulder County, at a point whence the East one-quarter corner of said Sec. 27 bears S 27° 26' E 560 feet more or less; the East line of the NE1/4 of said Sec. 27 as bearings N00° 32' 42" W with all bearings relative thereto. 4.1.4.5.4 Source: St. Vrain Creek, tributary to the South Platte River. 4.1.4.5.5 Appropriation dates: June 1, 1886 (Original – Priority No. 32); Dec. 1, 1870 (First Enlargement – Priority No. 42). 4.1.4.5.6 Amounts: 43.95 cfs, absolute (Original – Priority No. 32); 98.65 cfs, absolute (First Enlargement – Priority No. 42). These are the total amounts decreed to the Oligarchy Ditch's Original water right and First Enlargement; the District is entitled to use that portion associated with the District's 0.75 shares. 4.1.4.5.7 Use: Irrigation, domestic, commercial, industrial, recreation, fish and wildlife propagation, augmentation, replacement, and exchange for use by SVLHWCD anywhere within the District's present and future boundaries. 4.1.4.6 0.75 shares of Oligarchy Irrigation Company – storage water rights (first two priorities): Oligarchy Reservoir No. 1 (a/k/a Burch Lake) is owned by the Oligarchy Irrigation Company, a/k/a Oligarchy Ditch Company. 4.1.4.6.1 Original decrees: Entered Mar. 22, 1890, in Civil Action 2409 (Original); entered Mar. 13, 1907, in Civil Action 4790 (First Enlargement); both in Boulder County District Court. 4.1.4.6.2 Relevant subsequent decrees: Entered Nov. 5, 2002, in Case No. 87CW235, Water Div. No. 1; 02CW334 Decree. 4.1.4.6.3 Legal description: Oligarchy Reservoir No. 1 is located in portions of Secs. 25 and 26, T3N, R70W, 6th P.M., Boulder County. Water is delivered to the reservoir by the St. Vrain and Palmerton Ditch, also known and referred to as the Palmerton Ditch. The Palmerton Ditch headgate is located on St. Vrain Creek in the N1/2 Sec. 20, T3N, R70W, 6th P.M., Boulder County, at a point whence the Northwest corner of said Sec. 20 bears North 49° 51' West a distance of 3,750 feet more or less; the North line of the NW1/4 of said Sec. 20 as bearing North 84° West with all bearings relative thereto. 4.1.4.6.4 Source: St. Vrain Creek, tributary to the South Platte River. 4.1.4.6.5 Appropriation dates: July 2, 1889 (Original); Mar. 31, 1890 (First Enlargement). 4.1.4.6.6 Amounts: 1,080 acre-feet (Original); 357.4 acre-feet (First Enlargement). These are the total amounts decreed to Oligarchy Reservoir No. 1's Original water right and First Enlargement; the District is entitled to use that portion associated with the District's 0.75 shares. 4.1.4.6.7 Use: Irrigation; municipal, including augmentation, replacement, and exchange. 4.1.5 The approximate locations of the structures described in par. 4.1.4 above are shown on the map attached as **Ex. D**. 4.1.6 SVLHWCD will deliver the SVLHWCD Augmentation Supply at the following locations: 4.1.6.1 Copeland Reservoir: As described in par. 4.1.4.1 above. 4.1.6.2 Lake No. 4: As described in par. 4.1.4.2 above. 4.2 Replacement of Diversion Season depletions under the

Crane Hollow Augmentation Plan. 4.2.1 As described in par. 4.1.3 above, as a condition of the Crane Hollow Ponds' membership in the SVLHWCD Augmentation Plan, Crane Hollow will continue to replace its Diversion Season depletions and meet its historical return flow obligations in accordance with the terms and conditions of the 02CW382 Decree. 4.2.2 The volumetric limit on the Existing Augmentation Supply in April is 0.70 af, and the Diversion Season depletions for that month are 1.39 af. Crane Hollow shall replace the volume of April out-of-priority depletions over 0.70 af, if any, either by delivering such volume in May, aggregated with the May augmentation supply; or by drawing down the level of Crane Hollow Pond No. 2. 4.2.3 The volumetric limit on the Existing Augmentation Supply in October is 0.97 af, and the Diversion Season depletions for that month are 1.32 af. Crane Hollow shall replace the volume of October out-of-priority depletions over 0.97 af, if any, by storing additional Existing Augmentation Supply in Crane Hollow Pond No. 2 in September (when the volumetric limit exceeds depletions by 0.36 af) and releasing the water in October, as allowed by par. 20.G of the 02CW382 Decree. 5. No other modification to the 02CW382 Decree or the Crane Hollow Augmentation Plan: This Application does not seek to modify any term or condition of the 02CW382 Decree except as described in par. 4 above. This Application does not seek any change of the water rights described in pars. 3.1 and 4.1.4 above. 6. No modification to the 02CW334 Decree or the SVLHWCD Augmentation Plan: Nothing herein modifies or is to be construed to modify any terms and conditions in the 02CW334 Decree or in the SVLHWCD Augmentation Plan adjudicated therein. 7. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure, is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: 7.1 Crane Hollow Pond Nos. 1 and 2: Applicant. 7.2 Crane Hollow Pond No. 3: Alexandra Vorbeck, 7215 Hygiene Rd., Longmont, CO, 80503 (from records of the Boulder County Assessor). 7.3 Copeland Reservoir: SVLHWCD, 1715 Iron Horse Dr., Ste. 250, Longmont, CO, 80501. 7.4 Lake No. 4: SVLHWCD; County of Boulder, Parks and Open Space Dept., 5201 St. Vrain Rd., Longmont, CO, 80503. 7.5 Oligarchy Reservoir No. 1: Oligarchy Irrigation Company, 401 Main St., Longmont, CO, 80501. Wherefore, Crane Hollow requests that the Court enter a decree (i) granting this Application; (ii) amending the Crane Hollow Augmentation Plan as described above; and (iii) finding and concluding that following such amendment, Crane Hollow will replace, as required by law, all out-of-priority depletions attributable to the Crane Hollow Ponds.

2022CW3195 (Former Case Nos. 00CW264; 15CW3161) **APPLICATION TO MAKE ABSOLUTE A CONDITIONALLY DECREED WATER RIGHT AND, AS APPROPRIATE, FOR A FINDING OF REASONABLE DILIGENCE IN ADAMS, JEFFERSON AND WELD COUNTIES. Name and address of Applicant: CITY OF WESTMINSTER, 4800 West 92nd Avenue, Westminster, Colorado 80031; (303) 658-2400. Please send all correspondence and pleadings to Lee H. Johnson, Mason H. Brown, Katrina B. Fiscella, and Sarah B. Wiedemann, Carlson Hammond & Paddock, L.L.C., 1900 Grant Street, Suite 1200, Denver, Colorado 80203; Phone Number: (303) 861-9000. 2. Name of Structures: The Manhart Ditch Exchange as described in the decree in Case No. 00CW264 and involving the following structures: A. The Manhart Ditch, located on the North Bank of Ralston Creek in the SW1/4, Section 12, Township 3 South, Range 69 West of the 6th P.M, in Jefferson County, Colorado. In addition, 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). B. The Church Ditch, (a.k.a. the Golden City and Ralston Creek Ditch) located: i. On the north bank of Clear Creek at a point in the NE1/4 of Section 32, Township 3 South, Range 70 West, Jefferson County, Colorado 1450 feet S69° 30'W from the northeast corner of said section. In addition, 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); and ii. On the north bank of Ralston Creek in Section 2, Township 3 South, Range 70 West, Jefferson County, Colorado at a point 445 feet South, 69° West from the center of said Section. In addition, 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: (483268 E, 4407878 N). C. The Farmers’ High Line Canal located: i. On Clear Creek at a point described as follows: On the north bank of Clear Creek in the SW1/4 of Section 27, Township 3 South, Range 70 West, a short distance below the Ford Street Bridge across Clear Creek in the City of Golden, Jefferson County, Colorado. In addition, 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); and, ii. On the north bank of Ralston Creek at a point about 175 feet west of the point where said canal crosses Ralston Creek and near the center of the NW1/4 of Section 1, Township 3 South, Range 70 West, Jefferson County, Colorado; and, D. The Croke Canal located at points described as follows: i. 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. In addition, 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); ii. At a point on Ralston Creek where the Croke Canal crosses Ralston Creek in Section 1, Township 3 South, Range 70 West, 6th P.M., Jefferson County, Colorado, at a point near the center of said Section 1. In addition, 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); and, In Case No. 15CW3161, and solely as to the Leyden Creek “exchange to” points adjudicated in Case No. 00CW264, Westminster no longer sought diligence as to the Leyden Creek “exchange to” points on the Farmers High Line Canal and the Croke Canal. This determination applied only to the Leyden Creek “exchange to” points associated with the Manhart Ditch Exchange as adjudicated in Case No. 00CW264 and no other conditional exchanges. Consequently, the Leyden Creek diversion points originally adjudicated as “exchange to” points in the decree in Case No. 00CW264 are no longer included in the legal descriptions provided above. **3. Description of conditional water right:** A. Manhart Ditch Exchange i. Date of Original Decree: December 15, 2009, Case No. 00CW264, District Court, Water Division No. 1. ii. Diligence Decree: Case No. 15CW3161, Water Court Division 1, State of Colorado, decreed on December 7, 2016. iii. Legal Description: In Case No. 00CW264, Westminster obtained a decree for a conditional appropriative rights of exchange involving the exchange of water from the Manhart Ditch headgate located as described in paragraph 2.A., above, to the Church Ditch, located as described in paragraph 2.B., above, the Farmers’ High Line Canal, located as described in paragraph 2.C., above, and the Croke Canal, located as described in paragraph 2.D., above. iv. Source: Clear Creek and Ralston Creek, all tributary to the South Platte River. v. Appropriation Date: December 28, 2000, Case No. 00CW264. vi. Amount: Pursuant to the decree entered in Case No. 00CW264, Westminster’s Manhart Ditch Exchange is limited to specific monthly flow rates (in c.f.s.) as set forth in the table below:

	April	May	June	July	August	Sept.	Oct.
c.f.s.	0.09	0.09	0.19	0.22	0.12	0.04	0.04

In accordance with the decree in Case No. 00CW264, these limitations are reflective of the amount of depletions which would have occurred during the irrigation season. As such, when Westminster is diverting by exchange subject to the monthly limitations set forth above, the required return flows are left in the stream and the resulting diversions by exchange are fully consumable. In Case No. 15CW3161, the Court ruled that .12 c.f.s. of the conditional Manhart Ditch Exchange was made absolute, and entered a finding of diligence as to the remaining conditional amounts. vii. Use: Augmentation and all beneficial uses of the municipal water system of Westminster, including but not limited to municipal, irrigation, domestic, commercial, industrial, recreation, and fish and wildlife, and the right to accomplish such uses through exchange and storage, or, replacement pursuant to a court decreed plan for augmentation or administratively approved substitute supply plan. **4. Detailed outline of what has been done toward completion of the appropriation and application to a beneficial use:** A. During the diligence period, Westminster operated

the Manhart Ditch Exchange in accordance with the requirements of the decree in Case No. 00CW264 and applied the diverted water to beneficial use. Specifically, with the advanced approval of the Clear Creek Water Commissioners, on July 27, 2022, 0.22 c.f.s. of water was diverted by exchange pursuant to the Manhart Ditch Exchange from the Manhart Ditch headgate to the Farmers' High Line Canal headgate on Clear Creek and applied to beneficial use. Relevant accounting regarding the operation of this exchange is attached as Exhibit A. B. The Manhart Ditch Exchange decreed in Case No. 00CW264 is part of Westminster's Clear Creek Water Supply System, an integrated system under § 37-92-30 1(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; exercising conditional exchanges and making portions absolute or obtaining diligence decrees on the remaining conditional portions; and, participation in numerous Water Court cases for purposes of protecting, maintaining and developing Westminster's Water Supply System. Expenses associated with these activities were incurred during the diligence period. A map setting forth the general locations of relevant structures in Westminster's Water Supply System is attached as Exhibit B. C. 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. 00CW264. 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. D. 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, and the Manhart Ditch Company. Said funds have been used, in part, to maintain the ditches necessary for operation of the conditional exchange. E. During the diligence period, Westminster has diligently operated its portfolio of water rights, including appropriative rights of exchange. Westminster has obtained or is in the process of obtaining decrees from the Water Court making portions of various other conditional exchanges absolute and obtaining findings of diligence as to its water right portfolio. Costs associated with these efforts have been incurred during the diligence period. F. 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. If Claim to make Absolute in whole or part:** In Case No. 00CW264, the Manhart Ditch Exchange was conditionally decreed for varying monthly flow rates, with a maximum flow rate of 0.22 c.f.s. During this diligence period, on July 27, 2022, with the advanced approval of the Clear Creek Water Commissioners, Westminster diverted 0.22 c.f.s. under the Manhart Ditch Exchange and applied the exchanged water to beneficial use within the City of Westminster's Municipal Water Supply System. Westminster therefore seeks to make the entirety of the Manhart Ditch Exchange ABSOLUTE. **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 Manhart Ditch headgate, and the Church Ditch, Farmers' High Line Canal and Croke Canal headgates on Clear Creek are all existing, not new structures. There is no need to modify said structures in order to accomplish the conditional exchanges. On information and belief, new or modified diversion structures from Ralston Creek may be located on lands owned by: Farmers' High Line Canal and Reservoir Company, 8399 W. 89th Ave., Westminster, Colorado 80021; Farmers Reservoir and Irrigation Company, 80 South 27th Avenue, Brighton, Colorado 80601; City of Arvada, 8101 Ralston Road, Arvada, Colorado 80002. Additional notice by certified or register mail, as set forth in § 37-92-302(2)(b), C.R.S., will be provided to these entities. The remaining structures involved with the conditional exchanges are all existing, not new, diversion or storage structures. **WHEREFORE**, Westminster requests the Court to enter its decree and ruling as follows: A. To issue a finding that the entire 0.22 c.f.s. of the Manhart Ditch Exchange has been made absolute by reason of operation of the exchange and application of the resulting water to decreed beneficial uses; B. In the alternative, to make absolute such lesser amounts of the Manhart

Ditch Exchange as the Court deems appropriate and enter a finding of reasonable diligence for any remaining conditional amounts, and to enter a finding of reasonable diligence with respect to any remaining conditionally decreed portion of the Manhart Ditch Exchange originally adjudicated in Case No. 00CW264, and providing that a subsequent showing of diligence for said remaining conditional water right be made six years from the date of entry of a decree of diligence in this matter.

2022CW3196 (16CW3082, 10CW57, 96CW611), Water Division No.: 1, DISTRICT COURT, WATER DIVISION NO. 1, STATE OF COLORADO, 901 9th Avenue, P.O. Box 2038, Greeley, Colorado 80632. **CONCERNING THE APPLICATION FOR WATER RIGHTS OF SUSAN C. PYNE, IN PARK COUNTY, COLORADO. APPLICATION TO MAKE ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE IN PARK COUNTY.** 1. Name, Address, and Telephone Number of Applicant: Susan C. Pyne (“Applicant”), 8262 South Peninsula Drive, Littleton, Colorado 80120, (303) 587-5785, Direct All Pleadings to: Steven J. Bushong, Cassidy L. Woodard, Bushong & Holleman PC, 1525 Spruce Street, Suite 200, Boulder, Colorado 80302. 2. Name of Structure: Pyne Well (formerly known as the DePriest Well). 3. Description of Conditional Water Right: 3.1. Original Decree: The Pyne Well was originally decreed as the DePriest Well by the District Court in and for Water Division No. 1 (the “Water Court”) in Case No. 96CW611 on March 16, 2004. A subsequent finding of reasonable diligence was made in Case No. 10CW57, in which the name of the well was changed to the Pyne Well. The Pyne Well was made partially absolute with a finding of reasonable diligence entered on the remaining conditional portion in Water Court Case No. 16CW3082 on December 13, 2016 (the “16CW3082 Decree”), 3.2. Legal Description of Structure: The decreed location of Pyne Well is in the SE 1/4 of the SE 1/4 of Section 15, Township 9 South, Range 74 West, 6th P.M., Park County, Colorado, in Lot 263, Filing 2, Lost Park Ranch Subdivision, (now known as 711 Willow Way, Jefferson, CO 80456). As stated in the 16CW3082 Decree, the as-constructed location of the Pyne Well is Latitude 39° 15.690’N, Longitude 105° 38.778’W. *See Exhibit A*, 3.3. Decreed Source: Groundwater, 3.4. Date of Appropriation: June 30, 1977, 3.5. Amount: 0.33 cubic feet per second (“cfs”) (15 gallons per minute (“gpm”)), of which 0.165 cfs (7.5 gpm) is now absolute and 0.165 cfs (7.5 gpm) remains conditional, 3.6. Use: Household use only inside a single-family dwelling, not including irrigation. The return flow from such use shall be through an individual wastewater disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located, 3.7. Remarks: The Pyne Well is covered under the augmentation plan approved in Water Court Case No. W-8573, dated October 30, 1978. 4. Claim to Make Water Right Absolute: Applicant seeks to make an additional 0.28 gpm absolute of the Pyne Well water right for a total of 7.78 gpm absolute. Applicant conducted a flow rate test on September 1, 2022, as described in the affidavit attached as **Exhibit B** and obtained a total flow rate of 7.78 gpm. 5. Request for Finding of Reasonable Diligence: Applicant seeks a finding that it has exercised reasonable diligence in development of all portions of the Pyne Well not made absolute as requested herein, including the remaining 7.22 gpm conditionally decreed to the Pyne Well water right. 6. Diligence Activities: The Pyne Well is routinely used by Applicant when her and her family camp on the property upon which the Pyne Well is located. Applicant intends to construct a cabin on the property which the Pyne Well is intended to serve and has worked diligently during the diligence period on preconstruction requirements for the cabin. Specifically, in 2022, Applicant completed a soils test on the property at an expense of approximately \$2,250. This soils test is a prerequisite to constructing a cabin as it will be used by a structural engineer to design the cabin’s foundation. Also during the diligence period, Applicant researched and selected a company to provide off-site framing services for the cabin and can now proceed with selecting a design for the cabin that is compatible with the required foundation based on the soils test. When the cabin is constructed, Applicant anticipates utilizing the remaining conditional portion of the Pyne Well water right. 7. Land Ownership: Applicant. WHEREFORE, the Applicant respectfully requests that the Court enter an order (1) granting her request to make an additional 0.28 gpm absolute for the Pyne Well water right as requested in Paragraph 4 above; (2) entering a finding of reasonable diligence for the remaining conditional portion of the Pyne Well water right as requested in Paragraph 5 above; and (3) granting such other and further relief as deemed appropriate. (4 pages + Exhibits)

2022CW3197 HURLEY FAMILY TRUST, MOUNTAIN MUTUAL RESERVOIR COMPANY, AND NORTH FORK ASSOCIATES, LLC; Hurley Family Trust, c/o Brian Jensen, P.O. Box 1424, Conifer, CO 80433; Email: brian.n.jensen@gmail.com; Telephone: (303) 548-6232; 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. Summary of Application: Applicant Hurley Family Trust owns a parcel of approximately 45 acres presently known as 5479 Sunset Hill Road, Evergreen, Colorado 80439, Jefferson County (“Hurley Property”), which will be subdivided into two lots, with one well on each lot (two total). This Application includes two claims. Claim No. 1 seeks to adjudicate an underground water right for an existing exempt domestic well located on the Hurley Property that will remain exempt and will not be subject to the augmentation plan described in this Application. Claim No. 2 seeks approval of a plan for augmentation including exchange to replace depletions from a second well using shares of Mountain Mutual Reservoir Company (“MMRC”) as a replacement supply. **CLAIM NO. 1: APPLICATION FOR UNDERGROUND WATER RIGHTS** 3. Names of Well and Permit Number: Hurley Well No. 1, Well Permit No. 329290. a. Legal Description of the Well: Hurley Well No. 1 is located in the SW1/4 NE1/4, Section 13, Township 5 South, Range 72 West of the 6th P.M., UTM Zone 13, NAD 83, Easting 466392, Northing 4385276, Jefferson County, Colorado, on the Hurley Property as shown on the map attached as **Exhibit A**. b. Source: Groundwater tributary to an unnamed creek, tributary to Buffalo Creek, tributary to Bear Creek, tributary to the South Platte River. c. Date of Appropriation: October 19, 2022. d. How Appropriation was Initiated: By filing the application for Well Permit No. 329290 and by drilling and applying the well to beneficial use. e. Date Water Applied to Beneficial Use: October 19, 2022. f. Amount Claimed: 3.5 gpm, absolute. g. Depth: 1,102 feet. h. Uses: Ordinary household use inside not more than three single-family dwellings, the watering of poultry, domestic animals and livestock on a farm or ranch and the irrigation of not more than one acre of garden and turf. i. Names and Addresses of Owners of Land on Which the Well is Located: The Co-Applicant, the Hurley Family Trust. j. Remarks:. The Hurley Well No. 1 is an exempt well that will keep its exempt status pursuant to Section 37-92-602(3), C.R.S., to allow an existing exempt well permitted pursuant to Section 37-92-602(3)(b)(II)(A), C.R.S., 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: The Hurley Well No. 2 will be subject to the augmentation plan sought in this matter and will serve one lot. The Hurley Well No. 1, described above, will serve another lot and will continue to be exempt pursuant to Section 37-92-602(3), C.R.S. and therefore will not be subject to the augmentation plan sought in this matter. The Hurley Well No. 2 will divert groundwater on the Hurley Property located in the E1/2, Section 13, Township 5 South, Range 72 West of the 6th P.M., Jefferson County, Colorado, located in the drainage of Buffalo Creek and an unnamed stream, tributary to Bear Creek, tributary to the South Platte River. The rate of diversion for Hurley Well No. 2 will not exceed 15 gallons per minute. The Hurley Property is shown on the map attached as **Exhibit A**. 5. Water Rights to be Used for Augmentation Purposes: The Hurley Family Trust has entered into a contract with North Fork Associates, LLC to purchase 3.7 shares of MMRC stock, which represents a firm annual yield of 0.117 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

The headgates of the Warrior Ditch are the same as those of the Harriman Ditch, described in Paragraph No. 12(a). The ditch was originally decreed for irrigation purposes. 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, 22.1, 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 Hurley Well No. 2 for indoor and outdoor use, in the manner described below. a. The water requirements for Hurley 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 Hurley Well No. 2 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 four horses (or equivalent animal) using 10 gal per head per day with 100% consumption and up to 1,440 square feet of turf irrigation based on the application of 1.25 af/ac with 100% consumption. This plan will require 0.117 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
Horses	10 gl/hd/dy	4	0.0448	100%	0.0448	0.0224	0.0224
Turf irrig. 1,440 sq. ft.	1.25 af/ac	0.033	0.0408	100%	0.0408	0.0408	0.000
Total			0.4		0.117	0.0789	0.0381

The monthly depletions are as follows in acre-feet:

Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
0.006	0.006	0.006	0.006	0.006	0.013	0.013	0.013	0.013	0.013	0.013	0.006

This equates to a maximum stream depletion of 0.10 of a gallon per minute. b. The required volume of augmentation water will be provided from the sources described in Paragraph No. 5, 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 0.117 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 approximate point of depletion in the SW1/4 SE1/4, Section 18, Township 5 South, Range 71 West, all in the 6th P.M. 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. 7. Water Exchange Project: Since the point of depletion associated with Hurley 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 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 Buffalo Creek in the NW1/4 NW1/4, Section 9, Township 5 South, Range 71 West, thence up Buffalo Creek to the confluence with an unnamed tributary at the approximate point of depletion in the SW1/4 SE1/4, Section 18, 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, 2022, at a maximum flow rate of 0.001 of a cubic foot per second and a maximum depletion in all reaches of 0.10 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-Applicant, the Hurley Family Trust. WHEREFORE, Applicants request the entry of a decree approving this Application, specifically (1) granting the appropriations sought in this Application, (2) authorizing use of the augmentation supplies described in this Application, (3) determining that the source and location of delivery of augmentation water are sufficient to prevent material injury to vested water rights. The Applicants also request entry of an Order directing the State Engineer to issue well permits for the construction and use of, or any replacement well permits required, for Hurley Well Nos. 1 and 2 consistent with the final decree entered in this case. (11 pgs., 2 Exhibits)

2022CW3198 Rejected at counsel's request.

2022CW3199 RTP LAND CO. LLC and THE RIVERSIDE IRRIGATION DISTRICT IN MORGAN COUNTY, Peter J. Ampe, #23452, Hill & Robbins, P.C., 3401 Quebec St., Suite 3400, Denver, CO 80207, Phone: 303-296-8100, Fax: 303-296-2388, E-mail: peterampe@hillandrobbs.com. **APPLICATION FOR CONDITIONAL GROUNDWATER RIGHTS AND TO ADD WELLS TO PLAN FOR AUGMENTATION IN MORGAN COUNTY.** PURSUANT TO PARAGRAPH 9.3 OF THE 02CW086 DECREE. INTRODUCTION: Applicants request that the wells listed below be confirmed as having an irrigation use on different acres than the original decree and that the original decree remain valid. Applicants will continue to operate the requested wells under the terms and conditions of the plan for augmentation decreed in the Second Corrected Findings of Fact, Conclusions of Law, and Decree, Case No. 02CW86 (“02CW86 Decree”) when the Court enters a final decree in this case. 1. The name and address of the Applicants: RTP LAND CO LLC, 9842 Hwy 52, Fort Lupton, CO, 80621, Riverside Irrigation District and Riverside Reservoir and Land Company, 221 E. Kiowa Avenue, Fort Morgan, CO 80701, Telephone: 970-867-6586. PART I: APPLICATION FOR GROUNDWATER RIGHT ID 28. 2. Name of water right: Webber Well (Riverside ID 28, WDID 0108812). 3. Owners: RTP LAND CO LLC. 4. Permit No.: 6119-R. The Division of Water Resources may issue a new permit for this water right. 5. Location: The well is located in the NW1/4NW1/4, Section 28 T04N, R57W, 6th P.M., UTM x: 604328.7, UTM y: 4460330.8. Acres irrigated are located in the NW1/4, Section 28, T04N, R57W, 6th P.M., Morgan County, Colorado, comprising approximately 160 acres. 6. Appropriation Date: December 15, 2022. 7. Amount Claimed: 3.0 c.f.s., for the irrigation of up to 160 acres. 8. Source: Groundwater tributary to the South Platte River. 9. Use: Irrigation. 10. Name and Address of Owners of Land on which Structure Will be Located: RTP LAND CO LLC, 9842 Hwy 52, Fort Lupton, CO, 80621. PART II: APPLICATION FOR GROUNDWATER RIGHT ID 31. 11. Name of water right: Weber Well (Riverside ID 31, WDID 0106125). 12. Owners: RTP LAND CO LLC. 13. Permit No.: 6072-R. The Division of Water Resources may issue a new permit for this water right. 14. Location: The well is located in the NW1/4SE1/4 of

Section 28, T04N, R57W, 6th P.M., Morgan County, Colorado at approximately UTM x:604940.3, UTM y: 4460083.7. Acres irrigated are located in the NW1/4, Section 28, T04N, R57W, 6th P.M., Morgan County, Colorado, comprising approximately 160 acres. 15. Appropriation Date: December 15, 2022. 16. Amount Claimed: 3.0 c.f.s., for the irrigation of 160 acres. 17. Source: Groundwater tributary to the South Platte River. 18. Use: Irrigation. 19. Name and Address of Owners of Land on which Structure Will be Located: RTP LAND CO LLC, 9842 Hwy 52, Fort Lupton, CO, 80621. PART III: APPLICATION TO ADD WELLS TO AUGMENTATION PLAN. 20. Augmentation Plan: Paragraph 9.3 of the 02CW86 Decree allows the addition of wells to the plan subject to application and certain terms and conditions. Applicants Riverside Irrigation District and Riverside Reservoir and Land Company (“Riverside”) seek to add the wells described in paragraphs 2 through 19, above, to the Riverside Irrigation District and Riverside Reservoir and Land Company plan for augmentation. 21. 02CW86 Terms and Conditions: 21.1. Any well added to the 02CW86 Decree plan for augmentation must be operated and used, and out of priority depletions replaced, on terms and conditions at least as restrictive as decreed. Applicants will comply with the terms and conditions in the 02CW86 Decree for the operation of these wells in the 02CW86 Decree plan for augmentation. 21.2. A well added to the plan shall use the applicable wellhead depletion factors set out in paragraph 11.5.2 of the 02CW86 Decree, and shall use the methods for determining depletions from past and future pumping set out in paragraphs 11 through 11.5.4 of the 02CW86 Decree. Applicants will comply with these conditions. 21.3. Out of priority depletions resulting from the use of any well which Applicant requests the Court to add to this plan shall be replaced according to the following: Out of priority depletions resulting from use of the well that has occurred prior to the date the Court allows the well to be added to the plan, shall be replaced by the Applicant in compliance with an applicable water court decree or substitute supply plan approved by the State Engineer. Any out of priority depletions from prior use will be replaced under the existing plan for augmentation decreed in Case No. 02CW86. 21.4. Out of priority depletions from the use of the well that will occur after the court decree adding the well to the plan, whether or not the depletions result from pumping before or after the date the Court allows the well to be added to the plan, shall be replaced by the Applicant under the terms and conditions of this decree and any additional terms and conditions ordered by the Court in connection with adding the well. These wells will be operated, and depletions calculated, in accord with the 02CW086 Decree, including but not limited to the required accounting and reporting. 21.5. Riverside will replace all depletions resulting from the operation of these wells in time, location, and amount as required by the 02CW086 Decree in accordance with terms and conditions of the Decree. 21.6. Riverside will comply with all other terms and conditions of the 02CW086 Decree plan for augmentation. (Six pages total)

2022CW3200 UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT, c/o David B. Wissel, President, P.O. Box 612, Fairplay, CO 80440, (719) 836-9848. Serve all pleadings on: Madoline Wallace-Gross, Alison I. Gorsevski, Lyons Gaddis, PC, P.O. Box 978, Longmont, CO 80502-0978 (303) 776-9900, mwg@lyonsgaddis.com; agorsevski@lyonsgaddis.com

APPLICATION FOR CHANGE OF WATER RIGHT AND CLAIM FOR CONDITIONAL APPROPRIATIVE RIGHTS OF EXCHANGE IN PARK, TELLER, JEFFERSON AND DOUGLAS COUNTIES.

2. Purpose of Application. Applicant owns the entirety (0.5 cfs) of the Rosalie Ditch water right decreed in Case No. CA 1678, dated May 22, 1913 (“Water Right”). Applicant seeks to change the Water Right to add new uses, change the location of use, and to add new methods of use, including use after storage and exchange. Applicant also seeks confirmation of its appropriation of conditional appropriative rights of exchange and its appropriation of return flows associated with historical use of the Water Right. A general location map showing Applicant’s service area, the general location of the Water Right, the exchange-to and exchange-from points, and the locations of storage is attached as **Exhibit A**. **3. Description of the Water Right.** 3.1. **Name of Structure:** Rosalie Ditch 3.2. **Original Decree.** The Water Right was confirmed by the decree entered in Case No. CA 1678, District Court, 11th Judicial District, State of Colorado, on May 22, 1913. There have been no subsequent decrees. 3.3. **Legal description of structure:** The headgate of the Rosalie Ditch is located on the westerly bank of the Rosalie River, in the NE 1/4 of the SE 1/4 of Section 12, Township 7 South, Range 74 West of the 6th PM, at a point whence

the southeast corner of Section 12, Township 7 South, Range 74 West of the 6th P.M., Park County, Colorado, bears South 38° 10' East, 1,780 feet. The UTM coordinates of the ditch headgate are: Easting = 447609 Northing = 4366731 (NAD 83, Zone 13). A map showing the decreed location of the Rosalie Ditch headgate and the approximate location of historical irrigation use of the Water Right is attached as **Exhibit B**.

3.4. Decreed Source of Water: Rosalie River, tributary of the North Fork of the South Platte River

3.5. Appropriation Date. May 1, 1873

3.6. Total amount decreed to structure: 0.5 cfs, absolute

3.7. Decreed uses: Irrigation

3.8. Records of diversion: Applicant intends to rely on records of actual diversion of the Water Right that are available from the Division of Water Resources, as well as supplemental information provided by the property's previous irrigator.

4. Description of Change. Applicant seeks to add additional types, locations, and methods of use of the Water Right, including use after storage and use by exchange.

4.1. Change in Type and Location of Use: In addition to continued irrigation use, Applicant will use the Water Right directly, after storage or by exchange, for augmentation, replacement, fire protection and substitution. Applicant may use, reuse, and fully consume the Water Right to extinction for all decreed uses. All such uses will occur at locations within the boundaries (shown on **Exhibit A**) of the Headwater Authority of the South Platte ("HASP"), a water authority established by the Applicant and the Center of Colorado Water Conservancy District ("Center District"), and outside of HASP's boundaries by lease to its customers and contractees pursuant to statute.

4.2. Addition of Storage: In addition to making direct use of the Water Right, Applicant will store the Water Right in the following storage structures in which Applicant has or can and will acquire the right to store water:

4.2.1. Lininger Lake: Lininger Lake is located in Sections 9 and 16, Township 7 South, Range 75 West of the 6th P.M., Park County, Colorado.

4.2.2. Spinney Mountain Reservoir: The Spinney Mountain Reservoir is located in the S 1/2 of Section 25, Township 12 South, Range 74 West of the 6th P.M., Park County, Colorado. The left abutment of the dam is located at a point whence the southwest corner of Section 36, Township 12 South, Range 74 West of the 6th P.M., bears South 23° 26' West 8314.3 feet, Park County, Colorado.

4.2.3. James Tingle Reservoir: The centerline of the dam for the James Tingle Reservoir is located approximately 920 feet from the East section line and 960 feet from the South section line in the SE 1/4 of the SE 1/4 of Section 18, Township 8 South, Range 75 West of the 6th P.M., Park County, Colorado.

4.2.4. Gloria Z Reservoir: The Gloria Z Reservoir will be located in the S 1/2 of the S 1/2 of Section 29, and the N 1/2 of the N 1/2 of Section 32, Township 9 South, Range 77 West of the 6th P.M., Park County, Colorado.

4.2.5. Chatfield Reservoir: The Chatfield Reservoir is formed by Chatfield Dam, an existing structure located on the mainstem of the South Platte River. The right abutment of the dam is located in Douglas County, Colorado, 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, Colorado, in Section 1, Township 6 South, Range 69 West of the 6th P.M.

4.2.6. Smelter Pipeline Reservoir: The Smelter Pipeline Reservoir is located in the NE 1/4 of Section 13, Township 9 South, Range 78 West of the 6th P.M., Park County, Colorado.

4.2.7. Silver Tip Lodge Reservoirs No. 1 – 5: The Silver Tip Lodge Reservoirs No. 1 through 5 are located in the NW 1/4 of Section 18, Township 7 South, Range 73 West of the 6th P.M., Park County, Colorado.

4.3. Replacement and Appropriation of Return Flows: The historic irrigation use of the Water Right resulted in return flows that accrued to the Rosalie River at or above the confluence of the Rosalie River and the North Fork of the South Platte River. Applicant will quantify these return flows as part of its historical use analysis of the Water Right. Applicant will replace return flows under a replacement plan to be decreed in this case; however, Applicant has appropriated and will have no obligation to replace those return flows at times when the downstream calling water right being administered at the Rosalie Ditch is junior to December 9, 2022. Water to be used for the replacement of return flows includes the Water Right and other water rights decreed for augmentation, replacement, and/or substitution purposes owned or controlled by Applicant, the Center District, or HASP stored in and released from the reservoirs described in paragraph 4.2. directly or by exchange. Such other water rights include but are not limited to those described in paragraph 6 of the decree in Case No. 02CW389, paragraph 8 of the decree in Case No. 12CW50, and in Case No. 16CW3179.

5. Conditional Appropriative Rights of Exchange.

5.1. Name of exchange: Rosalie Exchanges

5.1.1. Exchange Reaches: The exchanges will operate on the North Fork of the South Platte River, South Platte River (mainstem), Beaver Brook/Beaver Creek, Hull's Gulch, Michigan Creek, Tarryall Creek, Sacramento

Creek, Mosquito Creek, and the Middle Fork of the South Platte River. The exchange-to and exchange-from points of the Rosalie Exchanges are shown in **Exhibit A**, and an exchange matrix is provided in **Exhibit C**.

5.1.2. Exchange-from Points: 5.1.2.1. Confluence of the North Fork of the South Platte River and the South Platte River at a location in the SW1/4 of the SE1/4 of Section 25, Township 7 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. UTM Coordinates (Zone 13): Easting = 485275, Northing = 4362009. 5.1.2.2. Confluence of the Rosalie River and the North Fork of the South Platte River at a location in the SW1/4 of the SE1/4 of Section 12, Township 7 South, Range 74 West, of the 6th P.M., Park County, Colorado. UTM Coordinates (Zone 13): Easting = 447260, Northing = 4366450. 5.1.3. Exchange-to Points: 5.1.3.1. Lininger Ditch: The Lininger Ditch diverts water from Beaver Brook (aka Beaver Creek), tributary to Hull's Gulch, tributary to the North Fork of the South Platte River, and is used to fill the Lininger Lake, as described in paragraph 4.2.1, above. The ditch has two decreed points of diversions on Beaver Brook: at a point whence the southeast corner of Section 8, Township 7 South, Range 75 West bears S 74° 4' E, 8,765 feet; and at a point whence the southeast corner of Section 8, Township 7 South, Range 75 West bears S 74° 26' E, 7,500 feet, Park County, Colorado. 5.1.3.2. Spinney Mountain Reservoir: The Spinney Mountain Reservoir is an on-channel reservoir located on the mainstem of the South Platte River and as described in paragraph 4.2.2, above. 5.1.3.3. Sessions Ditch: The Sessions Ditch diverts water from Michigan Creek, tributary to Tarryall Creek, tributary to the South Platte River, and is used to fill the James Tingle Reservoir, as described in paragraph 4.2.3, above. The headgate of the Sessions Ditch is located in the NW 1/4 of the SE 1/4 of Section 13, Township 8 South, Range 76 West of the 6th P.M., at a point approximately 2,056 feet from the East section line and 1,557 feet from the South section line of said Section 13, Park County, Colorado. 5.1.3.4. CCWCD Sacramento Ditch No. 1: The CCWCD Sacramento Ditch No. 1 diverts water from Sacramento Creek, tributary to the Middle Fork of the South Platte River, tributary to the South Platte River, and is used to fill the Gloria Z Reservoir, as described in paragraph 4.2.4, above. The headgate of the CCWCD Sacramento Ditch No. 1 is located in the SE 1/4 of the SW 1/4 of Section 29, Township 9 South, Range 77 West of the 6th P.M., Park County, Colorado. 5.1.3.5. London Mining and Smelter Ditch: The London Mining and Smelter Ditch diverts water from Mosquito Creek, tributary to the Middle Fork of the South Platte River, tributary to the South Platte River, and is used to fill the Smelter Pipeline Reservoir, as described in paragraph 4.2.6, above. The headgate of the London Mining and Smelter Ditch is located on the left bank of Mosquito Creek, at a point whence the E 1/4 corner of Section 13, Township 9 South, Range 78 West of the 6th P.M., Park County, Colorado, bears South 58° 30' East, 1,892 feet. 5.1.4. Sources: Rosalie Ditch water right, as described in paragraphs 3 and 4, above. 5.1.5. Date of Appropriation: The Board of the Upper South Platte Water Conservancy District appropriated the Rosalie Exchanges by passing a Resolution at a properly noticed public meeting on December 9, 2022. 5.1.6. 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 Resolution, and filing this application. 5.1.7. Date Water Applied to Beneficial Use: Not applicable. 5.1.8. Amount claimed: 0.5 cfs, 28.63 acre-feet per year, CONDITIONAL. 5.1.9. Uses: See paragraphs 4.1 and 4.2, above. 5.1.10. Operation: Prior to beneficial use of the Rosalie Exchanges, Applicant will cause water attributable to the Water Right to be delivered from the Rosalie Ditch headgate to the exchange-from points identified in paragraph 5.1.2 above, from where the Water Right will be exchanged to the locations identified in paragraph 5.1.3, above.

6. 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. 6.1. Lininger Reservoir is owned by Kenosha Trout Club, 3122 S. Pearl Street, Englewood, CO 80113. 6.2. James Tingle Reservoir is owned by TBar Ranch, LLC, c/o Steven D. Bargas, P.O. Box 30, Como, CO 80432, subject to a perpetual easement for the reservoir owned by Center of Colorado Water Conservancy District, P.O. Box 1747, Fairplay, CO 80440; and Centennial Water and Sanitation District, whose address is 62 Plaza Drive, Highlands Ranch, CO 80129. 6.3. Smelter Pipeline Reservoir is owned by the Center of Colorado Water Conservancy District, P.O. Box 1747, Fairplay, CO 80440. 6.4. Chatfield Reservoir is owned by U. S. Army Corps of Engineers, Omaha District, 9307 South Wadsworth Blvd., Suite 3600, Littleton, CO 80128. 6.5.

Gloria Z Reservoir is owned by South Park Aggregates, LLC, P.O. Box 1660, Frisco, CO 80443. 6.6. Spinney Mountain Reservoir is owned by City of Aurora, 15151 E. Alameda Parkway, Suite 3600, Aurora, Colorado 80012. 6.7. Silver Tip Lodge Reservoirs No. 1-5 are owned by McGowan John Trust dated 2/1/18 and McGowan Kristy Trust date 2/1/18, 405 Arapahoe Ave, Boulder, CO 80302. WHEREFORE, Applicant respectfully requests the Court enter a decree approving a change of water rights for the Rosalie Ditch, the adjudication of historical return flows and the adjudication of conditional appropriative rights of exchange described herein. **EXHIBIT LIST** A. General Location Map B. Map of Rosalie Ditch and Historically Irrigated Area C. Exchange Matrix. The application contains 9 pages, excluding the exhibits.

2022CW3201 TOWN OF ERIE, c/o Todd Fessenden, Public Works Director, P.O. Box 750, Erie, CO 80516, Email: tfessenden@erieco.gov, Telephone: (303) 926-2700. Please direct all correspondence concerning this Application to: Peter C. Johnson, Esq., Andrea A. Kehrl, Esq., Bradley Kershaw, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Telephone: (303) 443-6151; Email: pcj@vrlaw.com; aak@vrlaw.com; bnk@vrlaw.com. **APPLICATION FOR CONDITIONAL WATER RIGHT AND APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING WATER EXCHANGE PROJECT IN BOULDER AND WELD COUNTIES. CONDITIONAL SURFACE WATER RIGHT 2. Claim for Conditional Water Right:** Erie Wetlands Diversion. a. Legal description of structure: The Erie Wetlands Diversion is located in the Northeast 1/4 of the Northwest 1/4 of Section 18, Township 1 North, Range 68 West, 6th P.M., UTM: 495680 easting, 4433935 northing. The general location of the Erie Wetlands Diversion is shown on the attached **Exhibit A**. b. Source: Storm sewer flows tributary to Coal Creek, tributary to Boulder Creek. c. Amount: 10.5 cfs, CONDITIONAL. d. Uses: Irrigation, augmentation, flood control, recreation, water quality, environmental, aesthetic, maintenance of water levels, and wildlife. e. Appropriation Date: December 16, 2022, the date of filing this Application. **PLAN FOR AUGMENTATION INCLUDING WATER EXCHANGE PROJECT RIGHT 3. Names of Structures to be Augmented:** Erie Wetlands and Erie Wetlands Diversion. a. Legal description of structures: The location of the Erie Wetlands Diversion is described above in Paragraph 2.a and shown on the attached Exhibit A. The Erie Wetlands are located in the Northeast 1/4 of the Northwest 1/4 of Section 18, Township 1 North, Range 68 West, 6th P.M. The Erie Wetlands point of depletion to Coal Creek is located in the Northeast 1/4 of the Northwest 1/4 of Section 18, Township 1 North, Range 68 West, 6th P.M., UTM: 495796 easting, 4434083 northing, as shown on Exhibit A. 4. **Water Rights to be Used for Augmentation**: a. Erie's Windy Gap Project water, including return flows therefrom. Erie currently owns 20 Units of Windy Gap Project water. The water rights for the Windy Gap Project are in the Colorado River Basin and consist of the Windy Gap Pump, Pipeline, and Canal; Windy Gap Pump, Pipeline, and Canal First Enlargement; Windy Gap Pump, Pipeline, and Canal Second Enlargement; and Windy Gap Reservoir. These water rights were originally decreed in Case No. CA-1768, Grand County District Court on October 27, 1980, and in Case Nos. W-4001 and 80CW108, District Court, Water Division 5 on October 27, 1980. In addition, decrees awarding absolute water rights for municipal, industrial, irrigation, and recreational uses, including reuse, successive use, and use to extinction for the Windy Gap Reservoir; Windy Gap Pump, Pipeline and Canal; and Windy Gap Pump, Pipeline, and Canal First and Second Enlargements were entered in Case No. 88CW169, Water Division 5 (February 6, 1989) and Case No. 89CW298, Water Division 5 (July 19, 1990). Windy Gap Project water is introduced, stored, carried, and delivered in and through the components of the Colorado Big Thompson Project, operated by the Northern Colorado Water Conservancy District. Windy Gap Project water is imported foreign water that is available for use, reuse, and successive use until extinction. A map of the Windy Gap facilities is attached hereto as **Exhibit B**. i. Treated effluent return flows from Erie's Windy Gap Project water will be delivered to Boulder Creek at Erie's North Water Reclamation Facility ("NWRf") either directly or by releases from NWRf Reservoir. The NWRf is located in the Northwest 1/4 of the Northeast 1/4 of Section 31, Township 2 North, Range 68 West, 6th P.M. The NWRf Reservoir is located in the North 1/2 of Section 31, Township 2 North, Range 68 West, 6th P.M. The NWRf discharge point to Boulder Creek is located in said Section 31, at a point on the North section line and approximately 2147 feet East of the West section line. ii. A portion of Erie's Windy Gap Project water returns to the stream system due to transmission losses within

Erie's water distribution system. Erie will calculate the portion of such transmission losses attributable to Erie's reusable Windy Gap Project water, consistent with the decree entered in Case No. 19CW3064, District Court, Water Division 1, that accrue to Coal Creek at or above the point identified in Exhibit A, and use such reusable Windy Gap returns to replace depletions at the Erie Wetlands. iii. A portion of Erie's Windy Gap Project water that is used during the water treatment backwash process at Erie's Water Treatment Plant is delivered to Thomas Reservoir for subsequent delivery to Erie Commons Pond, where it can then be delivered to Coal Creek above the point of depletion for the Erie Wetlands Diversion as shown in Exhibit A. b. In-priority diversions of the Erie Wetland Diversion may be delivered to Coal Creek to replace lagged groundwater depletions from the Erie Wetlands. c. Additional or alternative sources of replacement water may be added to the subject plan for augmentation pursuant to C.R.S. § 37-92-305(8)(c), or successor statutes. 5. **Complete Statement of Plan for Augmentation:** a. The Erie Wetlands will include a wetland vegetation area and small areas of open water totaling approximately 2.1 acres that will consume storm water diverted at the Erie Wetlands Diversion and alluvial groundwater, thereby causing depletions to Coal Creek ("Wetlands Depletions"). When a call is being administered downstream of the Erie Wetlands, Erie will replace out-of-priority depletions associated with the Wetlands Depletions in time, location, and amount and/or curtail the Erie Wetlands Diversion, as necessary to prevent injury to other water rights. b. Diversion of water inflow at the Erie Wetlands Diversion and outflow from the Erie Wetlands into Coal Creek will be controlled and measured. c. Erie seeks approval of a plan for augmentation, including a Water Exchange Project Right as described below, to replace out-of-priority Wetlands Depletions. The estimated maximum annual amount of Wetlands Depletions is approximately 11.53 acre-feet. d. Erie will determine the amount, timing, and location of all out-of-priority Wetlands Depletions, including lagged depletions, and will replace Wetlands Depletions as necessary to prevent injury to other water rights by delivery of the water rights listed above in Paragraph 4 to Coal Creek or Boulder Creek. e. The Erie Wetlands and Erie Wetlands Diversion will be a part of the integrated water supply system operated by Erie, which includes but is not limited to Erie's water and wastewater infrastructure, water treatment facilities, the NWRf, the NWRf Reservoir, water rights, and all other facilities utilized by Erie to provide potable and non-potable water. 6. **Claim for Water Exchange Project Right:** Erie claims a Water Exchange Project Right whereby substitute supplies replaced to Boulder Creek will be exchanged up to the Erie Wetlands point of depletion on Coal Creek, and to intermediate points within the exchange reach. a. **Legal Description of Exchange Reach:** i. Downstream Terminus: The NWRf discharge point to Boulder Creek, as described in Paragraph 4(a)(i) above. ii. Upstream Terminus: The Erie Wetlands point of depletion, more particularly described in Paragraph 3(a) above. iii. Remark: The exchange reach is shown on the map attached as Exhibit A. Erie may also operate the exchange to intermediate points within the above-described exchange reach. b. **Sources of Substitute Supply:** Erie's Windy Gap Project water, including return flows therefrom, as described above in Paragraph 4.a. and its subparts, and in-priority diversions of the Erie Wetlands Diversion, as described above in Paragraph 2 and its subparts. c. **Exchange Rate:** 2.6 cfs, CONDITIONAL. d. **Appropriation Date:** December 16, 2022, the date of filing this Application. 7. **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 Erie Wetlands Diversion, Erie Wetlands, NWRf, NWRf Reservoir, Thomas Reservoir, and Erie Commons Pond are all located on land owned by Erie. No other new or modified diversion or storage structures will be constructed. WHEREFORE, Applicant requests that the Court enter a decree approving a conditional water right for the Erie Wetlands Diversion, approving the above-proposed plan for augmentation including a Water Exchange Project Right, and granting such other relief that it deems proper. (8 pgs., 2 Exhibits)

2022CW3202 Applicant, THE CITY AND COUNTY OF DENVER, ACTING BY AND THROUGH ITS BOARD OF WATER COMMISSIONERS ("Denver Water" or "Applicant"), 1600 West 12th Avenue, Denver, Colorado 80204, Telephone: 303-628-6460. Jessica R. Brody, General Counsel, Daniel J. Arnold, James M. Wittler, Crystal J. Easom. **APPLICATION FOR APPROVAL OF PLAN FOR**

AUGMENTATION, CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE CITY AND COUNTY OF DENVER, ACTING BY AND THROUGH ITS BOARD OF WATER COMMISSIONERS IN THE SOUTH PLATTE RIVER OR ITS TRIBUTARIES IN THE COUNTY OF WELD, Application nine (9) pages. **II. Purpose of Application.**

Lupton Lakes Complex is a downstream gravel pit complex owned by Denver Water composed of a North Cell and a South Cell that are currently being reclaimed for water storage and are not yet operational. The Lupton Lakes Complex Storage Right was decreed in Case No. 2007CW322, the decree for which was entered on February 21, 2014. Depletions to the South Platte River may occur as a result of intercepted precipitation and seepage through the approved liner when there is a call downstream of the Lupton Lakes Complex senior to December 28, 2007. Because the Lupton Lakes Complex is not yet complete, there may be times when out-of-priority depletions cannot be released as required by the decree. During such times, Denver Water will make replacements pursuant to this plan for augmentation. The mining of the North Cell was completed in 2016. Denver Water then installed a slurry wall to limit groundwater infiltration and constructed the interior slopes. In November 2017, the Division of Water Resources confirmed that the liner meets the design standard of the 1999 State Engineer Guidelines for Lining Criteria for Gravel Pits. Denver Water was first approved for a substitute water supply plan (“SWSP”) for out-of-priority depletions from the North Cell on May 18, 2018, under § 37-92-308(5), C.R.S. The plan was renewed annually for five years and is valid through April 30, 2023. Denver Water will be requesting renewal of an SWSP under § 37-92-308(4) during the pendency of this case. Although mining operations in the South Cell are ongoing, the liner for the South Cell was installed in 2019 and was tested and provisionally approved by the Division of Water Resources in 2020. While mining operations are ongoing, the South Cell will be under a SWSP held by the mining company and out-of-priority depletions will be replaced pursuant to that SWSP. When mining operations cease and that SWSP terminates, the augmentation will be handled under this plan for augmentation. **III.**

First Claim for Relief: Application for Plan for Augmentation. 1. Name of Structure to be Augmented.

Lupton Lakes Complex. 2. Related Decrees. The Lupton Lakes Complex Storage Right was originally decreed on February 21, 2014, in Case No. 2007CW322 WD 1, and was continued pursuant to the diligence decree entered in Case No. 2020CW3016 WD 1. 3. Legal Description of the Lupton Lakes Complex.

3.1. North Cell. The North Cell is located in the East Half of Section 18, Township 1 North, Range 66 West of the 6th Principal Meridian, County of Weld, State of Colorado, as more particularly described in Exhibit A. 3.2. South Cell. The South Cell is located in the East Half of Section 19, Township 1 North, Range 66 West of the 6th Principal Meridian, County of Weld, State of Colorado, as more particularly described in Exhibit A. 4. Statement of Plan for Augmentation.

Denver Water will account for intercepted precipitation and seepage stored in the Lupton Lakes Complex. When the Lupton Lakes Storage Right is in priority under its December 28, 2007, appropriation date decreed in Case No. 2007CW322, Denver Water will store the precipitation and seepage in the Lupton Plates Storage Complex for later beneficial use and not make replacements. Denver Water will make replacements for intercepted precipitation and seepage when a call by a water right senior to December 28, 2007, is being administered downstream of the Lupton Lakes Complex Outlet. Denver Water will replace the previously described out-of-priority depletions on a daily basis in aggregate with other required replacements. Replacement requirements for out-of-priority precipitation will be calculated based upon the area of the reservoir that would capture precipitation, the amount of precipitation, and whether the reservoir is in priority. 5. Timing, Amount, and Location of Depletions. 5.1. Timing of Depletions. Depletions from precipitation and seepage are estimated to occur over approximately 25 months. Corresponding replacements for out-of-priority depletions will be made within 72 hours. 5.2. Amount of Depletions. The out-of-priority intercepted precipitation and seepage water stored in the Lupton Lakes Storage Complex. 5.2.1. Precipitation. The volume of the out-of-priority depletion from intercepted precipitation will be calculated as the depth of precipitation multiplied by the surface area of the reservoir, which is 86.4 acres for the North Cell and 177.5 acres for the South Cell. Denver Water Recycle Plant’s weather station, or other suitable weather stations if that weather station is unavailable, will be utilized to obtain precipitation data. 5.2.2. Seepage. The out-of-priority depletions to the South Platte River attributable to seepage through the reservoir liner occur on a daily basis. Based on the liner testing and approval by the Division of Water Resources, the North Cell depletions were calculated

as 0.34 AF/day and the South Cell depletions were calculated as 0.49 AF/day. 5.3. Location of Depletions. Depletions accrue to the South Platte River at the Lupton Lakes Complex outlet, which is located in the SE 1/4 of the SW 1/4 Section 18, Township 1 North, Range 66 West of the 6th Principal Meridian, and as is shown in Exhibit A. 6. Water Rights to be Used for Augmentation. Denver Water owns water rights originally decreed in the South Platte River basin for direct flow irrigation uses and has changed the consumptive use portions of these rights, by decree, to all municipal uses. Denver Water also owns water rights in tributaries to the Colorado River, which Denver Water imports to the South Platte River basin for beneficial use. In addition, Denver Water owns water rights in not-nontributary Arapahoe and Upper Arapahoe Aquifer formations and water rights in the nontributary Arapahoe and Upper Arapahoe, Laramie-Fox Hills, and the Lower Arapahoe Aquifer formations. Water from these sources will be made available in the amounts and at locations necessary to replace out-of-priority depletions pursuant to the plan for augmentation decreed herein. Water from these sources that is once or successively used through Denver Water's potable water system and returned to the South Platte River and its tributaries will be made available in the amount and at locations, including, but not limited to, outfalls of the various wastewater treatment plants that discharge effluent attributable to Denver Water's service area, necessary to replace out-of-priority depletions pursuant to the plan for augmentation decreed herein. These water rights include:

- 6.1. Beery Ditch, Case No. W-7739-74 WD1, appropriation date of June 15, 1861.
- 6.2. Four Mile Ditch, Case No. 1980CW313 WD1, appropriation date of June 1, 1868.
- 6.3. Brown Ditch, Case No. 1986CW014 WD1, appropriation date of November 30, 1862.
- 6.4. Nevada Ditch, Case No. 1990CW172 WD1, appropriation dates of August 30, 1861 - Priority No. 4; December 30, 1865 - Priority No. 19.
- 6.5. Last Chance Ditch, Case No. 1992CW014 WD1, appropriation dates of December 30, 1863 - Priority No. 14; - March 3, 1868 - Priority No. 39.
- 6.6. Pioneer Union Ditch, Case No. 1991CW100 WD1, appropriation dates of December 10, 1861 - Priority No. 5; September 1, 1862 - Priority No. 11.
- 6.7. Hodgson Ditch, Case No. 1991CW102 WD1, appropriation date of June 1, 1861 - Priority No. 3.
- 6.8. Harriman Ditch, Case No. 1991CW103 WD1, appropriation dates of March 16, 1869 - Priority No. 23; May 1, 1871 - Priority No. 25; March 1, 1882 - Priority No. 30.
- 6.9. Robert Lewis Ditch, Case No. 1991CW105 WD1, appropriation date of October 1, 1865 - Priority No. 19.
- 6.10. Simonton Ditch, Case No. 1991CW106 WD1, appropriation date of December 25, 1860 - Priority No. 2.
- 6.11. Warrior Ditch, Case No. 1991CW109 WD1, appropriation dates of December 1, 1861 - Priority No. 4; April 16, 1862 - Priority No. 8; October 31, 1864 - Priority No. 14.
- 6.12. Blue River Diversion Project, Water District No. 36, Summit County Case Nos. 1805 and 1806 and Consolidated Case Nos. 2782, 5016, and 5017, U.S. District Court, appropriation date of June 24, 1946.
- 6.13. Straight Creek Conduit of the Roberts Tunnel Collection System, Water District No. 36, C.A. No. 2371, appropriation date of January 21, 1957.
- 6.14. Fraser River and Williams Fork Diversion Projects, Water District No. 51, Grand County, C.A. No. 657, appropriation date of July 4, 1921. This source may be used as a replacement supply under this plan to the extent allowed by the 1940 Agreement except as otherwise modified.
- 6.15. Darling Creek Extension of the Williams Fork Diversion Project, Water District 51, Grand County, C.A. No. 1430, appropriation date of August 26, 1953.
- 6.16. Moffat Tunnel Collection System, Water District No. 51, Grand County, C.A. No. 1430, appropriation date of August 30, 1963.
- 6.17. Hamilton-Cabin Creek Ditch, Extension and Enlargement of Hamilton-Cabin Creek Ditch, Meadow Creek Reservoir, Water District No. 51, Grand County, C.A. No. 657, appropriation Date of July 2, 1932.
- 6.18. Laramie Fox Hills-1 Well, Case No. 1988CW149 WD 1 and Permit Nos. 32363-F and 35393-F.
- 6.19. South Platte Gravel Pit Storage Right, Case No. 2001CW286 WD1 as amended in Case No. 2013CW3056 WD1, appropriation date of December 28, 2001.
- 6.20. Denver Metro Wells, Case No. 2003CW186 WD1, for right to withdraw nontributary and not-nontributary water from the Arapahoe, Upper Arapahoe, and Laramie-Fox Hills Aquifers.
- 6.21. Farmers and Gardeners Ditch Water Right, Case No. 2009CW084 WD1, appropriation date of March 15, 1863.
- 6.22. Lupton Lakes Storage Complex Water Right, Case No. 2007CW322 WD1, appropriation date of December 28, 2007.
- 6.23. South Reservoir Complex Enlargement Water Right, Case No. 2009CW264 WD1, appropriation date of December 29, 2009.
- 6.24. Lawn Irrigation Return Flows, Case No. 2004CW121 WD1, decree date of May 15, 2012.
- 6.25. Nevada Ditch, Case No. 2020CW3103 WD1, appropriation dates of August 30, 1861 - Priority No. 4; December 30, 1865 - Priority No. 19, application pending.
- 6.26. City Ditch, Case No. 2020CW3200 WD1, appropriation date November

28, 1860 – Priority 1, application pending. 6.27. Water leased from Denver Water to Suncor Energy (USA) Inc., pursuant to Contracts Nos. 13751A and 15973A, dated July 13, 2011, and May 13, 2015, respectively. 6.28. Denver Water can also release water from the above-referenced sources stored in Antero Reservoir, Eleven Mile Reservoir, Cheesman Reservoir, Chatfield Reservoir, Soda Lakes Reservoirs, Harriman Reservoir, Platte Canyon Reservoir, Ralston Reservoir, and Gross Reservoir, or discharged from wastewater treatment plants, including the Metro Water Recovery Treatment Plants (Robert W. Hite Treatment Facility and Northern Treatment Plant) or South Platte Renew Wastewater Treatment Plant. 7. Other Replacement Sources. 7.1. Additional Supplies of Augmentation Water. Pursuant to C.R.S. § 37-92-305(8)(c), the Court may authorize Denver Water to utilize additional or alternative sources of augmentation water for replacement in the plan for augmentation sought herein, including water leased by Denver Water, if such sources are part of a substitute water supply plan approved pursuant to C.R.S. § 37-92-308 or if such sources are decreed for such use. 7.2. Additional Water Rights Separately Decreed for Augmentation Use. If a water right is decreed or lawfully available for augmentation use and not already approved for such use under this Application, Denver Water may add the water right by notice, subject to a reasonable opportunity for Opposers to object on the grounds of injury. This paragraph shall apply to all separately decreed sources, whether they are permanent additions to this plan for augmentation or of limited duration. 7.3. Other Additional Water Rights. If a water right is not decreed or otherwise lawfully available for augmentation use, and Colorado statutes or other governing authority provide a mechanism for using such water right without the need of a decree or well permit, Denver Water shall provide written notice to the Opposers of its request for approval of the State Engineer pursuant to C.R.S. § 37-92-308 or other applicable statute. Denver Water may use such water rights in the plan for augmentation upon the State Engineer’s approval of the administrative application for the term of such approval, unless such approval is reversed or modified on appeal or under retained jurisdiction. 8. Means of Replacement. 8.1. Augmentation – First Use. Sources identified in Paragraphs 6.1 through 6.28 above are available to the South Platte River to replace to the location where the call is below the point of depletion identified in paragraph 5.3 is being administered. 8.2. Augmentation – Successive Uses. Each of the sources identified in Paragraphs 6.1 through 6.28 above can be reused and successively used to extinction absent prohibitions preventing such reuse. Currently, as a result of the ruling entered in Case No. 81CW405, reuse of the source identified in Paragraph 6.14 is limited. This Application does not modify the decree entered in Case No. 1981CW405, but Denver Water reserves the right to reuse water from this source beyond the limitations of such ruling if such decree is modified to permit such usage. This Application also does not seek to modify the decrees in any of the other cases identified in Paragraph 6. 8.2.1. Locations Where Substitute Supplies will be Introduced for Augmentation of Out-of-Priority Depletions. Denver Water will account for and identify water once used, reused or successively used through its municipal system that is returning to the South Platte River, and deliver such water to replace depletions pursuant to the plan for augmentation decreed herein from any location where the replacement sources may be lawfully stored or diverted subject to the assessment of reasonable transit losses. WHEREFORE, Denver Water respectfully requests that the Water Court enter a decree awarding Denver Water a plan for augmentation as described in this application.

2022CW3203 Name, mailing address, email address, and home telephone number of applicants: **HOWARD AND JULIE HETTINGER**; 13341 County Road 8; Merino, CO 80741 (970) 522 2792. Attorney: Brammer Law Office, PC, PO Box 1827, Sterling, CO 80751; 970 521 0700; brammer@brammerlaw.com **APPLICATION TO MAKE CONDITIONAL RIGHTS ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE IN LOGAN COUNTY, Summary of Application.** 1. Applicants seek to make absolute and for a finding of reasonable diligence on the following structures: 2. Name of structures: Hettinger North Spring, Hettinger South Spring, Hettinger North Lake and Hettinger South Lake 3. Date of Original Decree: January 27, 2010, Case No. 05CW327 District Court Water Division No. 1 with a diligence filing in 16CW3006 District Court Water Division No. 1. 4. Location: All Structures are located in the SW1/4 of Section 14, T6N, R54W of the 6th P.M. Logan County, as shown on Attachment A. Hettinger North Spring is located at a point approximately 1600 feet from the south and 2235 feet from the west section line of Section 14. Hettinger South spring is located at a point

approximately 250 feet from the south and 2400 feet from the west section line of Section 14. Hettinger North Lake is located at a point approximately 1550 feet from the south and 2235 feet from the west section line of Section 14. Hettinger South Lake is located at a point approximately 200 feet from the south and 2400 feet from the west section line of Section 14. 5. Source: Hettinger North Spring and Hettinger South Spring: Natural spring Hettinger North Lake: Hettinger North Spring and surface runoff. Hettinger South Lake: Hettinger South Spring and surface runoff 6. Appropriation Date for both structures: December 29, 2005. 7. Amount of water claimed: Hettinger North Spring and Hettinger South Spring: 3 cfs absolute; Hettinger North Lake: 14 acre feet with the right to fill and refill when water is legally available: Absolute; Hettinger South Lake: 5 acre-feet with the right to fill and refill when water is legally available: Absolute 8. Uses for all structures: i. Irrigation of up to 120 acres in the SW 1/4 of Section 14 and the NW1/4 of Section 23, T6N, R54W, 6th P.M., The irrigated parcel is owned by Applicants ii. The Applicants have diverted in priority at a rate of 3 cfs for each, the Hettinger North Spring and Hettinger South Spring, for the use of stock watering, and wildlife habitat, into Hettinger North Lake and Hettinger South Lake. (See attached diversion records.) iii. The recharge credits for augmentation use will consist of the in-priority deliveries of the subject water right into the alluvial aquifer to generate accretions in the South Platte River for assignment to the South Platte Ditch Plan for Augmentation as decreed in 04CW110, in which Applicant's wells are covered. iv. This application seeks to make the above claimed right ABSOLUTE for stock watering, wildlife habitat, and wetlands. Applicants seek a CONDITIONAL right for irrigation and recharge. 9. Detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: From September 17, 2013 through October 31, 2022 the Hettinger North Spring and Hettinger South Spring were diverted in priority at a rate of flow of 3 cfs, and the Hettinger North Lake, and Hettinger South Lake were filled to their decreed amount of 14 acre feet and 5 acre feet respectively, and used for stock watering, wildlife habitat and wetlands purposes and seek to make those uses absolute. The Applicant has kept all structures maintained and repaired in good working order. During this diligence period Applicants have been engaged in the legal defense and protection of these water rights, including legal and engineering fees and costs and have been diligent in the continued development of the water rights. The Applicants have continued to maintain, repair, and keep the springs and lakes in good working order, and are working on the irrigation system for use of the subject water rights for irrigation use and are working to install flow meters to complete the recharge. 10. Names and addresses of owners : Applicants; 11. Remarks or any other pertinent information: All water diverted herein has been measured and/or diverted with the knowledge and consent of the Water Commissioner. The water has been put to the beneficial use of watering livestock, wildlife habitat and wetlands.

2022CW3204 IMBODEN AND 120TH LLC; c/o Sankar Chava; 21097 E Nichols Pkwy; Aurora, Colorado; 80016. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT-NONTRIBUTARY SOURCES AND FOR APPROVAL OF PLAN FOR AUGMENTATION IN ADAMS COUNTY.** Please send all pleadings and correspondence to: William D. Wombacher, Esq., Stacy L. Brownhill, Esq., Nazarene Stack & Wombacher LLC, 5299 DTC Blvd., Suite 610, Greenwood Village, Colorado 80111. 1. Overview. Applicant seeks to adjudicate the Denver Basin Aquifers underlying approximately 158 acres owned by Applicant in Adams County, Colorado ("Property"), depicted on **Exhibit A**. This includes not-nontributary water in Denver Aquifer and nontributary water in the Upper Arapahoe, Lower Arapahoe, and Laramie-Fox Hills Aquifers. Applicant also seeks approval of a plan for augmentation for withdrawals of the not-nontributary groundwater from the Denver Aquifer. 2. Jurisdiction. The Water Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-92-302(2) and 37-90-137(6). 3. Underground Water Rights Claimed. A. Wells. Wells that will withdraw the groundwater sought to be decreed by this Application have not yet been constructed, nor have applications for well permits been filed. Prior to constructing any additional wells to withdraw the subject groundwater, Applicant will apply to the State Engineer for a permit to construct that well, and the Applicant requests that the Court require, as a condition of the decree entered in this case, that well permits be issued upon application for any such wells in accordance with said decree.

B. Legal Description of Wells and Subject Property. The wells will be located on the Property and Applicant seeks to adjudicate the Denver Basin Aquifers underlying all of the Property, which is located in the NE¼ of Section 6, Township 2 South, Range 64 West, 6th P.M., Adams County, Colorado. C. Source of Water Rights. The source of the groundwater to be withdrawn from the Denver Aquifer is not-nontributary as described in C.R.S. § 37-90-103(10.7). The source of groundwater to be withdrawn from the Upper Arapahoe, Lower Arapahoe, and Laramie-Fox Hills Aquifers is nontributary. D. Parcel Ownership. Applicant represents the sole owner of the Property and has provided notice to all mortgage and lien holders as required under C.R.S. § 37-92-302(2)(b). E. Estimated Amounts and Rates of Withdrawal. The wells will withdraw the groundwater at rates of flow necessary to efficiently withdraw the entire decreed amounts. Applicant will withdraw the subject groundwater through wells to be located at any location on the Property, and Applicant waives any 600-foot spacing rule as described in C.R.S. § 37-90-137(2)(b)(I)(B) for wells located on the Property. The estimated average annual amounts of withdrawal available from the subject aquifers as indicated below are based upon the Denver Basin Rules, 2 C.C.R. § 402-6. Applicant, based on the Colorado Division of Water Resources online aquifer determination tool, estimates the following annual amounts of nontributary and not-nontributary underlie the Property:

Water Supply Availability (af/yr)					
	Denver	Upper Arapahoe	Lower Arapahoe	Laramie-Fox Hills	Totals
Not-Nontributary (NNT)	27.18	0.00	0.00	0.00	27.18
Nontributary (NT)	0.00	27.50	28.55	35.86	91.91
Total Combined NNT and NT					119.09

The water supply availability listed in the table above is based on a 100-year aquifer life in accordance with C.R.S. § 37-90-137(4)(b)(I). Applicant claims the right to withdraw more than the average annual amounts listed above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. § 402-7. F. Wellfield. Applicant requests that this Court determine that Applicant has the right to withdraw all of the legally available groundwater lying below the Property through wells which may be located anywhere on the Property and any additional wells which may be completed in the future as Applicant’s wellfields. As additional wells are constructed, well permit applications will be filed in accordance with C.R.S. § 37-90-137(10). G. Proposed Uses. Municipal, domestic, commercial, industrial, irrigation, livestock watering, fire protection, recharge, storage, recreation, exchange, augmentation, and replacement. Applicant also claims the right to reuse and successive uses of the water to extinction, and the right to lease, convey, or otherwise dispose of the water. H. Places of Use. Applicant seeks the right to use the legally available groundwater lying below the Property both on the Property and off the Property. Uses off the Property include, but are not limited to, other lands contiguous to the Property and owned by the Applicant. 5. Description of Plan for Augmentation. A. Groundwater to be Augmented. All withdrawals of not-nontributary Upper Dawson Aquifer groundwater underlying the Property, as requested herein. B. Water Rights to be Used for Augmentation: i. Not-nontributary groundwater from the Denver Aquifer underlying the Property as decreed herein; and ii. Nontributary groundwater from the Upper Arapahoe, Lower Arapahoe, and Laramie-Fox Hills Aquifers underlying the Property as decreed herein. C. Statement of Plan for Augmentation. During pumping, Applicant will replace depletions associated with the withdrawal of the not-nontributary groundwater decreed herein pursuant to C.R.S. § 37-90-137(9)(c.5) (i.e., 4% of not-nontributary withdrawals from the Denver Aquifer where such withdrawals are farther than one mile from any point of contact between any natural stream and the aquifer, and actual depletions of not-nontributary withdrawals from the Denver Aquifer where such withdrawals are closer than one mile from any point of contact between any natural stream and the aquifer). To ensure such replacements are made, Applicant will develop accounting to document replacements that accrue by (i) return flows from irrigation; and (ii) treated wastewater

discharges. Further, direct releases of not-nontributary and nontributary groundwater may be used for augmentation. To meet post-pumping depletion requirements for not-nontributary withdrawals of groundwater underlying the Property, Applicant will reserve an amount of nontributary groundwater equal to the post-pumping depletions. D. Augmentation Plan Assumptions. Applicant will develop augmentation plan assumptions and measuring devices to account for replacement water. Consumptive use is expected to be approximately 10% for all groundwater pumped for indoor use to account for any treatment and inhouse loss. For irrigation, sprinkler irrigation is expected to be approximately 85% consumptive and drip irrigation is expected to be approximately 95% consumptive. Applicant reserves the right to use reclaimed water or gray water for irrigation and will separately measure and account for such uses. WHEREFORE, Applicant respectfully requests the Court enter a ruling that: (1) grants the determination of groundwater rights requested herein for the nontributary Upper Arapahoe, Lower Arapahoe, and Laramie-Fox Hills Aquifers and the not-nontributary Denver Aquifer; (2) grants the plan for augmentation described in Paragraph 5; and (3) grants such other and further relief as the Court deems appropriate. (6 pages, 1 exhibit).

2022CW3205 EAST CHERRY CREEK VALLEY WATER AND SANITATION DISTRICT (“ECCV”), c/o Dave Kaunisto, 6201 South Gun Club Road, Aurora, Colorado 80015, Telephone: (303) 693-3800. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN ADAMS, ARAPAHOE, DENVER, DOUGLAS, ELBERT, JEFFERSON, LARIMER, MORGAN, AND WELD COUNTIES**. All correspondence and communications should be addressed to: Brian M. Nazarenus, Esq., Sheela S. Stack, Esq., William D. Wombacher, Esq., Stacy L. Brownhill, Esq., Nazarenus Stack & Wombacher LLC, 5299 DTC Blvd., Suite 610, Greenwood Village, Colorado 80111, Telephone: (720) 647-5661, (Attorneys for ECCV). **2. Original Decree**. The original decree for the ECCV 2014 Barr Lake Water Storage Refill Right, ECCV 2014 United Reservoir No. 3 Water Storage Refill Right, and ECCV 2014 Gilcrest Reservoir Water Storage Refill Right (collectively referred to as “Storage Refill Rights”) was entered by the Water Court, Water Division 1, on December 29, 2016, in Case No 14CW3164. **2.1. Subsequent Case**. On November 30, 2017, ECCV filed a Second Amended Application in Case No. 16CW3196 to change the Storage Refill Rights to allow ECCV to use the Storage Refill Rights for additional beneficial purposes. The decree in Case No. 16CW3196 was entered on October 20, 2021 (“3196 Decree”). **3. Description of the ECCV 2014 Barr Lake Water Storage Refill Right**. **3.1. Name and Legal Description of Storage Facility**. **3.1.1. Barr Lake**. Barr Lake is an off-channel reservoir located in Sections 15, 21, 22, 23, 26, 27, 28, and 33, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado. Barr Lake is an enlargement of the original Oasis Reservoir. **3.2. Surface Area**. 1,900 acres at high water line. **3.3. Storage Height**. The current maximum gauge height is 34 feet. **3.4. Capacity**. The current maximum capacity is 30,057 acre-feet and dead storage is less than 300 acre-feet. **3.5. Name and Legal Description of Diversion Facility Filling the Structure**. **3.5.1. Burlington Ditch**. Pursuant to the changed point of diversion decreed in Case No. 02CW403, the headgate of Burlington Ditch is a point on the east bank of the South Platte River, in the NE1/4 of the SW1/4 of Section 14, Township 3 South, Range 68 West of the 6th P.M., City and County of Denver, Colorado. The headgate is located at approximately latitude 39° 47’ 24.69” North, longitude 104° 58’ 9.97” West. The UTM coordinates are approximately NAD 1983 UTM Zone 13S 502616.89 mE 4404471.42 mN. **3.5.1.1. Diversion Rate**. The capacity of the Burlington Ditch is approximately 900 cfs. A maximum diversion rate of 900 cfs is decreed for the ECCV 2011 Barr Lake Water Storage Right at the Burlington Ditch headgate. The Burlington Ditch is owned by FRICO. **3.5.2. United Diversion Facility No. 3**. The headgate of United Diversion Facility No. 3 is located on the east bank of the South Platte River, in the NE1/4 of the SW1/4 of Section 26, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado, located approximately 1,636 feet east of the West line and 1,531 feet north of the South line of said Section 26. Water diverted at United Diversion Facility No. 3 in priority or by exchange under the Exchange Right decreed herein and described below may be (1) delivered to United Reservoir No. 3, as described in paragraph 9.2, below, or (2) delivered to Barr Lake through the Beebe Pipeline, as described in Case No. 02CW403. The Beebe Pipeline may be used to (1) convey water from United Reservoir No. 3 to Barr Lake, (2) convey water from Barr Lake to United Reservoir No. 3, or (3) release water to the South Platte River. **3.5.2.1. Diversion Rate**. The diversion

rate of United Diversion Facility No. 3 is variable, depending on the relationship between the river stage and reservoir stage. A maximum diversion rate of 250 cfs is decreed for the ECCV 2014 Barr Lake Water Storage Refill Right at United Diversion Facility No. 3, which is less than the maximum physical diversion rate of the structure. 3.6. Decreed Amount. 9,000 acre-feet per water year, conditional. ECCV has the right to store water in Barr Lake based on ECCV's ownership of Barr Lake shares ("ECCV Share Space") and agreements with FRICO concerning the use of the ECCV Share Space, and also on a space available basis ("ECCV Space Available Storage") (collectively "ECCV's Barr Lake Storage Accounts"). Water may be stored under the ECCV 2014 Barr Lake Water Storage Refill Right in an amount up to 9,000 acre-feet during each water year after the first fill of the ECCV 2011 Barr Lake Water Storage Right is completed.

4. **Description of the ECCV 2014 United Reservoir No. 3 Water Storage Refill Right**. 4.1. Name and Legal Description of Storage Facility. 4.1.1. United Reservoir No. 3. United Reservoir No. 3 is an off-channel reservoir comprised of two storage cells: the North Cell and the South Cell. United Reservoir No. 3 is located on the east side of the South Platte River, in the S1/2 of Section 26 and the N1/2 of Section 35, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. Water stored in United Reservoir No. 3 may be subsequently delivered to Barr Lake via the Beebe Pipeline, as described in Case No. 02CW403. When water stored by ECCV in United Reservoir No. 3 is delivered to the South Platte River, it will be delivered at a point at or near the decreed point of diversion for United Diversion Facility No. 3, which is located on the east bank of the South Platte River, in the SW1/4 of Section 26, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado, located 1,636 feet east of the West line and 1,531 feet north of the South line of said Section 26. 4.2. Surface Area. Approximately 138 acres. 4.3. Capacity. The South Cell is complete, with a storage volume of 1,098 acre-feet. The North Cell has been mined, lined, and the final leak test was completed in April 2019. The total North Cell storage volume is 2,082 acre-feet. 4.4. Name and Legal Description of Diversion Facility Filling the Structure. 4.4.1. United Reservoir No. 3 Diversion Facility. United Diversion Facility No. 3, described in paragraph 9.2.2., above, with a maximum diversion rate of 250 cfs decreed for the ECCV 2014 United Reservoir No. 3 Water Storage Refill Right. 4.5. Decreed Amount. 1,000 acre-feet per water year, conditional. Water may be stored under the ECCV 2014 United Reservoir No. 3 Water Storage Refill Right, in an amount up to 1,000 acre-feet, during each water year after the first fill of the ECCV 2011 United Reservoir No. 3 Water Storage Right is completed.

5. **Description of the ECCV 2014 Gilcrest Reservoir Water Storage Refill Right**. 5.1. Name and Legal Description of Storage Facility. 5.1.1. Milliken Reservoir (f/k/a Gilcrest Reservoir). Milliken Reservoir is an off-channel reservoir, located within parts of Section 2, Township 3 North, Range 67 West and Sections 23, 26, 34, and 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. 5.2. Surface Area. Approximately 1,600 acres. 5.3. Capacity. 18,500 acre-feet. 5.4. Milliken Reservoir Diversion Facilities. The ECCV 2014 Gilcrest Reservoir Water Storage Refill Right will have two points of diversion as described below, both of which will divert only surface water. No groundwater shall be diverted at the points of diversion for Milliken Reservoir. 5.4.1. Jay Thomas Ditch Diversion Dam (a/k/a the South Diversion). This point of diversion for Milliken Reservoir will be located adjacent to the Jay Thomas Ditch Diversion Dam, on the east bank of the South Platte River, in the NW1/4 of the NW1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. 5.4.2. North Diversion. This point of diversion for Milliken Reservoir will be located on the South Platte River, downstream of the confluence of the South Platte River and the St. Vrain River, in the NE1/4 of the SW1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado, to allow for the diversion of surface water from the South Platte River and pumping into Milliken Reservoir for storage. 5.4.3. Diversion Rate. A maximum rate of 250 cfs in aggregate for the two Milliken Reservoir diversion facilities described above. 5.5. Decreed Amount. 3,000 acre-feet per water year, conditional. Water may be stored under the ECCV 2014 Gilcrest Reservoir Water Storage Refill Right, in an amount up to 3,000 acre-feet, during each water year after the first fill of the ECCV 2011 Gilcrest Reservoir Water Storage Right is completed. 6. Decreed Source. South Platte River. 7. Date of Appropriation of Storage Refill Rights. December 30, 2014. 8. Decreed Uses. Storage Refill Right shall be limited to the following uses: 8.1. Use in ECCV's Plans for Augmentation. ECCV may use the Storage Refill Rights as sources of replacement water in the ECCV Augmentation Plan decreed in Case No. 02CW403, as amended by the decrees entered

in Case Nos. 02CW404, 03CW442, and 10CW306, to replace depletions from pumping of water for delivery to ECCV's service area from the ACWWA/ECCV Well Field. ECCV may also use the Storage Refill Rights as sources of replacement water pursuant to the ECCV 70 Ranch Augmentation Plan decreed in Case Nos. 02CW404 and 03CW442. The Storage Refill Rights were added as additional sources of replacement water in Case No. 02CW403 on June 29, 2018. Use of the Storage Refill Rights in the augmentation plan decreed in Case No. 13CW3026 and in other augmentation plan if such use is approved in a separate Water Court decree or SWSP approved by the State Engineer pursuant to C.R.S. § 37-92-308(4), or successor statute will be in accordance with the terms and conditions of the 3196 Decree.

8.2. Use in ECCV's Recharge Projects. ECCV may use the Storage Refill Rights for recharge by delivering the water to ECCV's recharge facilities located in the Beebe Draw and on 70 Ranch, and to any other ECCV recharge facility, provided a subsequent decree is entered that authorizes the diversion of such water into such recharge facility. Storage of excess recharge accretion credits by ECCV in any reservoir available to ECCV will be in accordance with the terms and conditions of the 3196 Decree. In addition, the 3196 Decree allows ECCV to deliver the Storage Refill Rights to the recharge sites described therein, and any existing or future recharge facility to which ECCV is legally permitted to recharge water, including use in an aquifer storage and recovery ("ASR") project and/or an aquifer recharge and recovery ("ARR") project pursuant to a subsequent decree authorizing the recharge of the Storage Refill Right in such facility and for ASR and/or ARR uses, so long as the Storage Refill Rights are listed as sources of recharge water in that decree.

8.3. Use in ECCV's Exchanges. ECCV may use the Storage Refill Rights as sources of substitute supply for appropriative rights of exchange pursuant to any subsequent decree(s) authorizing use by ECCV of the Storage Refill Rights as substitute supply for exchange. Pursuant to the 3196 Decree and subject to the requirements in the 3196 Decree, including but not limited to Paragraph 21.3, ECCV may use the Storage Refill Rights, including excess recharge accretions generated by the Storage Refill Rights that have accrued to the Beebe Seep Canal, as sources of substitute supply in the 2016 Exchanges and the 2017 Greeley Canal No. 2 Headgate Exchange decreed therein, and any future exchange operated or decreed by ECCV, provided that use in a future exchange will not occur under the 2016 or 2017 priorities decreed in the 3196 Decree.

8.4. Municipal Uses Within ECCV's Service Area. ECCV may use the Storage Refill Rights via delivery by a pipeline to ECCV's surface water treatment plant for treatment and subsequent direct delivery for all municipal uses including, but not limited to, domestic, mechanical, manufacturing, commercial, and industrial, within the service area of ECCV, as it now exists or may exist in the future.

8.5. Right of Reuse and Successive Use. In addition to the uses described in paragraphs 8.1 through 8.4, above, ECCV has the right to use, reuse, and successively use, to extinction, all water under the Storage Refill Rights for the uses described above within ECCV's service area as it currently exists or may exist in the future.

9. Detailed outline of work done for the completion of the conditional appropriation for reasonable diligence. ECCV's unified, integrated system for the diversion, accretion, collection, storage, transmission, and treatment of water rights (the "Water Supply Project") was originally designed to provide ECCV with a long-term, sustainable municipal water supply for its service area. The conditional water rights decreed herein are part of the Water Supply Project, which will provide water within ECCV's present and future service area. Pursuant to C.R.S. § 37-92-301(4)(b), for purposes of demonstrating diligence, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of all water rights conditionally decreed herein and shall constitute diligence toward the development of each of the conditional water rights decreed herein. During the diligence period ECCV has done, at a minimum, the following work towards completion or for completion of the appropriations and application of water to a beneficial use as conditionally decreed (expenditure numbers are rounded to the nearest \$1,000):

9.1. Legal Fees. Legal fees in the amount of \$3,000,000.00 were expended during the diligence period in ECCV's adjudicatory proceedings for the appropriation of new water rights and changes to existing water rights for ECCV's Water Supply Project, and water rights protection and opposition.

9.2. Engineering Costs. Engineering costs in the amount of \$1,965,000.00 were expended during the diligence period in connection with ECCV's Water Supply Project, to perform water rights modeling, exchange potential modeling, appropriation of new water rights, changes to existing water rights, water rights protection and opposition, and water rights accounting.

9.3. Additional Replacement Supplies. ECCV has

filed applications and obtained decrees in the cases listed below to increase the replacement supplies available under its augmentation plan decrees and facilitate increased diversions in the ACWWA/ECCV Well Field, to add storage facilities and recharge locations, and to add exchanges to aid in moving its replacement water to its places of beneficial use. 9.3.1. Case No. 11CW151, original application filed August 31, 2011; decree entered November 26, 2018. 9.3.2. Case No. 12CW73, original application filed March 30, 2012; decree entered February 26, 2016. 9.3.3. Case No. 13CW3026, original application filed April 26, 2013; decree entered October 31, 2017. 9.3.4. Case Nos. 13CW3171 and 13CW3172, application filed December 30, 2013; decrees entered June 20, 2017. 9.3.5. Case No. 16CW3196, application filed December 29, 2016; corrected decree entered November 23, 2022. 9.3.6. Case No. 16CW3200, application filed December 29, 2016; decree entered March 28, 2021. 9.3.7. Case No. 19CW3075, application filed April 27, 2019; decree entered September 27, 2021. 9.3.8. Case No. 19CW3084, application filed May 15, 2019; decree entered May 10, 2021. 9.3.9. Case No. 20CW3096, application filed July 13, 2020; case currently pending. 9.3.10. Case No. 20CW3117, application filed August 21, 2020; case currently pending. 9.3.11. Case No. 20CW3147, application filed on September 30, 2020; decree entered October 11, 2022. 9.3.12. Case No. 20CW3161, application filed October 30, 2020; decree entered November 23, 2022. 9.3.13. Case No. 21CW3094, application filed June 29, 2021; case currently pending. 9.4. Water System Development. During the diligence period, United, on behalf of ECCV, has developed and acquired infrastructure for Phase II of the Water Supply Project (“Phase II”), including but not limited to mining United Reservoir No. 3; completing construction of 70 Ranch Reservoir in July 2019; acquiring Holton Lake in September 2019 and completing construction of Holton Lake in June 2021; commenced construction of the Serfer Augmentation Station in 2021; completed construction of the A2 recharge pond in 2022; and securing easement deeds and agreements for structures necessary to deliver water to ECCV. During this diligence period ECCV has been working on Phase II, which will allow ECCV to deliver up to 14.75 million gallons of renewable water to customers each day, whereby reducing dependency on non-renewable wells. Phase II also included expansion of the Northern Water Treatment RO Plant (2018-2020) and the North and South Booster Pump Stations (2018-2019), and construction of Deep Injection Well II (2018). The total estimated cost of the Phase II infrastructure is \$60 million for an additional 10 million gallons of pumping and treatment capacity. The Booster Pump Stations are approximately \$25 million and the NWTP Expansion is approximately \$35 million. 9.5. Substitute Water Supply Plans. During this diligence period, ECCV has filed joint substitute water supply plans (“SWSP”) with ACWWA in order to use additional replacement supplies to replace out-of-priority depletions from the ACWWA/ECCV Well Field to facilitate the efficient operation of the Water Supply Project. SWSPs were filed in 2016 (approved May 19, 2017), 2017 (approved March 30, 2018), 2018 (approved March 27, 2019), 2019 (approved April 6, 2020), 2020 (approved April 28, 2021 and April 29, 2021), 2021 (approved May 13, 2022), 2022 (filed November 23, 2022). 9.6. Protection of Water Rights. ECCV has regularly monitored the filings of other water users. It has filed statements of opposition to and has incurred legal and engineering costs in connection with numerous cases to protect its water rights. Legal fees in the amount of \$300,000.00 were expended during the diligence period in water rights protection and opposition on behalf of ECCV for its Water Supply Project. 9.7. Opposition of Detrimental Legislation. ECCV has been actively involved in opposing Colorado State legislation that would negatively impact the operation of its augmentation plans and exchanges. 9.8. ECCV continues to rely upon and develop the conditional water rights described herein and has no intent to abandon them. 10. **Names and addresses of owners of the land on which the structures are or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use.** 10.1. Barr Lake. FRICO, 80 South 27th Avenue, Brighton, Colorado 80601. By virtue of the Amended and Restated Water Supply Agreement between ECCV, FRICO, and United, ECCV has the right to use its pro rata shareholder storage space and space available storage. 10.2. United Reservoir No. 3. United, 8301 E. Prentice Avenue, Suite 100, Greenwood Village, Colorado 80111. 10.3. Milliken Reservoir. United Milliken Reservoir Enterprise, LLC, 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado 80111; and Scout Investments, LLC, whose address is the same. The Jay Thomas Diversion Dam and the land at the point of diversion for Milliken Reservoir are owned by Public Service Company, d/b/a Xcel Energy, Inc., 1800 Larimer Street, Denver, Colorado, 80202-1414. 10.4.

United Diversion Facility No. 3. United, 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado, 80111. WHEREFORE, ECCV respectfully requests that this Court enter an order finding that reasonable diligence has been exercised in the development of the subject conditional Storage Refill Rights claimed herein. (11 pages).

2022CW3206 TOWN OF BERTHOUD, P.O. Box 1229, Berthoud, Colorado 80513; Email: kmatthews@berthoud.org; Telephone: (970) 532-2643 (“Berthoud”). Please direct all correspondence and pleadings to: Peter C. Johnson, Esq., Andrea A. Kehrl, Esq., Bradley N. Kershaw, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Email: pcj@vrlaw.com; aak@vrlaw.com; bnk@vrlaw.com; Telephone: (303) 443-6151. **APPLICATION FOR CONDITIONAL WATER RIGHTS IN WELD COUNTY. DESCRIPTION OF CONDITIONAL WATER STORAGE RIGHTS**

2. Name of Reservoir: Milliken Reservoir (a/k/a Gilcrest Reservoir). **a. Location of Structure:** Milliken Reservoir is a lined off-channel reservoir located within a part of Section 2, Township 3 North, Range 67 West and Sections 23, 26, 34, and 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. **b. Points of Diversion and Release Points:** i. **South Diversion:** A point of diversion and release point for Milliken Reservoir may be located adjacent to the Jay Thomas Ditch Diversion Dam, on the East bank of the South Platte River, in the NW1/4 of the NW1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado (referred to as the "South Diversion"). ii. **North Diversion:** A point of diversion and release point for Milliken Reservoir is located on the South Platte River, downstream of the confluence with the St. Vrain River, in the NE1/4 of the SW1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., Weld County Colorado (referred to as the "North Diversion"). iii. **Milliken Pumps:** Currently, a pump is located in the SW1/4 of the SW1/4 of Section 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. A pump may also be constructed near the confluence of the South Platte and St. Vrain Rivers, in Section 34, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. iv. **Milliken Reservoir Outlet Structures:** In addition to the Points of Diversion and Release Points described above, Milliken Reservoir has several outlets capable of returning water to the South Platte River at the following locations: (1) the SE1/4 of the NW1/4 of Section 2, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado; (2) the NW1/4 of the NW1/4 of Section 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado; and (3) the SW1/4 of the NE1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. **c. Source:** South Platte River. **d. Date of Appropriation:** December 22, 2022, the date of filing this Application. **e. Proposed Uses:** All beneficial uses including, without limitation, municipal, domestic, commercial, manufacturing, industrial, irrigation, agricultural, stock watering, augmentation, replacement, exchange, watering of parks, lawns, and gardens, fire protection, recreation, fish and wildlife propagation, dust suppression and maintenance of adequate storage reserves, including use, reuse, and successive use to extinction for the purposes described. **f. Amount claimed:** 2,600 acre-feet, conditional. **g. Fill rate:** 100 cfs, conditional. **h. Surface area:** The total surface area of Milliken Reservoir will be approximately 500 acres. **i. Total capacity of reservoir:** The total storage capacity of Milliken Reservoir will be approximately 15,000 acre feet. **3. Name of Reservoir:** Section 20 Reservoir. **a. Location of Structure:** Section 20, Township 4 North, Range 66 West of the 6th P. M., Weld County, Colorado. **b. Points of Diversion and Release Points:** i. The points of diversion and release points for Milliken Reservoir, as described in Section 2.b above. ii. **Release Point:** Section 20 Reservoir will have an additional release point capable of returning water to the South Platte River at the SE1/4 of Section 18, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. **c. Source:** South Platte River. **d. Date of Appropriation:** December 22, 2022, the date of filing this Application. **e. Amount claimed:** 5,200 acre-feet, conditional. **f. Fill rate:** 100 cfs, conditional. **g. Proposed Uses:** All beneficial uses including, without limitation, municipal, domestic, commercial, manufacturing, industrial, irrigation, agricultural, stock watering, augmentation, replacement, exchange, watering of parks, lawns, and gardens, fire protection, recreation, fish and wildlife propagation, dust suppression and maintenance of adequate storage reserves, including use, reuse, and successive use to extinction for the purposes described. **h. Surface area:** The total surface area of Section 20 Reservoir will be approximately 550 acres. **i. Total capacity of reservoir:** The

total storage capacity of the Section 20 Reservoir will be approximately 25,000 acre feet. **DESCRIPTION OF CONDITIONAL RECHARGE RIGHT** 4. Name of Recharge Right Claimed: Berthoud Drouhard Recharge Right. a. Name of Structure: Drouhard Recharge Site. b. Recharge Location: The Drouhard Recharge Site is an off-channel recharge site located in the SW1/4 of Section 30, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. c. Points of Diversion: Water will be diverted from the South Platte River to the Drouhard Recharge Site from the following locations: i. The points of diversion for the Berthoud Drouhard Recharge Right include the points of diversion for Milliken Reservoir, as described in Section 2.b above. ii. Drouhard Pipeline: The Drouhard Pipeline is a bi-directional pipeline that will be located parallel to County Road 40.5 from the Drouhard Recharge Site to Milliken Reservoir. The proposed diversion structure will divert water from the Milliken Reservoir in the NE1/4 of the SE1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. iii. Milliken Reservoir: Water will be delivered from Milliken Reservoir through the bi-directional Drouhard Pipeline. d. Source: South Platte River. e. Date of Appropriation: December 22, 2022, the date of filing this Application. f. Amount Claimed: 20 cfs, conditional. g. Proposed Uses: Augmentation, replacement, and exchange, including use, reuse, and successive use to extinction for the purposes described. **DESCRIPTION OF CONDITIONAL APPROPRIATIVE RIGHT OF EXCHANGE** 5. Name of Exchange Right Claimed: Berthoud SPR Exchange. a. Exchange-from points: i. The confluence of the Big Thompson River and the South Platte River, which is located in the NW1/4 of the SE1/4 of Section 34, Township 5 North, Range 66 West of the 6th P.M., Weld County, Colorado. ii. Milliken Reservoir and Section 20 Reservoir Points of Diversion and Release Points, described in Sections 2.b and 3.b above. iii. Drouhard Recharge Accretions and Release Point. The location at which water recharged or discharged at the Drouhard Recharge Site accretes to the South Platte River is located in the NE1/4 of the SE1/4 of Section 24, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. b. Exchange-to points: i. Milliken Reservoir and Section 20 Reservoir Points of Diversion and Release Points, described in Sections 2.b and 3.b above. ii. The Drouhard Recharge Site Points of Diversion, described in Section 4.c above. c. Sources of supply: i. Water stored in-priority in Milliken Reservoir, pursuant to the storage right claimed herein, including return flows derived from said storage right. ii. Water stored in-priority in Section 20 Reservoir, pursuant to the storage right claimed herein, including return flows derived from said storage right. iii. Accretions to the South Platte River from the Berthoud Drouhard Recharge Right claimed herein. iv. Fully consumable effluent associated with Berthoud's use of its Windy Gap Project water. Berthoud currently owns 8 Units of Windy Gap Project water. The water rights for the Windy Gap Project are in the Colorado River Basin and consist of the Windy Gap Pump, Pipeline, and Canal; Windy Gap Pump, Pipeline, and Canal First Enlargement; Windy Gap Pump, Pipeline, and Canal Second Enlargement; and Windy Gap Reservoir. These water rights were originally decreed in Case No. CA-1768, Grand County District Court on October 27, 1980, and in Case Nos. W-4001 and 80CW108, District Court, Water Division 5 on October 27, 1980. In addition, decrees awarding absolute water rights for municipal, industrial, irrigation, and recreational uses, including reuse, successive use, and use to extinction for the Windy Gap Reservoir; Windy Gap Pump, Pipeline and Canal; and Windy Gap Pump, Pipeline, and Canal First and Second Enlargements were entered in Case No. 88CW169, Water Division 5 (February 6, 1989) and Case No. 89CW298, Water Division 5 (July 19, 1990). Windy Gap Project water is introduced, stored, carried, and delivered in and through the components of the Colorado Big Thompson Project, operated by the Northern Colorado Water Conservancy District. Windy Gap Project water is imported foreign water that is available for use, reuse, and successive use until extinction. A general location map of the Windy Gap Project is attached hereto as Exhibit B. v. Berthoud's shares in the Handy Ditch Company, including shares to be changed and 7.5 shares previously changed in Case No. 00CW110, including return flows derived from said shares. Berthoud will quantify reusable return flows from its changed 7.5 Handy Ditch Company shares using the methodology decreed in Case No. 00CW110. vi. Berthoud's Ryan Gulch Reservoir Company shares, change pending in Case No. 21CW3023, including return flows derived from said shares. d. Exchange rate: 50 cfs, conditional. e. Appropriation date: December 22, 2022, the date of filing this Application. f. Use: All beneficial uses including, without limitation, municipal, domestic, commercial, manufacturing, industrial, irrigation, agricultural, stock watering, augmentation, replacement, exchange,

watering of parks, lawns, and gardens, fire protection, recreation, fish and wildlife propagation, dust suppression and maintenance of adequate storage reserves. 6. Map: A general location map of the structures described herein is attached hereto as Exhibit A. 7. Integrated System: The conditional water rights claimed herein will be a part of the integrated water supply system operated by Berthoud, which includes but is not limited to Berthoud's water and wastewater infrastructure, water and wastewater treatment facilities, Berthoud Reservoir, water rights, and all other facilities utilized by Berthoud to provide potable and non-potable water. 8. 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: a. United Milliken Reservoir Enterprise, LLC, 8301 E. Prentice Avenue, Suite 100, Greenwood Village, CO 80111-2904. b. CAW Equities, LLC, 8301 E. Prentice Avenue, Suite 100, Greenwood Village, CO 80111-2904. c. Red Tierra Equities, LLC, 8301 E. Prentice Avenue, Suite 100, Greenwood Village, CO 80111-2904. d. Lot Holding Investments, 1613 Pelican Lakes Pt., Suite 201, Windsor, CO 80550-6239. e. John Hall, Bret Hall, Lot Holding Investments, 1613 Pelican Lakes Pt., Suite 201, Windsor, CO 80550-6239. f. Scout Investments, 8301 E. Prentice Avenue, Suite 100, Greenwood Village, CO 80111-2904. g. Public Service Company, c/o Tax Service Department, P.O. Box 1979, Denver, CO 80201-1979. h. City of Aurora, 15151 E. Alameda Pkwy., Suite 350, Aurora, CO 80012-1555. i. Raymond and Kim Houston, 15649 County Road 17, Platteville, CO 80651-9424. j. Cameron and Veronica Silbaugh, 9239 County Road 38, Platteville, CO 80651-9414. k. Zabka Farms, 617 6th Street, Greeley, CO 80631-3922. l. HS Land & Cattle, LLC, P.O. Box 366, Gilcrest, CO 80623-0366. m. Michael and Christine Janeczko, 3920 Ogallala Road, Longmont, CO 80503-8863. n. Joyce Allely, 17 Dos Rios, Greeley, CO 80634-9502. o. Halfflight Land & Minerals, LLC, 4420 Sumac Ln., Littleton, CO 80123-2743. (11 pgs., 2 Exhibits)

2022CW3207 CITY OF DACONO, c/o A.J. Euckert, City Manager, 512 Cherry Street, Building A, Dacono, CO 80514; Email: AEuckert@CityofDacono.com; Telephone: (303) 833-2317 x134 ("Dacono"). Please direct all correspondence and pleadings to: Peter C. Johnson, Esq., Andrea A. Kehrl, Esq., Bradley N. Kershaw, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Email: pcj@vrlaw.com; aak@vrlaw.com; bnk@vrlaw.com; Telephone: (303) 443-6151. **APPLICATION FOR CONDITIONAL WATER RIGHTS IN WELD COUNTY. DESCRIPTION OF CONDITIONAL WATER STORAGE RIGHTS** 2. Name of Reservoir: Milliken Reservoir (a/k/a Gilcrest Reservoir). a. Location of Structure: Milliken Reservoir is a lined off-channel reservoir located within a part of Section 2, Township 3 North, Range 67 West and Sections 23, 26, 34, and 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. b. Points of Diversion and Release Points: i. South Diversion: A point of diversion and release point for Milliken Reservoir may be located adjacent to the Jay Thomas Ditch Diversion Dam, on the east bank of the South Platte River, in the NW1/4 of the NW1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado (referred to as the "South Diversion"). ii. North Diversion: A point of diversion and release point for Milliken Reservoir is located on the South Platte River, downstream of the confluence with the St. Vrain River, in the NE1/4 of the SW1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., Weld County Colorado (referred to as the "North Diversion"). iii. Milliken Pumps: Currently, a pump is located in the SW1/4 of the SW1/4 of Section 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. A pump may also be constructed near the confluence of the South Platte and St. Vrain Rivers, in Section 34, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. iv. Milliken Reservoir Outlet Structures: In addition to the Points of Diversion and Release Points described above, Milliken Reservoir has several outlets capable of returning water to the South Platte River at the following locations: (1) the SE1/4 of the NW1/4 of Section 2, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado; (2) the NW1/4 of the NW1/4 of Section 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado; and (3) the SW1/4 of the NE1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. c. Source: South Platte River. d. Date of Appropriation: December 22, 2022, the date of filing this Application. e. Proposed Uses: All beneficial uses including, without limitation, municipal, domestic, commercial, manufacturing, industrial, irrigation, agricultural, stock watering,

augmentation, replacement, exchange, watering of parks, lawns, and gardens, fire protection, recreation, fish and wildlife propagation, dust suppression and maintenance of adequate storage reserves, including use, reuse, and successive use to extinction for the purposes described. f. Amount claimed: 1,300 acre-feet, conditional. i. Fill rate: 100 cfs, conditional. g. Surface area: The total surface area of Milliken Reservoir will be approximately 500 acres. h. Total capacity of reservoir: The total storage capacity of Milliken Reservoir will be approximately 15,000 acre feet. 3. Name of Reservoir: Section 20 Reservoir. a. Location of Structure: Section 20, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. b. Points of Diversion and Release Points: i. The points of diversion and release points for Milliken Reservoir, as described in Section 2.b above. ii. Release Point: Section 20 Reservoir will have an additional release point capable of returning water to the South Platte River at the SE1/4 of Section 18, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. c. Source: South Platte River. d. Date of Appropriation: December 22, 2022, the date of filing this Application. e. Amount claimed: 2,100 acre-feet, conditional. i. Fill rate: 100 cfs, conditional. f. Proposed Uses: All beneficial uses including, without limitation, municipal, domestic, commercial, manufacturing, industrial, irrigation, agricultural, stock watering, augmentation, replacement, exchange, watering of parks, lawns, and gardens, fire protection, recreation, fish and wildlife propagation, dust suppression and maintenance of adequate storage reserves, including use, reuse, and successive use to extinction for the purposes described. i. Surface area: The total surface area of Section 20 Reservoir will be approximately 550 acres. ii. Total capacity of reservoir: The total storage capacity of the Section 20 Reservoir will be approximately 25,000 acre feet. 4. Name of Reservoir: Holton Lakes Complex. a. Location of Structure: The Holton Lakes Complex is an off-channel reservoir complex located in portions of the SW1/4 of Section 6, and the NW1/4 of Section 7, Township 1 North, Range 66 West of the 6th P.M., and portions of the NE1/4 of Section 12 and the SE1/4 of Section 1, Township 1 North, Range 67 West of the 6th P.M., all in Weld County, Colorado. b. Points of Diversion: i. A point of diversion from the South Platte River to be located in the SE1/4 of Section 1, Township 1 North, Range 67 West of the 6th P.M., in Weld County, Colorado. ii. A point of diversion from the South Platte River to be located in the SW1/4 of Section 6, Township 1 North, Range 66 West of the 6th P.M. in Weld County, Colorado. iii. A point of diversion from the South Platte River to be located in the NW1/4 of Section 7, Township 1 North, Range 66 West of the 6th P.M. in Weld County, Colorado. iv. A point of diversion from the South Platte River and/or Big Dry Creek to be located in the NE1/4 of Section 12, Township 1 North, Range 67 West of the 6th P.M. in Weld County, Colorado. c. Sources: South Platte River and Big Dry Creek. d. Date of Appropriation: December 22, 2022, the date of filing this Application. e. Amount claimed: 2,200 acre-feet, conditional. i. Fill rate: 25 cfs, conditional. f. Proposed Uses: All beneficial uses including, without limitation, municipal, domestic, commercial, manufacturing, industrial, irrigation, agricultural, stock watering, augmentation, replacement, exchange, watering of parks, lawns, and gardens, fire protection, recreation, fish and wildlife propagation, dust suppression and maintenance of adequate storage reserves, including use, reuse, and successive use to extinction for the purposes described. g. Surface area: The total surface area of the Holton Lakes Complex will be approximately 250 acres. h. Total capacity of reservoir: The total storage capacity of the Holton Lakes Complex will be approximately 3,840 acre feet. **DESCRIPTION OF CONDITIONAL RECHARGE RIGHT** 5. Name of Recharge Right Claimed: Dacono Drouhard Recharge Right. a. Name of Structure: Drouhard Recharge Site. b. Recharge Location: The Drouhard Recharge Site is an off-channel recharge site located in the SW1/4 of Section 30, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. c. Points of Diversion: Water will be diverted from the South Platte River to the Drouhard Recharge Site from the following locations: i. The points of diversion for the Dacono Drouhard Recharge Right include the points of diversion for Milliken Reservoir, as described in Section 2.b above. ii. Drouhard Pipeline: The Drouhard Pipeline is a bi-directional pipeline that will be located parallel to County Road 40.5 from the Drouhard Recharge Site to Milliken Reservoir. The proposed diversion structure will divert water from the Milliken Reservoir in the NE1/4 of the SE1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. iii. Milliken Reservoir: Water will be delivered from Milliken Reservoir through the bi-directional Drouhard Pipeline. d. Source: South Platte River. e. Date of Appropriation: December 22, 2022, the date of filing this Application. f. Amount Claimed: 20 cfs, conditional. g. Proposed Uses:

Augmentation, replacement, and exchange, including use, reuse, and successive use to extinction for the purposes described. **CLAIM FOR CONDITIONAL APPROPRIATIVE RIGHT OF EXCHANGE:** 6. **Names of Exchange Rights Claimed:** a. **Dacono SPR Exchange.** i. **Exchange-from points:** (1) The confluence of the St. Vrain River and the South Platte River, located in the SW1/4 of the NE1/4 of Section 34, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. (2) Milliken Reservoir and Section 20 Reservoir Points of Diversion and Release Points, described in Sections 2.b and 3.b above. (3) Drouhard Recharge Accretions and Release Point. The location at which water recharged or discharged at the Drouhard Recharge Site accretes to the South Platte River is located in the NE1/4 of the SE1/4 of Section 24, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. ii. **Exchange-to points:** (1) Milliken Reservoir and Section 20 Reservoir Points of Diversion and Release Points, described in Sections 2.b and 3.b above. (2) The Drouhard Recharge Site Points of Diversion, described in Section 5.c above. (3) The Holton Lakes Complex Points of Diversion, described in Section 4.b above. iii. **Sources of supply:** (1) Water stored in-priority in Milliken Reservoir, pursuant to the storage right claimed herein, including return flows derived from said storage right. (2) Water stored in-priority in Section 20 Reservoir, pursuant to the storage right claimed herein, including return flows derived from said storage right. (3) Accretions to the South Platte River from the Dacono Drouhard Recharge Right claimed herein. (4) Fully consumable effluent associated with Dacono's use of its Windy Gap Project water discharged to the St. Vrain River. Dacono currently owns 5 Units of Windy Gap Project water. The water rights for the Windy Gap Project are in the Colorado River Basin and consist of the Windy Gap Pump, Pipeline, and Canal; Windy Gap Pump, Pipeline, and Canal First Enlargement; Windy Gap Pump, Pipeline, and Canal Second Enlargement; and Windy Gap Reservoir. These water rights were originally decreed in Case No. CA-1768, Grand County District Court on October 27, 1980, and in Case Nos. W-4001 and 80CW108, District Court, Water Division 5 on October 27, 1980. In addition, decrees awarding absolute water rights for municipal, industrial, irrigation, and recreational uses, including reuse, successive use, and use to extinction for the Windy Gap Reservoir; Windy Gap Pump, Pipeline and Canal; and Windy Gap Pump, Pipeline, and Canal First and Second Enlargements were entered in Case No. 88CW169, Water Division 5 (February 6, 1989) and Case No. 89CW298, Water Division 5 (July 19, 1990). Windy Gap Project water is introduced, stored, carried, and delivered in and through the components of the Colorado Big Thompson Project, operated by the Northern Colorado Water Conservancy District. Windy Gap Project water is imported foreign water that is available for use, reuse, and successive use until extinction. A general location map of the Windy Gap Project is attached hereto as Exhibit B. iv. **Exchange rate:** 50 cfs, conditional. v. **Appropriation date:** December 22, 2022, the date of filing this Application. vi. **Proposed Uses:** All beneficial uses including, without limitation, municipal, domestic, commercial, manufacturing, industrial, irrigation, agricultural, stock watering, augmentation, replacement, exchange, watering of parks, lawns, and gardens, fire protection, recreation, fish and wildlife propagation, dust suppression and maintenance of adequate storage reserves, including use, reuse, and successive use to extinction for the purposes described. b. **Dacono SV Exchange.** i. **Exchange-from points:** (1) The confluence of the St. Vrain River and the South Platte River, located in the SW1/4 of the NE1/4 of Section 34, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. (2) Milliken Reservoir and Section 20 Reservoir Points of Diversion and Release Points, described in Sections 2.b and 3.b above. (3) Drouhard Recharge Accretions and Release point, described in Section 6.a.i(3) above. (4) St. Vrain Sanitation District Wastewater Treatment Plant Outfall, located in the SW1/4 of the NE1/4 of Section 31, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. ii. **Exchange-to points:** (1) The Firestone-St. Vrain Pump Station, which will divert water from St. Vrain Creek in the NW1/4 of the SW1/4 of Section 31, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. iii. **Sources of supply:** (1) Water stored in-priority in Milliken Reservoir, pursuant to the storage right claimed herein, including return flows derived from said storage right. (2) Water stored in-priority in Section 20 Reservoir, pursuant to the storage right claimed herein, including return flows derived from said storage right. (3) Water stored in-priority in the Holton Lakes Complex, pursuant to the storage right claimed herein, including return flows derived from said storage right. (4) Accretions to the South Platte River from the Dacono Drouhard Recharge Right claimed herein, including return flows derived from said recharge right. (5) Fully consumable effluent associated with Dacono's use

of its Windy Gap Project water as described in Section 6.a.iii(4) above. iv. Exchange rate: 5.35 cfs, conditional. v. Appropriation date: December 22, 2022, the date of filing this Application. vi. Proposed Uses: All beneficial uses including, without limitation, municipal, domestic, commercial, manufacturing, industrial, irrigation, agricultural, stock watering, augmentation, replacement, exchange, watering of parks, lawns, and gardens, fire protection, recreation, fish and wildlife propagation, dust suppression and maintenance of adequate storage reserves, including use, reuse, and successive use to extinction for the purposes described. 7. Map: A general location map of the structures described herein is attached hereto as Exhibit A. 8. Integrated System: The conditional water rights claimed herein will be a part of the integrated water supply system operated by Dacono, which includes but is not limited to water and wastewater infrastructure, water and wastewater treatment facilities, water rights, conveyance facilities, and all other facilities utilized by Dacono to provide potable and non-potable water. 9. 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: a. United Milliken Reservoir Enterprise, LLC, 8301 E. Prentice Avenue, Suite 100, Greenwood Village, CO 80111-2904. b. CAW Equities, LLC, , 8301 E. Prentice Avenue, Suite 100, Greenwood Village, CO 80111-2904. c. Red Tierra Equities, LLC, , 8301 E. Prentice Avenue, Suite 100, Greenwood Village, CO 80111-2904. d. Scout Investments, 8301 E. Prentice Avenue, Suite 100, Greenwood Village, CO 80111-2904. e. City of Aurora, 15151 E. Alameda Pkwy., Suite 350, Aurora, CO 80012-1555. f. Public Service Company, c/o Tax Service Department, P.O. Box 1979, Denver, CO 80201-1979. g. Lot Holding Investments, 1613 Pelican Lakes Pt., Suite 201, Windsor, CO 80550-6239. h. John Hall, Bret Hall, Lot Holding Investments, 1613 Pelican Lakes Pt., Suite 201, Windsor, CO 80550-6239. i. Raymond and Kim Houston, 15649 County Road 17, Platteville, CO 80651-9424. j. Zabka Farms, 617 6th Street, Greeley, CO 80631-3922. k. HS Land & Cattle, LLC, P.O. Box 366, Gilcrest, CO 80623-0366. l. Michael and Christine Janeczko, 3920 Ogallala Road, Longmont, CO 80503-8863. m. Morton Lakes, LLC, c/o Joe Lamanna, 6775 Franklin Street, Denver, CO 80216-1521. n. Ready Mixed Concrete, 5775 Franklin Street, Denver, CO 80216-1521. o. Halflight Land & Minerals, LLC, 4420 Sumac Ln., Littleton, CO 80123-2743. p. Varra Companies, Inc., 8120 Gage St., Frederick, CO 80516-9439. q. St. Vrain Sanitation District, 11307 Business Park Cir., Firestone, CO 80504-5270. (14 pgs., 2 Exhibits)

2022CW3208 ARAPAHOE COUNTY WATER AND WASTEWATER AUTHORITY (“ACWWA”); c/o Steve Witter 13031 East Caley Avenue; Centennial, Colorado 80111; Telephone: (303) 790-4830. **APPLICATION FOR CONDITIONAL WATER STORAGE RIGHT AND APPROPRIATIVE RIGHTS OF EXCHANGE IN WELD COUNTY.** All correspondence and communications should be addressed to: Brian M. Nazarenus, Esq., Sheela S. Stack, Esq., William D. Wombacher, Esq., Stacy L. Brownhill, Esq.; Nazarenus Stack & Wombacher LLC, 5299 DTC Blvd., Suite 610, Greenwood Village, Colorado 80111, Telephone: (720) 647-5661. **2. Description of Conditional Water Storage Right.** 2.1. ACWWA Holton Reservoir Storage Right (“ACWWA Holton Storage Right”). 2.1.1. Name of Structure. Holton Reservoir. 2.1.2. Location. Holton Reservoir is an off-channel reservoir located in portions of the SE1/4 of the SW1/4, the SW1/4 of the SW1/4, and the SW1/4 of the SE1/4 of Section 6, and the NE1/4 of the NW1/4, the NW1/4 of the NW1/4, and the NW1/4 of the NE1/4 of Section 7, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. A map depicting the location of Holton Reservoir is attached as **Exhibit 1**. 2.1.3. Diversion Structures. 2.1.3.1. a temporary pump to be located in the SW1/4 of Section 6 or the NW1/4 of Section 7, all in Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 2.1.3.2. The design and location of the diversion point for Holton Reservoir has not been finalized to provide distances from section lines and may change upon final construction of said structure(s). The as-built location of the diversion point may be in quarter-quarter section identified in paragraph 2.1.3.1., above, or within 500 feet of the specified quarter-quarter section. 2.1.4. Source. South Platte River. 2.1.5. Amount Claimed. 1,700 acre-feet, conditional, with the right to one refill in the amount of 1,700 acre-feet per year, conditional. 2.1.6. Date of Appropriation. July 16, 2021. 2.1.6.1. How Appropriation was Initiated. The appropriation date is based upon the date of the Storage Lease Agreement between United Water and

Sanitation District (“United”) and ACWWA. 2.1.6.2. Date Water First Applied to Beneficial Use. Not applicable. 2.1.7. Uses. By this Application, ACWWA seeks a decree granting the right to use the ACWWA Holton Storage Right as follows: 2.1.7.1. Use in ACWWA’s Plans for Augmentation. ACWWA will use the ACWWA Holton Storage Right as a source of replacement water in the ACWWA Augmentation Plan pursuant to the decree entered in Case No. 10CW306 (“306 Decree”) to replace depletions from pumping water from the ACWWA/East Cherry Creek Valley Water and Sanitation District (“ECCV”) Well Field for delivery to ACWWA’s present and future service area. ACWWA will also use the ACWWA Holton Storage Right as a source of replacement water in the ACWWA 70 Ranch Augmentation Plan pursuant to the 306 Decree. ACWWA may also use the ACWWA Holton Storage Right as a source of replacement water in the plan for augmentation described in the decrees entered in Case Nos. 13CW3026 (“3026 Decree”), 19CW3074 (“3074 Decree”), and 19CW3084 (“3084 Decree”), and the plans for augmentation pending in Case Nos. 20CW3142 (“3142 Decree”) and 20CW3117 (“3117 Decree”). ACWWA may also use the ACWWA Holton Storage Right in any future plan for augmentation pursuant to any subsequent decree for such plan for augmentation that lists the ACWWA Holton Storage Right as a source of replacement water. Use as a replacement supply in the above plans for augmentation for such municipal purposes may occur directly, or by exchange, including following storage or recharge, as described below. 2.1.7.2. Source for ACWWA’s Recharge Projects. ACWWA will deliver the ACWWA Holton Storage Right to ACWWA’s recharge facilities located in the Beebe Draw and on the 70 Ranch pursuant to the terms and conditions of the ACWWA Beebe Draw Recharge Project and the ACWWA 70 Ranch Recharge Project described in the 306 Decree for subsequent beneficial use. ACWWA will also deliver the ACWWA Holton Storage Right to ACWWA’s recharge facilities decreed in Case No. 16CW3195 (“3195 Decree”), as well as in any future recharge project, including use in an aquifer storage and recovery project (“ASR”) and/or aquifer recharge and recovery project (“ARR”) to which ACWWA is legally entitled to recharge water under any subsequent decree for such recharge project or facility that lists the ACWWA Holton Storage Right as a source of recharge water. Recharge accretions generated by the ACWWA Holton Storage Right from the facilities described above can be subsequently stored, exchanged, or further placed into recharge if not needed for an immediate beneficial use. 2.1.7.3. Source of Substitute Supply in ACWWA’s Exchanges and Substitutions. ACWWA will use the ACWWA Holton Storage Right as a source of substitute supply, either directly or following recharge or storage and subsequent release, to allow diversions at the exchange-to points in any future exchange pursuant to any subsequent decree for such exchange that lists the ACWWA Holton Storage Right as a source of substitute supply. ACWWA may also use the ACWWA Holton Storage Right as a source of substitute supply in any future substitutions pursuant to any subsequent decree for such substitution naming the ACWWA Holton Storage Right as a source of substitute supply. No exchanges or substitutions are decreed herein. 2.1.7.4. Places of Storage. ACWWA will store the ACWWA Holton Storage Right by direct delivery or after exchange and/or recharge in the surface storage facilities described in this paragraph for subsequent use for the purposes described in this paragraph 2.1.7. 2.1.7.4.1. United Reservoir No. 3, an off-channel reservoir located on the east side of the South Platte River, in the S1/2 of Section 26 and the N1/2 of Section 35, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. 2.1.7.4.2. Barr Lake, an off-channel reservoir located in Sections 15, 21, 22, 23, 26, 27, 28, and 33, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado. Barr Lake is an enlargement of the original Oasis Reservoir, and is owned and operated by Farmers Reservoir and Irrigation Company (“FRICO”). 2.1.7.4.3. Milton Lake, an off-channel reservoir located in Sections 10, 11, 14, 15, 22, and 23, Township 3 North, Range 65 West of the 6th P.M., Weld County, Colorado, and is owned and operated by FRICO. 2.1.7.4.4. Milliken Reservoir, a lined off-channel reservoir located within a part of Section 2, Township 3 North, Range 67 West, and Sections 23, 26, 34, and 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. 2.1.7.4.5. 70 Ranch Reservoir, a lined off-channel reservoir to be located in the S1/2 of Section 3, Township 4 North, Range 63 West of the 6th P.M., and a portion of the NE1/4 of Section 10, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado. 2.1.7.4.6. Binder Reservoir, an off-channel reservoir located in the N1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 2.1.7.4.7. Any other storage facility in which ACWWA is legally permitted to store the ACWWA Holton Storage Right.

2.1.7.5. Replacement of Return Flow Obligations. ACWWA will use the ACWWA Holton Storage Right either directly or after exchange, including following storage or recharge, to replace return flow obligations associated with any water rights changed by ACWWA, including those changed in Case Nos. 10CW313, as amended by 20CW3188, 12CW73, 13CW3026, 16CW3200, 19CW3084, 05CW58/11CW151, 20CW3117, and 20CW3142, subject to any applicable terms and conditions of those Decrees. ACWWA will also use the ACWWA Holton Storage Right to satisfy return flow obligations for other water rights changed in any future or pending change case if such decree lists the Holton Storage Right as a replacement source.

2.1.7.6. All Municipal Uses. ACWWA will use the water attributable to the ACWWA Holton Storage Right for all municipal uses via delivery by a pipeline or by exchange to ACWWA's surface water treatment plant for treatment and subsequent direct delivery for all municipal uses, including, but not limited to, domestic, mechanical, manufacturing, commercial, industrial, as a source of substitute supply for exchange, augmentation and replacement, and recharge, including further exchange with other water systems and/or other water users, and for all other beneficial uses within ACWWA's present and future service area.

2.1.7.7. Right of Reuse, Successive Use, and Disposition. In addition to the uses described above, ACWWA asks the Court to decree that it has the right to use, reuse, successively use, and dispose of by sale, exchange, augmentation, or otherwise, to extinction, all water lawfully diverted and/or impounded pursuant to the decree entered in this case.

2.1.7.8. Use by ECCV. ACWWA may lease and/or trade water attributable to the ACWWA Holton Storage Right to ECCV for use in ECCV's augmentation plans, recharge projects, and exchanges, including use to replace return flow obligations. This water may also be used by ECCV, by lease or trade with ACWWA, pursuant to any future decree.

3. Description of Conditional Appropriative Rights of Exchange. The purpose of this conditional exchange is to incorporate Holton Reservoir as an exchange-from and exchange-to point into ACWWA's operations. The approximate locations of the exchange-from and exchange-to points and related structures are shown on Exhibit 2.

3.1. ACWWA Holton Exchange Reach No. 1. 3.1.1. Exchange-From Points. 3.1.1.1. SPR Reach 5 Exchange-From Points. 3.1.1.1.1. Downstream End Point of SPR Reach 5 – Confluence of Beaver Creek and the South Platte River. Located in the NW1/4 of the SW1/4 of Section 4, Township 4 North, Range 55 West of the 6th P.M., Morgan County, Colorado. For purposes of the appropriative rights of exchange decreed herein, the confluence of Beaver Creek and the South Platte River is also the downstream end point of SPR Reach 5. SPR Reach 5 was decreed at paragraph 19.1.8 of the 306 Decree as an administrative reach of the South Platte River for ACWWA's augmentation plans approved in the 306 Decree. SPR Reach 5 is located below the Bijou Canal headgate to the confluence of Beaver Creek and the South Platte River. The Bijou Canal headgate is located on the South bank of the South Platte River, in the NE1/4 of the NE1/4 of Section 13, Township 4 North, Range 63 West of the 6th P.M., Morgan County, Colorado, at a point approximately 95 feet west of the East section line and 604 feet south of the North section line of said section.

3.1.1.1.2. Fort Morgan Canal Quantification Point. The location where return flow accretions and future recharge accretions from the Fort Morgan Farms will accrue to the South Platte River above the Lower Platte and Beaver headgate, located in the NW1/4 of the NE1/4 of Section 35, Township 4 North, Range 57 West, of the 6th P.M., Morgan County Colorado.

3.1.1.1.3. End of Weldon Valley Ditch Augmentation Station. An augmentation station located at the end of Weldon Valley Ditch in the SE1/4 of Section 7, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado. This augmentation station delivers water to the South Platte River below the Fort Morgan Canal headgate.

3.1.1.1.4. Weldon Valley Ditch Central/ACWWA Augmentation Station. An augmentation station located where the Weldon Valley Ditch crosses the West section line of the NE1/4 of Section 3, Township 4 North, Range 60 West of the 6th P.M., Morgan County, Colorado. This augmentation station returns water south via a pipeline to a channel that discharges to the South Platte River in the NE1/4 of the NE1/4 of said Section 3.

3.1.1.1.5. ACWWA 70 Ranch Recharge Project Quantification Point. The ACWWA 70 Ranch Recharge Project was decreed at paragraph 63 of the 306 Decree. The Quantification Point for recharge accretions from the ACWWA 70 Ranch Recharge Project is the farthest downstream point at which recharge accretions from the ACWWA 70 Ranch Recharge Project accrue to the South Platte River at the West section line of Section 23, Township 4 North, Range 62 West of the 6th P.M., Weld County, Colorado, as the section line intersects with the South Platte River.

3.1.1.2. SPR Reach 4 Exchange-From Points. 3.1.1.2.1. Downstream End Point

of SPR Reach 4 – Bijou Canal Headgate. SPR Reach 4 was decreed at paragraph 19.1.7 of the 306 Decree as an administrative reach of the South Platte River for the augmentation plans approved in the 403 Decree and the 404/442 Decree, as amended by the 306 Decree. SPR Reach 4 is located from the Empire Inlet Canal headgate, located in the SW1/4 of the SW1/4 of Section 19, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado, to the Bijou Canal headgate, located on the South bank of the South Platte River, in the NE1/4 of the NE1/4 of Section 13, Township 4 North, Range 63 West of the 6th P.M., Morgan County, Colorado, at a point approximately 95 feet west of the East section line and 604 feet south of the North section line of said section 13. For purposes of the appropriative rights of exchange decreed herein, the exchange-from point for the SPR Reach 4 is a point at the downstream end of the SPR Reach 4, located immediately upstream of the Bijou Canal headgate. 3.1.1.2.2. Hardin Seep. Water may also be released from the Hardin Seep Canal and delivered to the South Platte River through an existing return ditch in the NW1/4 of the NW1/4 of Section 2, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado. 3.1.1.2.3. 70 Ranch Reservoir. Located in the SE1/4 of Section 34, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado. Releases will be made through a bi-directional pipeline, which point is located on the South Platte River within 500 feet of a point in the NW1/4 of the SE1/4 of Section 34, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado, approximately 1,596 feet from the East section line and 1,675 feet from the South section line of said Section 34 in Weld County, Colorado. Releases from a bi-directional pipeline may also be made to the South Platte River through an outlet located within 500 feet of a point in the SE1/4 of the SE1/4 of Section 34, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado, approximately 690 feet from the East section line and 270 feet from the South section line of said Section 34 in Weld County, Colorado. 3.1.1.3. SPR Reach 3 Exchange-From Points. 3.1.1.3.1. Downstream End Point of SPR Reach 3 – Empire Inlet Canal Headgate. SPR Reach 3 was decreed at paragraph 19.1.6 of the 306 Decree as an administrative reach of the South Platte River for the augmentation plan approved in the 306 Decree. SPR Reach 3 is located, from the Lower Latham Ditch headgate, in the NW1/4 of the NE1/4 of Section 31, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado, to the Empire Inlet Canal headgate, located in the SW1/4 of the SW1/4 of Section 19, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado. 3.1.1.3.2. Confluence of Crow Creek and the South Platte River. Located in the SE1/4 of the NE1/4 of Section 24, Township 5 North, Range 64 West of the 6th P.M., Weld County, Colorado. Prior to delivery to the confluence of Crow Creek and the South Platte River for exchange, ACWWA intends to divert certain sources of substitute supply, as described in **Exhibit 3**, from the Cache la Poudre River and deliver the substitute supplies from the Greeley No. 2 Canal to Crow Creek in the NW1/4 of the SW1/4 of Section 25, Township 6 North, Range 64 West of the 6th P.M., Weld County, Colorado, where the substitute supplies will be conveyed to the confluence with the South Platte River. 3.1.1.3.3. Confluence of Lone Tree Creek and the South Platte River. Located in the SE1/4 of the SE1/4 of Section 6, Township 5 North, Range 64 West of the 6th P.M., Weld County, Colorado. Prior to delivery to the confluence of Lone Tree Creek and the South Platte River for exchange, ACWWA intends to divert certain sources of substitute supply, as described in **Exhibit 3**, from the Cache la Poudre River to Lone Tree Creek, in the NE1/4 of the NW1/4 of Section 15, Township 6 North, Range 65 West of the 6th P.M., Weld County, Colorado, where substitute supplies will be conveyed to the confluence with the South Platte River. 3.1.1.3.4. Confluence of the Cache la Poudre and South Platte Rivers. Located in the SW1/4 of the SW1/4 (Lot 4) of Section 6, Township 5 North, Range 64 West of the 6th P.M., Weld County, Colorado, the centroid being 590 feet from the West section line and 4,760 feet from the North section line. 3.1.1.3.5. Western Mutual Ditch Downstream Augmentation Station. Located at the tail end of the Western Mutual Ditch, which discharges to the Union Ditch in the SW1/4 of the NE1/4 of Section 5, Township 4 North, Range 65 West of the 6th P.M., Weld County, Colorado. Such water delivered to the Union Ditch can be delivered to the South Platte River in the SE1/4 of the NE1/4 of Section 29, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado. 3.1.1.4. SPR Reach 2 Exchange-From Points. 3.1.1.4.1. Downstream End Point of SPR Reach 2 – Lower Latham Headgate. SPR Reach 2 was decreed at paragraph 19.1.5 of the 306 Decree as an administrative reach of the South Platte River for the augmentation plans approved in the 403 and 404/442 Decrees, as amended by the 306 Decree. SPR Reach 2 is located, from

the Western Mutual Ditch headgate, in the SE1/4 of the SW1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado, to the Lower Latham Ditch headgate, located in the NW1/4 of the NE1/4 of Section 31, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado.

3.1.1.4.2. Strohauer Pond Accretions and Release. The point at which water that is recharged or discharged at the Strohauer Pond Recharge Site accretes to the South Platte River is located in the NE1/4 of the NW1/4 of Section 31, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado.

3.1.1.4.3. Farmers Independent Ditch Pipeline. The Farmers Independent Ditch Pipeline will deliver water from the tail end of the Farmers Independent Ditch to the South Platte River upstream of the Lower Latham Ditch.

3.1.1.4.4. Haren Recharge Accretions and Release. The point at which water that is recharged or discharged at the Haren Recharge Site accretes to the South Platte River is located in the SW1/4 of Section 8, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado.

3.1.1.4.5. Drouhard Recharge Accretions and Release. The location at which water that is recharged or discharged at the Drouhard Recharge Site accretes to the South Platte River is located in the NE1/4 of the SE1/4 of Section 24, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado.

3.1.1.4.6. Western Ditch/Central GMS Augmentation Return (WDID 0201023) (“Central Brownwood Spillway Station”). Located in the NE1/4 of the SE1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado, approximately 50 feet west of the East section line and 1,880 feet north of the South section line of said Section 26. The Central Brownwood Spillway Station discharges to the South Platte River at a location where the South Platte River crosses the West section line of Section 25, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado, approximately 1,990 feet South of the NW corner of Section 25.

3.1.1.4.7. Confluence of St. Vrain Creek and the South Platte River. Located in the SW1/4 of the NE1/4 of Section 34, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. From this point, water will be exchanged up St. Vrain Creek to the St. Vrain Pipeline Diversion, described in paragraph 3.2.3.3, below.

3.1.1.4.8. Milliken Reservoir Outlet Structures. Surface water will be released from Milliken Reservoir through the following structures and facilities, but each exchange-to point shall be considered a separate exchange right for the purposes of making these exchanges absolute, in whole or in part:

3.1.1.4.8.1. South Diversion. A point of diversion for Milliken Reservoir may be located adjacent to the Jay Thomas Ditch Diversion Dam, on the East bank of the South Platte River, in the NW1/4 of the NW1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado (referred to as the “South Diversion”). A diversion facility at the Jay Thomas Ditch Diversion Dam will be constructed and used only by ACWWA, pursuant to an agreement with the owner, PSCo.

3.1.1.4.8.2. North Diversion. A second point of diversion may be located on the South Platte River, downstream of the confluence with St. Vrain Creek, in the NE1/4 of the SW1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado (referred to as the “North Diversion”). A diversion facility at the second point of diversion will be constructed and used only by ACWWA, pursuant to an agreement with the owner, United Milliken Reservoir Enterprise, L.L.C.

3.1.1.4.8.3. Milliken Pump(s). A pump is currently installed near the North Diversion, in the NE1/4 of the SW1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. A pump was formerly located and operated in the SW1/4 of the SW1/4 of Section 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado (Pump Station No. 1), and United may place a pump at that location in the future. A pump may also be installed near the confluence of the South Platte River and the St. Vrain Creek in Section 34, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado (Pump Station No. 2). The Milliken Pump(s) divert(s) surface water only to storage in Milliken Reservoir, via sealed pipelines.

3.1.1.4.9. Western Mutual Ditch Upper Augmentation Station. An augmentation structure to be constructed in the SW1/4 of the SE1/4 of Section 2, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado, which will deliver water to the South Platte River, in the SW1/4 of the SW1/4 of Section 2, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado.

3.1.1.5. SPR Reach 1 Exchange-From Points.

3.1.1.5.1. Downstream End Point of SPR Reach 1 – Western Mutual Headgate. SPR Reach 1 was decreed at paragraph 19.1.4 of the 306 Decree as an administrative reach of the South Platte River for ACWWA’s augmentation plans approved in the 306 Decree. SPR Reach 1 is located above the Western Mutual Ditch headgate. For purposes of the appropriative rights of exchange decreed herein, the exchange-from point for the SPR Reach

1 is a point at the downstream end of the SPR Reach 1, located immediately upstream of the Western Mutual Ditch headgate, in the SE1/4 of the SW1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. 3.1.1.5.2. FIDCO Upper Augmentation Station. Located in the SE1/4 of the NE1/4 of Section 24, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. 3.1.1.5.3. Fulton Irrigating Ditch Augmentation Stations. ACWWA will use the following augmentation structures to deliver certain sources of substitute supply from the Fulton Irrigating Ditch to the South Platte River: (1) Ft. Lupton Augmentation Station, located in the NW 1/4 of Section 9, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado, which delivers water to the South Platte River, in the NW1/4 of the SE1/4 of Section 31, Township 2 North, Range 66 West of the 6th P.M., Weld County, Colorado; (2) the Lower Augmentation Station may be constructed at the head of the Fulton Wasteway, located in the NE1/4 of the SE1/4 of Section 28, Township 2 North, Range 66 West of the 6th P.M., Weld County, Colorado, and would deliver water to the South Platte River, in the NW1/4 of the NE1/4 of Section 30, Township 2 North, Range 66 West of the 6th P.M., Weld County, Colorado. 3.1.1.5.4. St. Vrain Pipeline (a/k/a "United Diversion Facility No. 5"). The point of discharge from the St. Vrain Pipeline to the South Platte River will be located in one of the following locations: (1) at a point upstream of the Highway 66 bridge as it crosses the South Platte River, which will deliver water to the South Platte River, in the SW1/4 of the SW1/4 of Section 19, Township 3 North, Range 66 West of the 6th P.M., Weld County, Colorado; (2) at a point upstream of the Highway 66 bridge as it crosses the South Platte River, which will deliver water to the South Platte River, in the SE1/4 of the SE1/4 of Section 24, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado, or the SE1/2 of Section 25, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado; (3) at a point near the SW1/4 of the SE1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado; or (4) at a point near the SE1/4 of Section 25, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. 3.1.2. Exchange-To Point. Holton Reservoir. A temporary pump will be installed in the SW1/4 of Section 6 or the NW1/4 of Section 7, all in Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 3.2. ACWWA Holton Exchange Reach No. 2. 3.2.1. Exchange-From Point. Holton Reservoir. A temporary pump will be installed in the SW1/4 of Section 6 or the NW1/4 of Section 7, all in Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 3.2.2. Exchange-To Points. 3.2.2.1. SPR Reach 1 Exchange-To Points. 3.2.2.1.1. Binder Pipeline. Binder Pipeline will divert water from the East bank of the South Platte River, in the NW1/4 of Section 18, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. Substitute supplies exchanged and conveyed through Binder Pipeline will be delivered to Binder Reservoir. 3.2.2.1.2. United Diversion Facility No. 3. United Diversion Facility No. 3 is located on the East bank of the South Platte River, in the SW1/4 of Section 26, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado, located 1,636 feet east of the West section line and 1,531 feet north of the South section line of said Section 26. Substitute supplies exchanged and diverted at United Diversion Facility No. 3 will be delivered to United Reservoir No. 3. Water stored in United Reservoir No. 3 can be delivered to Barr Lake through the Beebe Pipeline pursuant to the 306 Decree. Water stored in Barr Lake can be delivered to Milton Lake via the Beebe Draw. From Barr Lake the water can also be delivered through a drainage seep to and through Brighton Lateral to Binder Reservoir. Water can also be delivered from United No. 3 Reservoir through the Beebe Pipeline to and through the Brighton Lateral to Binder Reservoir. 3.2.2.1.3. Burlington Canal Headgate. The Burlington Canal headgate is located on the East bank of the South Platte River, in the NE1/4 of the SW1/4 of Section 14, Township 3 South, Range 68 West of the 6th P.M., City and County of Denver, Colorado. Substitute supplies exchanged and diverted at the Burlington Canal headgate will be delivered to Barr Lake. Water stored in Barr Lake can be delivered to Milton Lake via the Beebe Draw. From Barr Lake, the water can also be delivered through a drainage seep to and through Brighton Lateral to Binder Reservoir. ACWWA may also deliver water to recharge facilities in the Beebe Draw pursuant to the terms and conditions of the ACWWA Beebe Draw Recharge Project approved in the 306 Decree. Water can also be delivered from the Burlington Canal through the Beebe Pipeline to and through the Brighton Lateral to Binder Reservoir. 3.3. Rates on the Appropriative Rights of Exchange. 3.3.1. Exchange Matrix. The maximum exchange rates in cubic feet per second for the conditional appropriative right of exchange are set forth in the Exchange Matrix attached as **Exhibit 4**. 3.4.

Date of Appropriation. December 27, 2022. 3.4.1. How Appropriation was Initiated. The appropriation date is based upon the date of the application. 3.4.2. Date Water First Applied to Beneficial Use. Not applicable. 3.5. Uses. Substitute supplies exchanged to the Exchange-To Points described above and discharged to the South Platte River may be used for the same purposes for which the source water is decreed and may be exchanged multiple times as necessary to place the water to its decreed uses. 3.6. Sources of Substitute Supply. **Exhibit 3** is a list of the sources of substitute supply claimed herein for the appropriative rights of exchange. **4. Name and Address of the Owner of the Structure and the Diversion Facility Listed Above**. CAW Equities, LLC, 8301 E. Prentice Avenue, Suite 100, Greenwood Village, Colorado 80111. WHEREFORE, ACWWA respectfully requests that this Court enter a decree granting the conditional water storage right claimed herein. (13 pages, 4 exhibits).

2022CW3209 EAST CHERRY CREEK VALLEY WATER AND SANITATION DISTRICT (“ECCV”), c/o Dave Kaunisto, 6201 South Gun Club Road, Aurora, Colorado 80015, Telephone: (303) 693-3800. **APPLICATION FOR CONDITIONAL WATER STORAGE RIGHT AND APPROPRIATIVE RIGHTS OF EXCHANGE IN WELD COUNTY**. All correspondence and communications should be addressed to: Brian M. Nazarenus, Esq., Sheela S. Stack, Esq., William D. Wombacher, Esq., Stacy L. Brownhill, Esq., Nazarenus Stack & Wombacher LLC, 5299 DTC Blvd., Suite 610, Greenwood Village, Colorado 80111, Telephone: (720) 647-5661, (Attorneys for ECCV). **2. Description of Conditional Water Storage Right**. 2.1. ECCV Holton Reservoir Storage Right (“ECCV Holton Storage Right”). 2.1.1. Name of Structure. Holton Reservoir. 2.1.2. Location. Holton Reservoir is an off-channel reservoir located in portions of the SE1/4 of the SW1/4, the SW1/4 of the SW1/4, and the SW1/4 of the SE1/4 of Section 6, and the NE1/4 of the NW1/4, the NW1/4 of the NW1/4, and the NW1/4 of the NE1/4 of Section 7, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. A map depicting the location of Holton Reservoir is attached as **Exhibit 1**. 2.1.3. Diversion Structures. 2.1.3.1. A temporary pump to be located in the SW1/4 of Section 6 or the NW1/4 of Section 7, all in Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 2.1.3.2. The design and location of the diversion point for Holton Reservoir has not been finalized to provide distances from section lines and may change upon final construction of said structure(s). The as-built location of the diversion point may be in quarter-quarter section identified in paragraph 2.1.3.1., above, or within 500 feet of the specified quarter-quarter section. 2.1.4. Source. South Platte River. 2.1.5. Amount Claimed. 1,700 acre-feet, conditional, with the right to one refill in the amount of 1,700 acre-feet per year, conditional. 2.1.6. Date of Appropriation. July 16, 2021. 2.1.6.1. How Appropriation was Initiated. The appropriation date is based upon the date of the Storage Lease Agreement between United Water and Sanitation District (“United”) and ECCV. 2.1.6.2. Date Water First Applied to Beneficial Use. Not applicable. 2.1.7. Uses. By this Application, ECCV seeks a decree granting the right to use the ECCV Holton Storage Right as follows: 2.1.7.1. Use in ECCV’s Plans for Augmentation. ECCV will use the ECCV Holton Storage Right as a source of replacement water in the ECCV Augmentation Plan pursuant to the decrees entered in Case Nos. 02CW403 (“403 Decree”), 02CW404/03CW442 (“404/442 Decree”), and 10CW306 (“306 Decree”) to replace depletions from pumping water from the ACWWA/ECCV Well Field for delivery to ECCV’s present and future service area. ECCV will also use the ECCV Holton Storage Right as a source of replacement water in the ECCV 70 Ranch Augmentation Plan pursuant to the 404/442 Decree. ECCV may also use the Holton Storage Right as a source of replacement water in the plan for augmentation described in the decrees entered in Case Nos. 13CW3026 (“3026 Decree”), 19CW3075 (“3075 Decree”), and 19CW3084 (“3084 Decree”), and the plans for augmentation pending in Case Nos. 20CW3096 (“3096 Decree”) and 20CW3117 (“3117 Decree”). ECCV may also use the ECCV Holton Storage Right in any future plan for augmentation pursuant to any subsequent decree for such plan for augmentation that lists the ECCV Holton Storage Right as a source of replacement water. Use as a replacement supply in the above plans for augmentation for such municipal purposes may occur directly, or by exchange, including following storage or recharge, as described below. 2.1.7.2. Source for ECCV’s Recharge Projects. ECCV will deliver the ECCV Holton Storage Right to ECCV’s recharge facilities located in the Beebe Draw and on the 70 Ranch pursuant to the terms and conditions of the ECCV Beebe Draw Recharge Project and the ECCV 70 Ranch Recharge

Project described in the 404/442 and 306 Decrees for subsequent beneficial use. ECCV will also deliver the ECCV Holton Storage Right to ECCV's recharge facilities decreed in Case No. 16CW3196 ("3196 Decree"), as well as in any future recharge project, including use in an aquifer storage and recovery project ("ASR") and/or aquifer recharge and recovery project ("ARR") to which ECCV is legally entitled to recharge water under any subsequent decree for such recharge project or facility that lists the ECCV Holton Storage Right as a source of recharge water. Recharge accretions generated by the ECCV Holton Storage Right from the facilities described above can be subsequently stored, exchanged, or further placed into recharge if not needed for an immediate beneficial use. 2.1.7.3. Source of Substitute Supply in ECCV's Exchanges and Substitutions. ECCV will use the ECCV Holton Storage Right as a source of substitute supply, either directly or following recharge or storage and subsequent release, to allow diversions at the exchange-to points in any future exchange pursuant to any subsequent decree for such exchange that lists the ECCV Holton Storage Right as a source of substitute supply. ECCV may also use the ECCV Holton Storage Right as a source of substitute supply in any future substitutions pursuant to any subsequent decree for such substitution naming the ECCV Holton Storage Right as a source of substitute supply. No exchanges or substitutions are decreed herein. 2.1.7.4. Places of Storage. ECCV will store the ECCV Holton Storage Right by direct delivery or after exchange and/or recharge in the surface storage facilities described in this paragraph for subsequent use for the purposes described in this paragraph 2.1.7. 2.1.7.4.1. United Reservoir No. 3, an off-channel reservoir located on the east side of the South Platte River, in the S1/2 of Section 26 and the N1/2 of Section 35, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. 2.1.7.4.2. Barr Lake, an off-channel reservoir located in Sections 15, 21, 22, 23, 26, 27, 28, and 33, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado. Barr Lake is an enlargement of the original Oasis Reservoir, and is owned and operated by Farmers Reservoir and Irrigation Company ("FRICO"). 2.1.7.4.3. Milton Lake, an off-channel reservoir located in Sections 10, 11, 14, 15, 22, and 23, Township 3 North, Range 65 West of the 6th P.M., Weld County, Colorado, and is owned and operated by FRICO. 2.1.7.4.4. Milliken Reservoir, a lined off-channel reservoir located within a part of Section 2, Township 3 North, Range 67 West and Sections 23, 26, 34, and 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. 2.1.7.4.5. 70 Ranch Reservoir, a lined off-channel reservoir to be located in the S1/2 of Section 3, Township 4 North, Range 63 West of the 6th P.M., and a portion of the NE1/4 of Section 10, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado. 2.1.7.4.6. Binder Reservoir, an off-channel reservoir located in the N1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 2.1.7.4.7. Any other storage facility in which ECCV is legally permitted to store the Holton Storage. 2.1.7.5. Replacement of Return Flow Obligations. ECCV will use the ECCV Holton Storage Right either directly or after exchange, including following storage or recharge, to replace return flow obligations associated with any water rights changed by ECCV including those Case Nos. 02CW403, 02CW404/03CW442, 06CW40, 12CW73, 13CW3026, 16CW3200, 20CW3096, 19CW3084, 05CW58/11CW151, 20CW3117, and 20CW3142 subject to any applicable terms and conditions of those Decrees. ECCV will also use the ECCV Holton Storage Right to satisfy return flow obligations for other water rights changed in any future or pending change case if such decree lists the Holton Storage Right as a replacement source. 2.1.7.6. All Municipal Uses. ECCV will use the water attributable to the ECCV Holton Storage Right for all municipal uses via delivery by a pipeline or by exchange to ECCV's surface water treatment plant for treatment and subsequent direct delivery for all municipal uses, including, but not limited to, domestic, mechanical, manufacturing, commercial, industrial, as a source of substitute supply for exchange, augmentation and replacement, and recharge, including further exchange with other water systems and/or with other water users, and for all other beneficial uses within ECCV's present and future service area. 2.1.7.7. Right of Reuse, Successive Use, and Disposition. In addition to the uses described above, ECCV asks the Court to decree that it has the right to use, reuse, successively use, and dispose of by sale, exchange, augmentation, or otherwise, to extinction, all water lawfully diverted and/or impounded pursuant to the decree entered in this case. 2.1.7.8. Use by ACWWA. ECCV may lease and/or trade water attributable to the ECCV Holton Storage Right to ACWWA for use in ACWWA's augmentation plans, recharge projects, and exchanges, including use to replace return flow obligations. This water may also be used by ACWWA, by lease or trade with ECCV, pursuant to any future

decree. **3. Description of Conditional Appropriative Right of Exchange.** The purpose of this conditional exchange is to incorporate Holton Reservoir as an exchange-from and exchange-to point into ECCV's operations. The approximate locations of the exchange-from and exchange-to points and related structures are shown on **Exhibit 2**. 3.1. ECCV Holton Exchange Reach No. 1. 3.1.1. Exchange-From Points. The exchange-from points are the locations identified as the delivery locations to the South Platte River described for each location and/or structure listed below. 3.1.1.1. SPR Reach 5 Exchange-From Points. 3.1.1.1.1. Downstream End Point of SPR Reach 5 – Confluence of Beaver Creek and the South Platte River. Located in the NW1/4 of the SW1/4 of Section 4, Township 4 North, Range 55 West of the 6th P.M., Morgan County, Colorado. ECCV does not seek to exchange water upstream from Beaver Creek. For purposes of the appropriative rights of exchange decreed herein, the confluence of Beaver Creek and the South Platte River is also the downstream end point of SPR Reach 5. SPR Reach 5 was decreed at paragraph 19.1.8 of the 306 Decree as an administrative reach of the South Platte River for ECCV's augmentation plans approved in the 306 Decree. SPR Reach 5 is located below the Bijou Canal headgate to the confluence of Beaver Creek and the South Platte River. The Bijou Canal headgate is located on the South bank of the South Platte River, in the NE1/4 of the NE1/4 of Section 13, Township 4 North, Range 63 West of the 6th P.M., Morgan County, Colorado, at a point approximately 95 feet west of the East section line and 604 feet south of the North section line of said section. 3.1.1.1.2. Fort Morgan Canal Quantification Point. The location where return flow accretions and future recharge accretions from the Fort Morgan Farms will accrue to the South Platte River, above the Lower Platte and Beaver headgate, located in the NW1/4 of the NE1/4 of Section 35, Township 4 North, Range 57 West, of the 6th P.M., Morgan County Colorado. 3.1.1.1.3. End of Weldon Valley Ditch Augmentation Station. An augmentation station located at the end of Weldon Valley Ditch, in the SE1/4 of Section 7, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado. This augmentation station delivers water to the South Platte River, below the Fort Morgan Canal headgate. 3.1.1.1.4. Weldon Valley Ditch Central/ACWWA Augmentation Station. An augmentation station located where the Weldon Valley Ditch crosses the West section line of the NE1/4 of Section 3, Township 4 North, Range 60 West of the 6th P.M., Morgan County, Colorado. This augmentation station returns water south via a pipeline to a channel that discharges to the South Platte River, in the NE1/4 of the NE1/4 of said Section 3. 3.1.1.1.5. ECCV 70 Ranch Recharge Project Quantification Point. The ECCV 70 Ranch Recharge Project was decreed at paragraphs 37 through 41 of the 404/442 Decree. The Quantification Point for recharge accretions from the ECCV 70 Ranch Recharge Project is the farthest downstream point at which recharge accretions from the ECCV 70 Ranch Recharge Project accrue to the South Platte River, at the West section line of Section 23, Township 4 North, Range 62 West of the 6th P.M., Weld County, Colorado, as the section line intersects with the South Platte River. 3.1.1.2. SPR Reach 4 Exchange-From Points. 3.1.1.2.1. Downstream End Point of SPR Reach 4 – Bijou Canal Headgate. SPR Reach 4 was decreed at paragraph 17.1.7 of the 404/442 Decree as an administrative reach of the South Platte River for the augmentation plans approved in the 403 and 404/442 Decrees, as amended by the 306 Decree. SPR Reach 4 is located, from the Empire Inlet Canal headgate, in the SW1/4 of the SW1/4 of Section 19, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado, to the Bijou Canal headgate, located on the South bank of the South Platte River, in the NE1/4 of the NE1/4 of Section 13, Township 4 North, Range 63 West of the 6th P.M., Morgan County, Colorado, at a point approximately 95 feet west of the East section line and 604 feet south of the North section line of said section 13. For purposes of the appropriative rights of exchange decreed herein, the exchange-from point for the SPR Reach 4 is a point at the downstream end of the SPR Reach 4, located immediately upstream of the Bijou Canal headgate. 3.1.1.2.2. Hardin Seep. Water may also be released from the Hardin Seep Canal and delivered to the South Platte River through an existing return ditch in the NW1/4 of the NW1/4 of Section 2, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado. 3.1.1.2.3. 70 Ranch Reservoir. Located in the SE1/4 of Section 34, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado. Releases will be made through a bi-directional pipeline, which point is located on the South Platte River within 500 feet of a point in the NW1/4 of the SE1/4 of Section 34, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado, approximately 1,596 feet from the East section line and 1,675 feet from the South section line of said Section 34 in Weld County, Colorado. Releases from a bi-directional

pipeline may also be made to the South Platte River through an outlet located within 500 feet of a point in the SE1/4 of the SE1/4 of Section 34, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado, approximately 690 feet from the East section line and 270 feet from the South section line of said Section 34. 3.1.1.2.4. Illinois Ditch Augmentation Station. The point at which water released through the Illinois Ditch augmentation station returns to the South Platte River is located in the NW1/4 of the NW1/4 of Section 34, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado. 3.1.1.3. SPR Reach 3 Exchange-From Points. 3.1.1.3.1. Downstream End Point of SPR Reach 3 – Empire Inlet Canal Headgate. SPR Reach 3 was decreed at paragraph 17.1.6 of the 404/442 Decree as an administrative reach of the South Platte River for the augmentation plans approved in the 403 and 404/442 Decrees, as amended by the 306 Decree. SPR Reach 3 is located, from the Lower Latham Ditch headgate, in the NW1/4 of the NE1/4 of Section 31, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado, to the Empire Inlet Canal headgate, located in the SW1/4 of the SW1/4 of Section 19, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado. 3.1.1.3.2. Confluence of Crow Creek and the South Platte River. Located in the SE1/4 of the NE1/4 of Section 24, Township 5 North, Range 64 West of the 6th P.M., Weld County, Colorado. Prior to delivery to the confluence of Crow Creek and the South Platte River for exchange, ECCV intends to divert the sources of substitute supply, described in **Exhibit 3**, from the Cache la Poudre River and deliver the substitute supplies from the Greeley No. 2 Canal to Crow Creek, in the NW1/4 of the SW1/4 of Section 25, Township 6 North, Range 64 West of the 6th P.M., Weld County, Colorado, where the substitute supplies will be conveyed to the confluence with the South Platte River. 3.1.1.3.3. Ogilvy Ditch Augmentation Station. An existing augmentation structure near where the Ogilvy Ditch bifurcates, located in the NW1/4 of the NE1/4 of Section 9, Township 5 North, Range 64 West of the 6th P.M., Weld County, Colorado, which delivers water to the South Platte River, in the NE1/4 of the NW1/4 of Section 15, Township 5 North, Range 64 West of the 6th P.M., Weld County, Colorado. 3.1.1.3.4. Confluence of Lone Tree Creek and the South Platte River. Located in the SE1/4 of the SE1/4 of Section 6, Township 5 North, Range 64 West of the 6th P.M., Weld County, Colorado. Prior to delivery to the confluence of Lone Tree Creek and the South Platte River for exchange, ECCV intends to divert the sources of substitute supply described in **Exhibit 3**, from the Cache la Poudre River to Lone Tree Creek, in the NE1/4 of the NW1/4 of Section 15, Township 6 North, Range 65 West of the 6th P.M., Weld County, Colorado, where substitute supplies will be conveyed to the confluence with the South Platte River. 3.1.1.3.5. Confluence of the Cache la Poudre and South Platte Rivers. Located in the SW1/4 of the SW1/4 (Lot 4) of Section 6, Township 5 North, Range 64 West of the 6th P.M., Weld County, Colorado, the centroid being 590 feet from the West section line and 4,760 feet from the North section line. 3.1.1.3.6. Western Mutual Ditch Downstream Augmentation Station. Located at the tail end of the Western Mutual Ditch, which discharges to the Union Ditch in the SW1/4 of the NE1/4 of Section 5, Township 4 North, Range 65 West of the 6th P.M., Weld County, Colorado. Such water delivered to the Union Ditch can be delivered to the South Platte River in the SE1/4 of the NE1/4 of Section 29, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado. 3.1.1.4. SPR Reach 2 Exchange-From Points. 3.1.1.4.1. Downstream End Point of SPR Reach 2 – Lower Latham Headgate. SPR Reach 2 was decreed at paragraph 17.1.5 of the 404/442 Decree as an administrative reach of the South Platte River for the augmentation plans approved in the 403 and 404/442 Decrees, as amended by the 306 Decree. SPR Reach 2 is located from the Western Mutual Ditch headgate, located in the SE1/4 of the SW1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado, to the Lower Latham Ditch headgate, located in the NW1/4 of the NE1/4 of Section 31, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado. 3.1.1.4.2. Strohauer Pond Accretions and Release. The point at which water that is recharged or discharged at the Strohauer Pond Recharge Site accretes to the South Platte River is located in the NE1/4 of the NW1/4 of Section 31, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado. 3.1.1.4.3. Farmers Independent Ditch Pipeline. The Farmers Independent Ditch Pipeline will deliver water from the tail end of the Farmers Independent Ditch to the South Platte River, upstream of the Lower Latham Ditch. 3.1.1.4.4. Haren Recharge Accretions and Release. The point at which water that is recharged or discharged at the Haren Recharge Site accretes to the South Platte River is located in the SW1/4 of Section 8, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. 3.1.1.4.5.

Drouhard Recharge Accretions and Release. The location at which water that is recharged or discharged at the Drouhard Recharge Site accretes to the South Platte River is located in the NE1/4 of the SE1/4 of Section 24, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. 3.1.1.4.6. Western Ditch/Central GMS Augmentation Return (WDID 0201023) (“Central Brownwood Spillway Station”). Located in the NE1/4 of the SE1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado, approximately 50 feet west of the East section line and 1,880 feet north of the South section line of said Section 26. The Central Brownwood Spillway Station discharges to the South Platte River at a location where the South Platte River crosses the West section line of Section 25, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado, approximately 1,990 feet South of the NW corner of Section 25. 3.1.1.4.7. Confluence of St. Vrain Creek and the South Platte River. Located in the SW1/4 of the NE1/4 of Section 34, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. From this point, water will be exchanged up St. Vrain Creek to the St. Vrain Pipeline Diversion, described in paragraph 3.2.3.3, below. 3.1.1.4.8. Milliken Reservoir Outlet Structures. Surface water will be released from Milliken Reservoir through the following structures and facilities, but each exchange-to point shall be considered a separate exchange right for the purposes of making these exchanges absolute, in whole or in part: 3.1.1.4.8.1. South Diversion. A point of diversion for Milliken Reservoir may be located adjacent to the Jay Thomas Ditch Diversion Dam on the East bank of the South Platte River, in the NW1/4 of the NW1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado (referred to as the “South Diversion”). A diversion facility at the Jay Thomas Ditch Diversion Dam will be constructed and used only by ECCV pursuant to an agreement with the owner, PSCo. 3.1.1.4.8.2. North Diversion. A second point of diversion may be located on the South Platte River, downstream of the confluence with the St. Vrain Creek, in the NE1/4 of the SW1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado (referred to as the “North Diversion”). A diversion facility at the second point of diversion will be constructed and used only by ECCV pursuant to an agreement with the owner, United Milliken Reservoir Enterprise, L.L.C. 3.1.1.4.8.3. Milliken Pump(s). A pump is currently installed near the North Diversion, in the NE1/4 of the SW1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. A pump was formerly located and operated in the SW1/4 of the SW1/4 of Section 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado (Pump Station No. 1), and United may place a pump at that location in the future. A pump may also be installed near the confluence of the South Platte River and St. Vrain Creek in Section 34, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado (Pump Station No. 2). The Milliken Pump(s) divert(s) surface water only to storage in Milliken Reservoir, via sealed pipelines. The measurement for each of these diversions shall be a totalizing meter located on the pipeline between the point of diversion and the point of discharge into Milliken Reservoir. 3.1.1.4.9. Western Mutual Ditch Upper Augmentation Station. An augmentation structure to be constructed in the SW1/4 of the SE1/4 of Section 2, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado, which will deliver water to the South Platte River, in the SW1/4 of the SW1/4 of Section 2, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. 3.1.1.5. SPR Reach 1 Exchange-From Points. 3.1.1.5.1. Downstream End Point of SPR Reach 1 – Western Mutual Headgate. SPR Reach 1 was decreed at paragraph 17.1.4 of the 404/442 Decree as an administrative reach of the South Platte River for ECCV’s augmentation plans approved in the 403 and 404/442 Decrees, as amended by the 306 Decree. SPR Reach 1 is located above the Western Mutual Ditch headgate. For purposes of the appropriative rights of exchange decreed herein, the exchange-from point for the SPR Reach 1 is a point at the downstream end of the SPR Reach 1, located immediately upstream of the Western Mutual Ditch headgate, in the SE1/4 of the SW1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. 3.1.1.5.2. FIDCO Upper Augmentation Station. Located in the SE1/4 of the NE1/4 of Section 24, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. 3.1.1.5.3. Fulton Irrigating Ditch Augmentation Stations. ECCV will use the following augmentation structures to deliver certain sources of substitute supply from the Fulton Irrigating Ditch to the South Platte River: (1) Ft. Lupton Augmentation Station, located in the NW 1/4 of Section 9, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado, which delivers water to the South Platte River, in the NW1/4 of the SE1/4 of Section 31, Township 2 North, Range 66 West of the 6th P.M., Weld

County, Colorado; (2) the Lower Augmentation Station may be constructed at the head of the Fulton Wasteway, located in the NE1/4 of the SE1/4 of Section 28, Township 2 North, Range 66 West of the 6th P.M., Weld County, Colorado, and would deliver water to the South Platte River, in the NW1/4 of the NE1/4 of Section 30, Township 2 North, Range 66 West of the 6th P.M., Weld County, Colorado. 3.1.1.5.4. St. Vrain Pipeline (a/k/a “United Diversion Facility No. 5”). The point of discharge from the St. Vrain Pipeline to the South Platte River will be located in one of the following locations: (1) at a point upstream of the Highway 66 bridge as it crosses the South Platte River, which will deliver water to the South Platte River in the SW1/4 of the SW1/4 of Section 19, Township 3 North, Range 66 West of the 6th P.M., Weld County, Colorado; (2) at a point upstream of the Highway 66 bridge as it crosses the South Platte River, which will deliver water to the South Platte River, in the SE1/4 of the SE1/4 of Section 24, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado, or the SE1/2 of Section 25, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado; (3) at a point near the SW1/4 of the SE1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado; or (4) at a point near the SE1/4 of Section 25, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. The exchange-to point of diversion for this exchange right shall be confirmed when this exchange is made absolute, in whole or in part. 3.1.2. Exchange-To Point. Holton Reservoir. A temporary pump will be installed in the SW1/4 of Section 6 or the NW1/4 of Section 7, all in Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 3.2. ECCV Holton Exchange Reach No. 2. 3.2.1. Exchange-From Point. Holton Reservoir. A temporary pump will be installed in the SW1/4 of Section 6 or the NW1/4 of Section 7, all in Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 3.2.2. Exchange-To Points. 3.2.2.1. SPR Reach 1 Exchange-To Points. 3.2.2.1.1. Binder Pipeline. Binder Pipeline will divert water from the East bank of the South Platte River, in the NW1/4 of Section 18, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. Substitute supplies exchanged and conveyed through Binder Pipeline will be delivered to Binder Reservoir. 3.2.2.1.2. United Diversion Facility No. 3. United Diversion Facility No. 3 is located on the East bank of the South Platte River, in the SW1/4 of Section 26, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado, located 1,636 feet east of the West section line and 1,531 feet north of the South section line of said Section 26. Substitute supplies exchanged and diverted at United Diversion Facility No. 3 will be delivered to United Reservoir No. 3. Water stored in United Reservoir No. 3 can be delivered to Barr Lake through the Beebe Pipeline pursuant to the Decree. Water stored in Barr Lake can be delivered to Milton Lake via the Beebe Draw. From Barr Lake the water can also be delivered through a drainage seep to and through Brighton Lateral to Binder Reservoir. Water can also be delivered from United No. 3 Reservoir through the Beebe Pipeline to and through the Brighton Lateral to Binder Reservoir. 3.2.2.1.3. Burlington Canal Headgate. The Burlington Canal headgate is located, pursuant to a changed point of diversion approved in the 403 Decree, on the East bank of the South Platte River, in the NE1/4 of the SW1/4 of Section 14, Township 3 South, Range 68 West of the 6th P.M., City and County of Denver, Colorado. Substitute supplies exchanged and diverted at the Burlington Canal headgate will be delivered to Barr Lake. Water stored in Barr Lake can be delivered to Milton Lake via the Beebe Draw. From Barr Lake, the water can also be delivered through a drainage seep to and through Brighton Lateral to Binder Reservoir. ECCV may also deliver water to recharge facilities in the Beebe Draw pursuant to the terms and conditions of the ECCV Beebe Draw Recharge Project approved in the 306 Decree. Water can also be delivered from the Burlington Canal through the Beebe Pipeline to and through the Brighton Lateral to Binder Reservoir. 3.3. Rates on the Appropriative Rights of Exchange. 3.3.1. Exchange Matrix. The maximum exchange rates in cubic feet per second for the conditional appropriative right of exchange are set forth in the Exchange Matrix attached as **Exhibit 4**. 3.4. Date of Appropriation. December 27, 2022. 3.4.1. How Appropriation was Initiated. The appropriation date is based upon the date of the application. 3.4.2. Date Water First Applied to Beneficial Use. Not applicable. 3.5. Uses. Substitute supplies exchanged to the Exchange-To Points described above and discharged to the South Platte River may be used for the same purposes for which the source water is decreed and may be exchanged multiple times as necessary to place the water to its decreed uses. 3.6. Sources of Substitute Supply. **Exhibit 3** is a list of the sources of substitute supply claimed herein for the appropriative rights of exchange. **4. Name and Address of the Owner of the Structure and the Diversion**

Facility Listed Above. CAW Equities, LLC, 8301 E. Prentice Avenue, Suite 100, Greenwood Village, Colorado 80111. WHEREFORE, ECCV respectfully requests that this Court enter a decree granting the conditional water storage right claimed herein. (14 pages, 4 exhibits).

2022CW3210 SELECT ENERGY SERVICES, LLC DBA A&W WATER SERVICE, P.O. Box 287, Fort Lupton, Colorado 80621, Telephone 303-659-6523 (P. Andrew Jones, #29076, Law Office of P Andrew Jones, 1213 Founders Circle, Windsor, CO 80550, Telephone: (970) 235-0252, E-mail: ajones@pandrewjones.com). **APPLICATION FOR FINDING OF REASONABLE DILIGENCE SURFACE WATER RIGHTS IN WELD COUNTY.** SURFACE WATER RIGHTS 1. Name of Structure: A&W Recharge Project, Farmers Independent Ditch 1.1 Original Decree: Case No. 05CW40, Weld County District Court, entered December 18, 2009. 1.2 Legal Description: Legal description of point of diversion: The headgate of the Farmers Independent Ditch in the SW ¼ of the SW ¼, Section 19, Township 3 North, Range 66 West, 6th P.M., Weld County, Colorado. 1.3 Sources: South Platte River. 1.4 Dates of Appropriation: October 8, 2004. 1.5 Amount: 9.33 c.f.s., absolute, .67 c.f.s., conditional 1.6 Use: Augmentation, replacement, aquifer recharge, and exchange uses in the Plan for Augmentation, changes of water rights and exchanges approved in this decree. Applicant claims the use, reuse, and successive use of the water diverted to extinction, either directly or by exchange, as decreed in this decree. 1.7 Description of recharge: Water is diverted at the point described in Paragraph 2.1 and is delivered to recharge ponds and allowed to percolate from the ponds into the underground aquifer for Applicant’s stated beneficial uses. The following initial recharge ponds have been constructed. The West Pond and East Pond described below are connected by a 20“-diameter pipe and are operated and accounted for as a single pond with respect to deliveries of water and calculation of recharge accretions. 1.7.1 West Pond. Located approximately 1,343 feet west of the east section line and 1,625 feet south of the north section line of Section 31, Township 4 North, Range 66 West, 6th P.M., Weld County, Colorado. Surface area: 4.3 acres. Capacity: 28 acre feet. 1.7.2 East Pond. Located approximately 1,325 feet west of the east section line and 1,975 feet south of the north section line of Section 31, Township 4 North, Range 66 West, 6th P.M., Weld County, Colorado. Surface area: 9.4 acres. Capacity: 43 acre feet. 1.7.2.1 Per the Notice of Modification of Recharge Pond filed July 30, 2019, the current surface area of the East Pond is 1.31 acres and the current capacity of the East Pond is 4.72 acre feet. GROUND WATER RIGHTS 3. Name of Structure: Well No. 66220-F. 3.1 Location: 1775 feet west of the east section line, and 2342 feet south of the north section line, SW ¼ NE ¼ of Section 31, Township 4 North, Range 66 West, 6th P.M., Weld County, Colorado. 3.2 Source: Ground water tributary to the South Platte River. 3.3 Date of appropriation: October 8, 2004. 3.4 Amount: 1.78 c.f.s., absolute, .67 c.f.s., conditional, 650 AF per year in conjunction with Well No. 66221-F. 3.5 Uses: commercial and industrial. 3.6 Date water was placed to beneficial use in the amount claimed as absolute: October 2008. 4. Name of Structure: Well No. 66221-F. 4.1 Location: 1807 feet west of the east section line, and 2535 feet south of the north section line, SW ¼ NE ¼ of Section 31, Township 4 North, Range 66 West, 6th P.M., Weld County, Colorado. 4.2 Source: Ground water tributary to the South Platte River. 4.3 Date of appropriation: October 8, 2004. 4.4 Amount: 2.0 c.f.s., absolute, .2 c.f.s., conditional, 650 AF per year in conjunction with Well No. 66220-F. 4.5 Uses: commercial and industrial. 4.6 Date water was placed to beneficial use in the amount claimed as absolute: July 2008. EXCHANGE 5. Exchange to the Farmers Independent Ditch headgate. 5.1 Legal Description of Point of Diversion. Legal description of point of diversion: The headgate of the Farmers Independent Ditch in the SW ¼ of the SW ¼, Section 19, Township 3 North, Range 66 West, 6th P.M., Weld County, Colorado. 5.2 Description of the Reach of the Exchange. From a downstream point on the South Platte River in the SW ¼ of the NW ¼ of Section 25, Township 4 North, Range 67 West, 6th P.M., Weld County, Colorado (the location where recharged water accrues to the South Platte River, as described in Paragraph 16.1) to an upstream point at the river headgate of the Farmers Independent Ditch headgate described above. 5.3 Appropriation Date: February 28, 2005. 5.4 Amount: 10 c.f.s., conditional. 5.5 Use. Augmentation, replacement, aquifer recharge, and exchange for the uses approved in this decree. 6. Detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: During the diligence period, Applicant diverted water and placed it to beneficial use in

accordance with the decreed water rights for the A&W Recharge Project, Farmers Independent Ditch, Well No. 76273-F and Well No. 76274-F. In addition, Applicant operated and maintained the wells, maintained the property on which the wells and recharge ponds are located, paid assessments on its FIDCO shares which are a source of recharge supply for the two wells, and performed other work on its integrated system of water rights. The expenses incurred under these categories exceeded \$100,000, with additional amounts spent on attorney fees. 7. 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. Applicant owns the structures described in the application and is a shareholder in the Farmers Independent Ditch. The Farmers Independent Ditch is owned by the Farmers Independent Ditch Company, P.O. Box 1371, Greeley, CO 80632. Wherefore, Applicant requests the court to enter a decree finding that Applicant has been diligent in the development of the water rights continuing the remaining water rights as conditional and such other and further relief as the court finds just.

2022CW3211 (2012CW303) CITY OF BLACK HAWK, City of Black Hawk c/o Director of Public Works, 987 Miners Mesa Road, P.O. Box 68, Black Hawk, Colorado 80422, (303) 582-1324. Please direct all pleadings to: David L. Kueter (26136) and Kent Holsinger (33907), Holsinger Law, LLC, 1800 Glenarm Place, Suite 500, Denver, Colorado 80202, (303) 722-2828. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE A PORTION OF CONDITIONAL WATER RIGHTS ABSOLUTE IN GILPIN, CLEAR CREEK, JEFFERSON, AND ADAMS COUNTIES.** 2. **NAME OF WATER RIGHTS:** Black Hawk 2012CW303 Exchange Rights. 2.a. **Date of original decree:** December 5, 2016, Case No. 2012CW303, in the District Court, Water Division No. 1, State of Colorado. 3. **DESCRIPTION OF CONDITIONAL APPROPRIATIVE RIGHTS OF SUBSTITUTION AND EXCHANGE GIVING THE FOLLOWING FROM THE JUDGMENT AND DECREE.** In Case No. 2012CW303, the City of Black Hawk was decreed the following conditional appropriative rights of substitution and exchange in Clear Creek, North Clear Creek, South Clear Creek, Leavenworth Creek, and their tributaries. The location of the exchanges decreed in Case No. 2012CW303 are shown on **Exhibit A** hereto. **Names, locations of structures (exchange-to points) through which or into which water will be diverted and/or stored by exchange, the sources at the exchange-to points, and exchange rates are as follows:** 3.a.(1) **Mountain Supply Pipeline**. Located in Sections 19, 30, and 31, Township 2 South, Range 72 West of the 6th P.M. and in Section 6, Township 3 South, Range 72 West of the 6th P.M., in Gilpin County, Colorado. The source of water is springs described in the Decree in Case No. W-203, Water Division No. 1. Rate: 0.3 c.f.s., conditional. 3.a.(2) **North Clear Creek Pumping Station (Black Hawk Pumping Station)**. Located on the southwest bank of North Clear Creek whence the N1/4 corner of Section 7, Township 3 South, Range 72 West bears N 54°40' E 3,367.60 feet in Gilpin County, Colorado. The source of water is North Clear Creek as described in the Decree in Case No. W-204, Water Division No. 1. Rate: 0.222 c.f.s., conditional. 3.a.(3) **Upper North Clear Creek Pump Station No. 1**. Located on North Clear Creek in the NW1/4 SW1/4 of Section 34, Township 2 South, Range 73 West of the 6th P.M., Gilpin County, Colorado, at a point located approximately 900 feet from the West section line and 2,100 feet from the South section line of said Section 34. The source of water is North Clear Creek. Rate: 7.0 c.f.s., conditional. 3.a.(4) **Upper North Clear Creek Pump Station No. 2**. Located on North Clear Creek in the NW1/4 NE1/4 of Section 2, Township 3 South, Range 73 West of the 6th P.M., Gilpin County, Colorado, at a point located approximately 1,400 feet from the East section line and 400 feet from the North section line of said Section 2. The source of water is North Clear Creek. Rate: 7.0 c.f.s., conditional. 3.a.(5) **Upper North Clear Creek Pumping Station and Pipeline**. Located on North Clear Creek in the NE1/4 of the SW1/4 of Section 34, Township 2 South, Range 73 West of the 6th P.M., Gilpin County, Colorado, at a point approximately 2,500 feet from the West section line and 1,900 feet from the South section line of Section 34. The source of water is North Clear Creek. Rate: 7.0 c.f.s., conditional. 3.a.(6) **Black Hawk North Clear Creek Pump Station (Infiltration Gallery No. 1)**. Located on North Clear Creek in the NW1/4 SW1/4 SW1/4 in Section 6, Township 3 South, Range 72 West of the 6th P.M., Gilpin County, Colorado, at a point located approximately 500 feet from the West section line and 1,100 feet from the

South section line of said Section 6. The source of water is North Clear Creek. Rate: 7.0 c.f.s., conditional.

3.a.(7) **Black Hawk Chase Gulch Diversion.** Located on Chase Gulch in the SW1/4 NW1/4 of Section 7, Township 3 South, Range 72 West of the 6th P.M., Gilpin County, Colorado, at a point located approximately 900 feet from the West section line and 2,200 feet from the North section line of said Section 7. The source of water is Chase Gulch, a tributary to North Clear Creek. Rate: 3.5 c.f.s., conditional.

3.a.(8) **Wheeler Diversion Point.** Located on the South Bank of North Clear Creek in the SE1/4 NW1/4 Section 1, Township 3 South, Range 73 West of the 6th P.M., at a point approximately 1,969 feet from the North section line and approximately 2,287 feet from the West section line of said Section 1. The source of water is water diverted from North Clear Creek. Rate: 7.0 c.f.s., conditional.

3.a.(9) **Pickle Gulch Reservoir and also at its filling structures on North Clear Creek.** Located in the NW1/4 SE1/4 of Section 35, Township 2 South, Range 73 West of the 6th P.M., Gilpin County, Colorado, with the dam axis intersecting Pickle Gulch at a point approximately 1,500 feet from the East section line and approximately 1,700 feet from the South section line of said Section 35. The source of water is Pickle Gulch and water in the drainage tributary to Pickle Gulch, a tributary to North Clear Creek, and water diverted from North Clear Creek at the Upper North Clear Creek Pump Station No. 2 described in 3.a.(4), above and/or Wheeler Diversion Point described in paragraph 3.a.(8), above. Rate: 7.0 c.f.s., conditional.

3.a.(10) **Missouri Creek Reservoir and also at its filling structures on North Clear Creek.** Located in the W1/2 of Section 36, Township 2 South, Range 73 West of the 6th P.M., Gilpin County, Colorado, with the dam axis intersecting Missouri Creek at a point approximately 1,700 feet from the West section line and 2,400 feet from the North section line of said section 36. The source of water is Missouri Creek, and water in the drainage tributary to Missouri Creek, a tributary to North Clear Creek, and water diverted from North Clear Creek at the Upper North Clear Creek Pump Station No. 2 described in paragraph 3.a.(4), above, and/or Wheeler Diversion Point, described in paragraph 3.a.(8), above. Rate: 7.0 c.f.s., conditional.

3.a.(11) **Black Hawk Chase Gulch Reservoir and also at its filling structures on North Clear Creek.** Located in the S1/2 NW1/4 and the N1/2 SW1/4, Section 2, Township 3 South, Range 73 West of the 6th P.M., Gilpin County, Colorado, with the dam axis to intersect Chase Gulch at a point approximately 1,600 feet from the West section line and 2,400 feet from the North section line of said Section 2. The source of water is water in Chase Gulch and water in the drainage tributary to Chase Gulch, a tributary to North Clear Creek, a tributary to Clear Creek, and water diverted from North Clear Creek by the Upper North Clear Creek Pumping Station and Pipeline described in paragraph 3.a.(5), above, and/or Wheeler Diversion Point described in paragraph 3.a.(8), above. Rate: 7.0 c.f.s., conditional.

3.a.(12) **Quartz Valley Reservoir and also at its filling structures on North Clear Creek.** The legal description for the centerline of the dam where it crosses Chase Gulch is as follows: Located in an unsurveyed area, based on the 1975 USGS Central City 7-1/2 minute quadrangle map, in the NW1/4 NW1/4 Section 12, Township 3 South, Range 73 West of the 6th P.M., Gilpin County, Colorado, with the dam axis to intersect Chase Gulch at a point approximately 4,014 feet from the West section line of Section 7, Township 3 South, Range 72 West, and 259 feet from the South section line of Section 1, Township 3 South, Range 73 West. The source of water is Chase Gulch and water in the drainage tributary to Chase Gulch, and water diverted from North Clear Creek at the Upper North Clear Creek Pump Station No. 2, described in paragraph 3.a.(4), above, and/or the Upper North Clear Creek Pumping Station and Pipeline described in paragraph 3.a.(5), above, and/or Wheeler Diversion Point, described in paragraph 3.a.(8), above. Rate: 7.0 c.f.s., conditional.

3.a.(13) **Black Hawk North Clear Creek Diversion Point No. 1.** Located on North Clear Creek in the NW1/4 of the NW1/4 of Section 17, Township 3 South, Range 72 West of the 6th P.M., at a point approximately 105 feet from the North section line and approximately 1,285 feet from the West section line of said Section 17. The source of water is North Clear Creek. Rate: 7.0 c.f.s., conditional.

3.a.(14) **Black Hawk North Clear Creek Diversion Point No. 2.** Located in the NW1/4 of the SE1/4 of Section 17, Township 3 South, Range 72 West of the 6th P.M., at a point approximately 1,835 feet from the South section line and approximately 1,481 feet from the East section line of said Section 17. The source of water is North Clear Creek. Rate: 7.0 c.f.s., conditional.

3.a.(15) **City of Black Hawk Effluent Diversion.** Located in the NE1/4 of SW1/4 of Section 26, Township 3 South, Range 72 West of the 6th P.M., Gilpin County, Colorado, at a point 1,550 feet east of the West section line and 2,100 feet north of the South section line of said Section 26. The source of

water is effluent discharged at said location including, but not limited to, the water rights decreed in Case No. 93CW055 on August 22, 2003. Rate: 5.0 c.f.s., conditional. 3.a.(16) **Hidden Valley Groundwater Diversion Point**. In the SW1/4 of the SE1/4 of the NE1/4 of Section 32, Township 3 South, Range 72 West of the 6th P.M., at a location 800 feet West of the East boundary of Section 32 and 2,030 feet South of the North boundary of Section 32, Clear Creek County, Colorado. The source of water is groundwater tributary to Clear Creek. Rate: 1.5 c.f.s., conditional. 3.a.(17) **Hidden Valley Surface Water Diversion Point**. Located on North Clear Creek in the SW1/4 of the SE1/4 of the NE1/4 of Section 32, Township 3 South, Range 72 West of the 6th P.M., at a location 1,000 feet West of the East boundary of Section 32 and 2,140 feet South of the North boundary of Section 32, Clear Creek County, Colorado. The source of water is Clear Creek. Rate: 1.5 c.f.s., conditional. 3.a.(18) **Hidden Valley Diversion Point No. 3 (Infiltration Gallery)**. Hidden Valley Diversion Point No. 3 (Infiltration Gallery) is located under Clear Creek in the SE1/4 of the NE1/4 of Section 32, Township 3 South, Range 72 West of the 6th P.M., at a point 2,313 feet South of the North section line and 1,229 feet West of the East section line of said Section 32. The source of water is surface water in Clear Creek and groundwater under Clear Creek. Rate: 3.0 c.f.s., conditional. 3.a.(19) **Georgetown Lake**. Georgetown Lake is an on-channel reservoir located on Clear Creek in the SE1/4 and portions of the NE1/4 of Section 5, and the NE1/4 of Section 8, Township 4 South, Range 74 West of the 6th P.M. in Clear Creek County, Colorado. The point of diversion is located 800 feet from the East section line and 1,900 feet from the North section line of Section 5, Township 4 South, Range 74 West of the 6th P.M. Rate: 7.0 c.f.s., conditional. 3.a.(20) **Green Lake**. Green Lake is located on the channel of an unnamed tributary to South Clear Creek in Clear Creek County, Colorado, located in the W1/2 of Section 29 and the E1/2 of Section 30, Township 4 South, Range 74 West of the 6th P.M. The source of water is local inflows and 50 c.f.s. of water diverted from Leavenworth Creek, a tributary to South Clear Creek, a tributary to Clear Creek via the Green Lake Ditch or Flume a/k/a Leavenworth Pipeline, located on Leavenworth Creek approximately 2,580 feet East of the West section line and approximately 80 feet South of the North section line of Section 30, Township 4 South, Range 74 West, of the 6th P.M. in Clear Creek County. Rate: 7.0 c.f.s., conditional. 3.b. **Sources of Substitute Supply**: 3.b.(1) Water attributable to Applicant's 1.15 shares in the Farmers' High Line Canal and Reservoir Company historically diverted from Clear Creek, as changed in Case No. 2012CW303, limited to 7.0 c.f.s. or the amount of fully consumable water available to Black Hawk under said 1.15 shares, whichever is less, and subject to the volumetric limits set forth in paragraph 14.c. of the decree in Case No. 2012CW303. 3.b.(2) Water attributable to Applicant's 114.7 inches in the Church Ditch, as changed in Case No. 2012CW303, limited to 7.0 c.f.s. or the amount of fully consumable water available to Black Hawk under said 114.7 inches, whichever is less, to the extent such water is not exchanged pursuant to paragraphs 14, 15.g. and 28.b. of the decree in Case No. 92CW059, and subject to the volumetric limits set forth in paragraph 13.d. of the decree in Case No. 2012CW303. 3.c. **Points at which the City of Black Hawk shall make substitute supplies available (exchange-from points) to allow diversion by exchange at the exchange-to points**: 3.c.(1) **Farmers' High Line Canal Clear Creek headgate**. The Clear Creek headgate of the Farmers High Line Canal is located in the NW1/4 SW1/4 of Section 27, Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. 3.c.(2) **Coors' FHL augmentation station**. Water will be returned to Clear Creek through an augmentation station located at a point on the North bank of Clear Creek in the NW1/4 SW1/4 NE1/4 SW1/4 of Section 27, Township 3 South, Range 70 West, of the 6th P.M., Jefferson County, Colorado. 3.c.(3) **Church Ditch Headgate**. The headgate of the Church Ditch is located on the North bank of Clear Creek in the NW 1/4 of the NE 1/4 of Section 32, Township 3 South, Range 70 West of the 6th P.M., at a point which is approximately 1,800 feet East and 1,000 feet South of the NE corner of said section, Jefferson County, Colorado. 3.c.(4) **Black Hawk's Church Ditch Augmentation Station**. Water will be returned to Clear Creek through an augmentation station located at a point on the North bank of Clear Creek in the NE1/4 NE1/4 of Section 32, Township 3 South, Range 70 West, of the 6th P.M., Jefferson County, Colorado. 3.c.(5) **Confluence of Lena Gulch and Clear Creek**. Located in the NW/4 of the SW/4 of Section 22, Township 3 South, Range 69 West of the 6th P.M. in Jefferson County, Colorado, approximately 384 feet East of the West Section line and 575 feet South of the North Section Line. 3.c.(6) **Outfall of Black Hawk – Central City Sanitation District Wastewater Treatment Plant** after use of the water rights described in paragraph 3.b., above, in

Black Hawk's water systems. Described in paragraph 3.a.(15), above. 3.c.(7) Confluence of Clear Creek and North Clear Creek: Located in the NE¼ SW¼ of Section 36, Township 3 South, Range 72 West of the 6th P.M., Clear Creek and/or Gilpin Counties, Colorado. 3.d. **Date of appropriation:** December 12, 2012. 3.e. **Cumulative Amount:** The exchanges are described in the Exchange Matrix attached hereto as **Exhibit B.** The exchanges under this paragraph 3 are limited to a cumulative exchange rate of 14.0 c.f.s. at any given time at all exchange-to points for all of the exchanges decreed in this case. At times, these exchanges will be operated in conjunction with the exchanges decreed in Cases Nos. 92CW059, 2007CW327, 2009CW276, and 2010CW308. 3.f. **Use:** The water diverted under the exchanges described in this paragraph 3 will be used for all municipal purposes, including domestic, irrigation, industrial, commercial, fire protection, stockwatering, recreation, piscatorial, sewage treatment, street sprinkling, irrigation of parks, lawns and grounds, maintenance and preservation of wildlife and aesthetic values, lake and reservoir evaporation, augmentation, replacement, and adjustment and regulation of Black Hawk's water supply system by transfer within Black Hawk's system and with other water users, and including, without limitation, storage for subsequent use for the aforesaid purposes. The City of Black Hawk has the right to use, reuse, successively use and dispose of, by exchange or otherwise to extinction all water lawfully diverted and/or impounded pursuant to any decree entered in this case. Black Hawk shall at all times be entitled to fully consume the same amount of water diverted by exchange as the amount of decreed fully-consumable water being simultaneously delivered to or made available at the exchange-from points under the sources of substitute supply listed in Paragraph 3.b; and to the extent that Black Hawk has the decreed right to fully consume water diverted under the exchanges, Black Hawk shall be entitled to fully consume such water by direct use, storage and subsequent release, reuse, successive use, further exchange and disposition. Use of the water diverted by exchange at the exchange-to points shall be subject to all restrictions on the substitute supplies delivered at the exchange-from points under the subject exchanges. 3.g. **Place of Use:** The place of use for the conditional appropriate rights of substitution and exchange shall be any place served in the present or in the future by the City of Black Hawk's treated water and raw water service systems, located entirely within Gilpin County, Clear Creek County, Jefferson County, and Adams County. 4. **PROVIDE A DETAILED OUTLINE OF WHAT HAS BEEN DONE TOWARD COMPLETION OR FOR COMPLETION OF THE APPROPRIATION AND APPLICATION OF WATER TO A BENEFICIAL USE AS CONDITIONALLY DECREED, INCLUDING EXPENDITURES:** Pursuant to paragraph 30 of the decree in Case No. 2012CW303, Black Hawk's potable water system and raw water system and each of the water rights and structures decreed in Case No. 2012CW303 that now and in the future will provide water for the Applicant were determined to be integrated systems of water rights and structures, and pursuant to C.R.S. § 37-92-301(4)(b) work on one or more of the separate components constitutes diligence for all. 4.a. From 2016 to the filing of this application, the City of Black Hawk has spent in excess of \$14,835,656 on its integrated water system of which the subject water rights are a part: 4.a.(1) For fiscal year 2017, the City of Black Hawk expended \$2,059,524 on its water system including \$456,689 on capital projects. Projects included design of the Church Ditch Augmentation Station replacement, sand blasting and painting the exterior of the Dory Hill water tank, installation of new Gregory Street pipeline and pressure reducing valve vault, installation of fiber optics within the distribution system, installation of new chlorine dioxide system at the Hidden Valley Treatment Plant, completion of the Georgetown Lake outlet, preliminary design and survey for a new headgate for the Green Lake inflow pipeline, and preliminary design of power generators for the Hidden Valley Treatment Plant and Pump Stations. 4.a.(2) For fiscal year 2018, the City of Black Hawk expended \$2,934,151 on its water system including \$741,990 on capital projects. Projects included construction of the Church Ditch Augmentation Station, painting the exterior of the Dory Hill water tank, sand blasting and painting PRV vaults in the distribution system, sealing Green Lake with sodium bentonite, design and construction to dredge Georgetown Lake, pre-design for a new headgate for the Leavenworth diversion for Green Lake, and final design of power generators for the Hidden Valley Treatment Plant & Pump Stations. 4.a.(3) For fiscal year 2019, the City of Black Hawk expended \$2,603,209 on its water system including \$619,808 on capital projects. Projects included construction of the Hidden Valley Stand-by Generators back-up electrical system, design for a new headgate for the Leavenworth diversion for Green Lake, rebuilding the Hidden

Valley pipeline pumps, design and construction of the Green Lake seepage flume. 4.a.(4) For fiscal year 2020, the City of Black Hawk expended \$2,013,906 on its water system including \$264,600 on capital projects. Projects included improvements to the Church Ditch Augmentation Station, purchasing the headgate structure for the Leavenworth diversion for Green Lake and improvements to the fiber optic communication system. 4.a.(5) For fiscal year 2021, the City of Black Hawk expended \$2,969,848 on its water system including \$1,179,493 on capital projects. Projects included construction of the new headgate structure for the Green Lake intake, new generators for the water treatment plant, and expansion of the water distribution system. 4.a.(6) For fiscal year 2022 through November, the City of Black Hawk expended \$2,255,018 on its water system including \$476,200 on capital projects. Projects included design of a new potable water tank, design of the expansion of the Hidden Valley Water Treatment Plant and continued expansion of the water distribution system. 4.b. The amounts in paragraph 4.a include more than \$1,500,000 for engineering and \$181,000 for legal fees and costs during the diligence period. 4.c On December 11, 2017, Black Hawk obtained a decree in Case No. 2016CW3149, Water Division No. 1, which found diligence and made absolute a portion of the Black Hawk Effluent Diversion originally decreed in Case No. 93CW055, and which is a source of substitute supply for the exchanges herein. 4.d. On December 21, 2018, Black Hawk obtained a decree in Case No. 2018CW3018, Water Division No. 1, for a finding of diligence for the water rights decreed in Case No. 92CW058, which include exchange-to points for the exchanges herein. 4.e. On December 21, 2018, Black Hawk obtained a decree in Case No. 2018CW3019, Water Division No. 1, for a finding of diligence for the exchanges decreed in Case No. 92CW059, which will be operated in conjunction with the exchanges herein. 4.f. On December 30, 2018, Black Hawk obtained a decree in Case No. 2017CW3204, Water Division No. 1, which found diligence and made absolute a portion of the exchanges decreed in Case No. 2009CW276, which will be operated in conjunction with the exchanges herein. 4.g. On March 4, 2019, Black Hawk obtained a decree in Case No. 2018CW3131, Water Division No. 1, for a finding of diligence for the water rights decreed in Case No. 96CW463, which include exchange-to points for the exchanges herein. 4.h. On June 25, 2019, Black Hawk and Clear Creek County obtained a decree in Case No. 2018CW3184, Water Division No. 1, which found diligence and made absolute a portion of the water rights decreed in Case No. 2009CW277, which includes the exchange-to point at paragraph 3.a.(20) above. 4.i. On October 22, 2019, Black Hawk obtained a decree in Case No. 2018CW3152, Water Division No. which found diligence and made absolute a portion of the water rights decreed in Case No. 2007CW3027, which include exchanges to be operated in conjunction with the exchanges herein and exchange-to points for the exchanges herein. 4.j. On March 16, 2021, Black Hawk obtained a decree in Case No. 2020CW3140, Water Division No. 1, for a finding of diligence for the water rights decreed in Case No. 2010CW308, which include exchanges to be operated in conjunction with the exchanges herein and exchange-to points for the exchanges herein. 4.k. On July 28, 2021, Black Hawk obtained a decree in Case No. 2020CW3152, Water Division No. 1, for a finding of diligence for the water rights decreed in Case No. 2012CW286, which includes the exchange-to point at paragraph 3.a.(18) above. 4.l. On March 31, 2021, Black Hawk filed an application in Case No. 2021CW3038, for additional storage rights in Georgetown Lake, paragraph 3.a.(19) above. 4.m. During the diligence period, Black Hawk participated in rulemaking hearings and other proceedings before the Colorado Water Quality Control Commission regarding water quality standards and the Black Hawk-Central City Sanitation District's CDPES permit. 4.n. During the diligence period, Black Hawk has participated as an objector in numerous Water Court proceedings in order to protect its water rights, including the subject water rights. 5. **CLAIM TO MAKE ABSOLUTE:** During the diligence period, Black Hawk diverted by exchange the following amounts for the uses described in paragraph 3.f., above, as shown on the accounting attached hereto as **Exhibit C**. 5.a. Church Ditch augmentation station (3.c.(4) above) to Black Hawk North Clear Creek Pump Station (Infiltration Gallery No. 1) (3.a.(6) above): 5.a.(1) Date of exchange: July 29, 2022. 5.a.(2) Amount claimed absolute: 0.222 c.f.s. 5.a.(3) Amount remaining conditional: n/a. 5.b. Church Ditch augmentation station (3.c.(4) above) to Hidden Valley Diversion Point No. 3 (3.a.(18) above): 5.b.(1) Date of exchange: August 12, 2022. 5.b.(2) Amount claimed absolute: 0.38 c.f.s. 5.b.(3) Amount remaining conditional: 2.62 c.f.s. 5.c. Church Ditch augmentation station (3.c.(4) above) to Georgetown Lake (3.a.(19) above): 5.c.(1) Date of exchange: May 25, 2022. 5.c.(2) Amount claimed absolute: 0.87 c.f.s. 5.c.(3) Amount remaining

conditional: 6.13 c.f.s. 5.d. Church Ditch augmentation station (3.c.(4) above) to Green Lake (3.a.(20) above): 5.d.(1) Date of exchange: July 29, 2022. 5.d.(2) Amount claimed absolute: 0.43 c.f.s. 5.d.(3) Amount remaining conditional: 6.57 c.f.s. 6. **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**: See Except as set forth in **Exhibit D**, hereto, any new or modified structures described above will be constructed upon land owned by Applicant. WHEREFORE, Applicant requests that the amounts in paragraph 5, above, decreed to the Black Hawk 2012CW303 Exchange Rights be decreed as absolute, and that diligence be found for the remaining conditional amounts decreed to the Black Hawk 2012CW303 Exchange Rights, and that said rights be continued as conditional in full force and effect until the due date of the next diligence filing herein. Additional information: 18 pages including 6 pages of exhibits.

2022CW3212 JOHN MCGOWAN TRUST, KRISTY MCGOWAN TRUST, MOUNTAIN MUTUAL RESERVOIR COMPANY, AND NORTH FORK ASSOCIATES, LLC; John McGowan Trust, Kristy McGowan Trust, c/o John McGowan, 86 Cline Drive East, Shawnee, CO 80475; Email: johnlmcgow@gmail.com; Telephone: (303) 828-7491 (“the McGowans”); Mountain Mutual Reservoir Company, 6949 Highway 73, Suite 15, Evergreen, CO 80439; Email: norm@hch20.com; Telephone: (303) 989-6932; and North Fork Associates, LLC, 2686 S. Yukon Ct., Denver, CO 80227; Email: 613blatch@gmail.com; Telephone: (303) 988-7111. Please direct all correspondence concerning this Application to: Aaron Ladd, Esq. and Kunal A. Parikh, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Email: asl@vrlaw.com; kap@vrlaw.com; Telephone: (303) 443-6151. **APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE IN JEFFERSON AND PARK COUNTIES**. 2. Summary of Claims: This Application seeks approval of a plan for augmentation including exchange for the Lake Ditch water right, inclusive of evaporation from the Silver Tip Lakes, and two wells serving six residential units, all located on a 32-acre parcel of land located in the NW1/4 NW1/4, Section 18, Township 7 South, Range 73 West of the 6th P.M., Park County, Colorado, presently known as 86 Cline Drive East, Shawnee, Colorado 80475 (“Subject Property”). **APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE** 3. Name of Structures to be Augmented: The structures to be augmented pursuant to this plan for augmentation are: (i) The Lake Ditch structure including the Silver Tip Lakes (four lakes in total), all associated with the Lake Ditch water right described below; and (ii) the Silver Tip Well Nos. 1 and 2 (“Subject Wells”), (together the “Augmented Structures”). The Augmented Structures are located on the Subject Property, as shown on the map attached as **Exhibit A**. The Subject Property is located in the drainage of the North Fork of the South Platte River, tributary to the South Platte River. The rate of diversion for the Subject Wells will not exceed 15 gallons per minute each. The Subject Wells will operate pursuant to this plan for augmentation. However, if the demands outlined herein cannot be met with existing well(s), the McGowans will drill or re-drill the Subject Wells. If the Subject Wells are required to be re-drilled, the exact location of the Subject Wells will be determined at the time of drilling and will be reflected in the well permit and construction report for the Subject Wells. Return flows from the use of the Subject Wells will be via septic tank-soil absorption system where the return flows are returned to the same drainage in which the wells are located. a. Lake Ditch: In accordance with the Decree entered in Civil Action No. 1839 of the Park County District Court, on January 25, 1922, the Lake Ditch was decreed a date of appropriation of May 30, 1892, for a constant flow of 10.25 cubic feet per second for the propagation of fish in Silver Tip Lakes and domestic use. The headgate of the Lake Ditch is situated at a point on the northeast bank of the North Fork of the South Platte River whence the Southwest Corner of Section 7, Township 7 South, Range 73 West, bears North 21 minutes East 851 feet. The Lake Ditch will be operated in-priority during the non-irrigation season for its decreed uses including the propagation of fish, as described in more detail below. However, during the irrigation season, the Lake Ditch will operate whenever out-of-priority pursuant to this plan for augmentation. The call record from 2008 through 2022 demonstrates the availability of the Lake Ditch water right, as shown in **Exhibit B**. The depletions

associated with fish propagation to be replaced pursuant to this augmentation plan for operation of the Lake Ditch for fish propagation purposes are equivalent to the evaporation from the Silver Tip Lakes. 4. Water Rights to be Used for Augmentation Purposes: Applicants have entered into a contract with North Fork Associates, LLC to purchase 561 shares of Mountain Mutual Reservoir Company (“MMRC”) stock, which represents a firm annual yield of 17.614 of an acre-foot to satisfy present and anticipated future replacement needs associated with the Augmented Structures. a. The water rights associated with the MMRC shares include the following: i. Slaght Ditch: In accordance with the Decree entered in Civil Action No. 1678 of the Park County District Court, on May 22, 1913, the Slaght Ditch was awarded a direct flow priority of May 1, 1863, for 2.0 cubic feet per second for irrigation purposes. The source of water is the North Fork of the South Platte River. The point of diversion for the Slaght Ditch was originally established to be a point on the North bank of the North Fork of the South Platte River in the NE1/4 SE1/4, of Section 21, Township 7 South, Range 73 West, 6th P.M., approximately 2,060 feet North and 490 feet West of the SE Corner of Section 21. Pursuant to a Decree entered by the District Court for Water Division 1 in Case No. 82CW472, on October 3, 1983, the Maddox Reservoir Feeder Ditch was approved as an alternate point of diversion for the Slaght Ditch water right. The point of diversion of the Maddox Reservoir Feeder Ditch is located on the North bank of the North Fork of the South Platte River in the NW1/4 SW1/4, Section 22, Township 7 South, Range 73 West, 6th P.M., approximately 1,240 feet East and 1,740 feet North of the SW Corner of Section 22. In Case No. 79CW339, 0.12 of a cubic foot per second of the Slaght Ditch priority was changed to a new location, with the water continuing to be used for irrigation purposes. Of the remaining 1.872 cubic feet per second, 0.481 of a cubic foot per second was transferred by MMRC in Case No. 03CW238 and 0.727 was transferred in Case No. 16CW3197. ii. Mack Ditch No. 2: In accordance with the Decree entered in Civil Action No. 1678 of the Park County District Court, on May 22, 1913, the Mack Ditch No. 2 was awarded a direct flow priority of May 1, 1863, for 1.0 cubic foot per second for irrigation purposes. The source of water is the North Fork of the South Platte River. The point of diversion of the Mack Ditch No. 2 was originally established to be on the South bank of the North Fork of the South Platte River at a point in the NE1/4 SE1/4, Section 21, Township 7 South, Range 73 West, 6th P.M., Park County, Colorado whence the E1/4 Corner of said Section 21 bears North 43° East, a distance of 984 feet more or less. By an Order of the Park County District Court entered on October 17, 1927, the point of diversion was moved approximately 789 feet upstream to a point on the South bank of the North Fork of the South Platte River in the NE1/4 SE1/4, Section 21, Township 7 South, Range 73 West, 6th P.M., whence the E1/4 Corner of said Section 21 bears North 79° 30’ East, a distance of 1,292 feet, more or less. In Case Nos. W-7503, W-7548, 80CW080, 80CW455, 81CW143, 81CW298, and 89CW081, a total of 0.1191 of a cubic foot per second of Mack Ditch No. 2 water right was transferred out of the ditch for uses other than irrigation. Of the remaining 0.8809 of a cubic foot per second, 0.44045 of a cubic foot per second was transferred by MMRC in Case No. 03CW238. iii. Nickerson No. 2 Ditch: The Nickerson No. 2 Ditch, with a South Platte Priority No. 262 and North Fork Drainage Priority No. 24 has an appropriation date of May 1, 1872, as adjudicated by the District Court for Park County on May 22, 1913, in the amount of 0.65 of a cubic-foot-per-second. The headgate is located on the North bank of Deer Creek at a point whence the E1/4 Corner, Section 9, Township 7 South, Range 72 West of the 6th P.M., bears North 58° 15’ East, 2,320 feet and has historically irrigated approximately 35 acres adjacent to Deer Creek in the SE1/4 Section 9, NW1/4 Section 15, and NE1/4 Section 16, Township 7 South, Range 72 West of the 6th P.M. all in Park County. iv. Parmalee No. 1 Ditch: The Parmalee No. 1 Ditch, with a South Platte Priority No. 251 and North Fork Drainage Priority No. 14 has an appropriation date of May 1, 1867, as adjudicated by the District Court for Park County on May 22, 1913, in the amount of 0.52 of a cubic-foot-per-second. In that Decree the headgate was located on the North bank of Deer Creek at a point whence the S1/4 Corner of Section 32, Township 6 South, Range 72 West of the 6th P.M., bears South 70° 6’ East, 1,210 feet. Water Division No. 1 District Court Case No. W-7434 changed the location of the headgate to the Nickerson No. 2 Ditch, as shown above. v. Carruthers No. 2 Ditch: The Carruthers No. 2 Ditch, with a South Platte Priority No. 250 and North Fork Drainage Priority No. 13 has an appropriation date of May 1, 1867, as adjudicated by the District Court for Park County on May 22, 1913, in the amount of 0.52 of a cubic-foot-per-second. In that Decree the headgate was located on the North bank of Deer Creek at a point whence the S1/4 Corner between Sections 31 and

32, Township 6 South, Range 72 West of the 6th P.M., bears North 85° 30' East, 1,398 feet. Water Division No. 1 District Court Case No. W-7434 changed the location of the headgate for 0.28 of a cubic-foot-per-second to the Nickerson No. 2 Ditch, as shown above. This 0.28 of a cubic-foot-per-second is included in this contract. vi. Guiraud 3T Ditch. MMRC owns 3.481 cubic feet per second of the water rights decreed in the Guiraud 3T Ditch as follows:

<u>Adjudication Date</u>	<u>Appropriation Date</u>	<u>Amount</u>
Oct. 18, 1889 (Original Adjudication Water District 23)	July 1, 1867	20 cfs

The Guiraud 3T Ditch headgate is located on the South bank of the Middle Fork of the South Platte River in the NE1/4, Section 8, Township 11 South, Range 76 West, 6th P.M., Park County, Colorado, at a point whence the Northeast Corner of the NE1/4 of said Section 8 bears North 63° 35" East, 1,305 feet. Originally decreed for irrigation uses, this water right has been subject to various change proceedings. Past decrees have determined the average annual consumptive use under the Guiraud 3T Ditch to be 21.825 acre-feet per year per 1.0 cfs. MMRC therefore owns 75.972 acre-feet of consumptive use replacement water associated with its 3.481 cfs interest in the Guiraud 3T Ditch. The firm yield of Guiraud 3T Ditch owned by MMRC is attached as **Exhibit C. b. Firm Yield of Slaght Ditch Rights**: The Slaght Ditch and Mack Ditch No. 2 water rights described herein shall hereinafter be referred to collectively as "Slaght Ditch Rights." Allocation of yield to Slaght Ditch Rights is attached as **Exhibit D**. The Decree issued in Case No. 03CW238, dated October 24, 2006, quantified the historic consumptive use associated with the Slaght Ditch Rights. The terms and conditions under which these water rights are used for augmentation, replacement, exchange and storage purposes were also defined and approved in Case No. 03CW238, as follows: i. The Slaght Ditch Rights may be left in the stream system to offset depletions from water use by MMRC shareholders. The water may also be stored in the Lower Sacramento Creek Reservoir No. 1 or the Maddox Reservoir. ii. The maximum rate of diversion under the Slaght Ditch Rights is 0.5 of a cubic foot per second. iii. Diversions to storage and/or assignment for in-stream augmentation credits are limited to the period May 1 through October 31 of each year, and are further limited to those times when water is physically and legally available for diversion at the historic Slaght Ditch headgates on the North Fork of the South Platte River. If the May 1, 1867, priority is not fully satisfied to the extent of 2.0 cubic foot per second for the Slaght Ditch and 1.0 cubic foot per second for the Mack Ditch No. 2, MMRC's diversions are limited to its prorated entitlement to the water when physically and legally available. iv. Maximum annual diversions of the portion of the Slaght Ditch Rights changed in Case No. 03CW238 are limited to 41 acre-feet per year. During any consecutive ten-year period, the total diversions are further limited to 342 acre-feet. v. Pursuant to the Decree issued in Case No. 16CW3197, the historic consumptive use associated with an additional 0.727 cfs of the Slaght Ditch water right yields 31.8 acre-feet of consumptive use water. c. **Firm Yield of Nickerson Ditch Rights**: The Nickerson No. 2, Parmalee No. 1, and Carruthers No. 2 Ditches are referred to herein as the "Nickerson Ditch Rights." The Decree issued in Case No. 00CW174, dated October 11, 2002, quantified the historic consumptive use associated with the Nickerson Ditch Rights. The terms and conditions under which the Nickerson Ditch Rights are used for augmentation, replacement, exchange and storage purposes were also defined and approved in Case No. 00CW174, as follows: i. The Nickerson Ditch Rights may be left in the stream system to offset depletions from water use by MMRC shareholders. The water may also be stored in the Lower Sacramento Creek Reservoir No. 1, Maddox Reservoir and other MMRC reservoirs within the South Platte River Basin located above South Platte, Colorado; provided, however, that the details of storage in another reservoir will be published in the Water Court Resume, or such storage is approved by the State Engineer pursuant to Sections 37-80-120 and 37-92-308, C.R.S. (2002). ii. The maximum rate of diversion under the Nickerson Ditch Rights is 0.8 of a cubic foot per second. Diversions are limited to the May 1, 1867, priorities decreed to the Parmalee Ditch No. 1 and the Carruthers Ditch No. 2. iii. Diversions to storage and/or assignment for in-stream augmentation credit are limited to the period April 23 through October 31 of each year, and are further limited to those times when water is physically and legally available for diversion at the historic Nickerson Ditch No. 2 headgate on

Deer Creek. If the May 1, 1867, priority is not fully satisfied to the extent of 0.8 of a cubic foot per second, the diversion rate is reduced to the flow, which is then physically and legally available. iv. Maximum monthly diversions under the Nickerson Ditch Rights are limited as follows: April, 2.0 acre-feet; May, 16.0 acre-feet; June, 19.0 acre-feet; July, 16.0 acre-feet; August, 10.0 acre-feet; September, 7.0 acre-feet; and October, 4.0 acre-feet. Maximum annual diversions are limited to 62 acre-feet per year. During any consecutive ten-year period, total diversions are further limited to 486 acre-feet. The Nickerson Ditch rights are claimed as an alternate replacement supply in this matter. d. Maddox Reservoir: The Maddox Reservoir is located in the NE1/4 SW1/4, Section 22, Township 7 South, Range 73 West of the 6th P.M. in Park County. It was adjudicated on November 11, 1971, with an appropriation date of May 31, 1905. It is decreed for multiple purposes including irrigation, domestic, fish culture and recreation with a capacity of 54.0 acre-feet. It is filled by the Maddox Reservoir Feeder Ditch, which diverts from the North Fork of the South Platte River in the NE1/4, SE1/4, SW1/4, Section 22, Township 7 South, Range 73 West of the 6th P.M. and decreed as an alternate point of diversion for the Slaughter Ditch. Allocation of yield to Maddox Reservoir is attached as **Exhibit E**. e. Lower Sacramento Creek Reservoir: The Lower Sacramento Creek Reservoir Company, a Colorado corporation, owns and operates the Lower Sacramento Creek Reservoir No. 1. The reservoir is located in the NE1/4 NW1/4, Section 32, and the SE1/4 SW1/4, Section 29, Township 9 South, Range 77 West, 6th P.M., Park County, Colorado. North Fork Associates owns 932 shares of a total of 3,700 shares in the Company (a 25.2% interest). The reservoir has been constructed and is entitled to store water under the following Decrees:

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

The water may be used for domestic, municipal, commercial, industrial, irrigation, fish and wildlife propagation, recreational and all other beneficial purposes, including exchange to compensate for depletions in the South Platte River and its tributaries. Other owners in the reservoir have transferred water rights to Lower Sacramento Creek Reservoir No. 1 in which Applicants have no interest. Lower Sacramento Creek Reservoir is claimed as an alternate replacement supply in this matter. 5. Statement of Plan for Augmentation: The McGowans are the owners of the Subject Property where the Augmented Structures are or will be located. The Silver Tip Lakes will be operated as off-channel structures, with evaporation losses from May through October replaced and refilled, when out-of-priority, pursuant to this plan for augmentation. In November through April the Lake Ditch water right will be operated in-priority, without the need for augmentation, both due to its sufficiently-senior priority and due to the presence of ice coverage on the Silver Tip Lakes, making operation of the Lake Ditch non-consumptive for fish propagation uses during this timeframe. This plan for augmentation will also replace out-of-priority depletions associated with the Subject Wells for indoor and outdoor uses, as described below. a. It is estimated that, on average, the Silver Tip Lakes will be covered in ice from November 4th to April 2nd of each year, based on the historic record of monthly temperatures as shown on **Exhibit F**. It is also estimated that the average evaporation that will be replaced pursuant to this plan for augmentation from May through October is 16.761 acre-feet, based on 7.4 acres of surface area for the Silver Tip Lakes, as shown on **Exhibit G**. b. The water requirements for the Subject Wells are for six short-term rentals with an occupancy of three persons per rental, with four of the short-term rentals operated during May through October and the remaining two short-term rentals operated year-round (“Indoor Uses”). The estimated water requirements for the Indoor Uses are 125 gallons per day with 10% consumption based on subsurface discharge via septic tank-soil absorption system on the Subject Property. The estimated water requirements for the replacement of evaporation from the operation of the Lake Ditch will be equal to the evaporation from the Silver Tip Lakes from May through October, which is 2.265 acre-feet per acre. This plan will require 17.614 of an acre-foot of replacement water as shown in Table 1 below.

Use	Water Requirements	Units	Quantity AF	CU Rate	Replacement Requirements		
					Total Ac-Ft	Summer Ac-Ft	Winter Ac-Ft
Lake Evaporation	2.265 af/ac	7.4	16.761	100%	16.761	16.761	0.000
Apartment 125 gl/apt (3.0 cap)	0.0702 af/apt/6 months	4	0.28	10%	0.028	0.023	0.005
Apartment 125 gl/apt (3.0 cap)	0.1404 af/apt/12 months	2	0.28	10%	0.028	0.012	0.016
Tran. Chg.	0.15%/Mi	86	0.797	100%	0.797	0.797	0.000
Total			18.118		17.614	17.593	0.021

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	0.002	2.782	3.448	3.559	2.893	2.449	1.672

This equates to a maximum stream depletion of 26.0 gallons per minute. c. The total consumptive use water requirement will be met with 6.978 acre-feet of Guiraud 3T Ditch as described above, 10.636 acre-feet of the annual yield from the Slaght/Mack Ditch Rights as described above, and 0.021 acre-feet of storage in Maddox Reservoir (See Exhibits “C” “D” and “E” respectively). The calculated requirements of the direct flow water rights from May through October are a total of 17.614 acre-feet at the point of depletion on the North Fork of the South Platte River in the NW1/4 NW1/4, Section 18, Township 7 South, Range 73 West of the 6th P.M. The point of delivery of this water will be the headgate of the Slaght Ditch on the South Platte River in the NE1/4 SE1/4, Section 21, and the outlet of Maddox Reservoir in the SE1/4 SW1/4, Section 22, all in Township 7 South, Range 73 West of the 6th P.M., and the historic headgate of the Guiraud 3T Ditch on the Middle Fork of the South Platte River in the NE1/4 NE1/4 of Section 8, Township 11 South, Range 76 West of the 6th P.M., Park County. During the irrigation season during the months of May through October, out-of-priority depletions to the stream system will be continuously augmented by MMRC foregoing the diversion of a portion of its Slaght/Mack Ditch Rights. During the non-irrigation season during the months of November through April, and at times when the Slaght Ditch Rights and Guiraud 3T Ditch Rights are not in priority, replacement will be made by release from Maddox Reservoir. d. The required volume of augmentation water will be provided from the sources described in Paragraph No. 4, above. Due to the small volume of annual stream depletions projected to occur under this plan, instantaneous stream depletions may be aggregated and replaced by one or more releases of short duration. 6. Water Exchange Project: Since the point of depletion associated with the Augmented Structures are upstream of the augmentation supplies, Applicants assert an exchange project right pursuant to Sections 37-92-103(9), 37-92-302(1)(a), 37-92-302(5), 37-92-305(3), 37-92-305(5), and 37-92-305(8)(a), C.R.S and/or an appropriative right of exchange pursuant to Sections 37-80-120 and 37-83-104, C.R.S. The reach of the exchange shall extend from the headgate of the Slaght Ditch on the South Platte River in the NE1/4 SE1/4, Section 21, and the outlet of Maddox Reservoir in the SE1/4 SW1/4, Section 22, all in Township 7 South, Range 73 West of the 6th P.M., thence up the North Fork of the South Platte River to the point of depletion in the NW1/4 NW1/4, Section 18, Township 7 South, Range 73 West. The reach of the exchange shall also extend from the confluence of the South Platte River and the North Fork of the South Platte River in the SW1/4 SE1/4, Section 25, Township 7 South, Range 70 West, thence up the North Fork of the South Platte River to the point of depletion in the NW1/4 NW1/4, Section 18, Township 7 South, Range 73 West.

In the event that there is a senior call within the exchange project reach which precludes the exchange, the Applicants can have replacement water delivered via trucking to make replacements above the calling water right or release water from an onsite container. The exchange project rights will operate to replace depletions to the flow of water in the stream system as the depletions occur. The water exchange project rights will each be operated and administered with a priority date of December 28, 2022, at a maximum flow rate of 0.10 of a cubic foot per second each. WHEREFORE, Applicants request the entry of a decree approving this Application, specifically (1) granting the appropriations sought in this Application, (2) authorizing use of the augmentation supplies described in this Application, (3) determining that the source and location of delivery of augmentation water are sufficient to prevent material injury to vested water rights. The Applicants also request entry of an Order directing the State Engineer to issue well permits for the construction and use of, or any replacement well permit(s) required for, the Subject Wells consistent with the final decree entered in this case. (13 pgs., 7 Exhibits)

2022CW3213 GOLDEN LAND COMPANY, LLC, Attn: Reginald V. Golden, Manager, P.O. Box 54, Longmont, CO 80502-0054, reggieg@dgmlc.com, (303) 702-0708. Serve all pleadings on: Jeffrey J. Kahn and Casey J. Weaver, Lyons Gaddis, P.C., P.O. Box 978, Longmont, CO 80502-0978, (303)776-9900. jkahn@lyonsgaddis.com; cweaver@lyonsgaddis.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN BOULDER COUNTY.** **2. Name of Structure:** Fredstrom Drain. The Fredstrom Drain is a field drain constructed using perforated pipe and was permitted for use as a well in Well Permit No. 45031-F. **3. Describe conditional water right, including the following from the previous decrees:** **3.1. Date of original decree, case no., and Court:** The District Court, Water Division No. 1 (the "Water Court") entered the original decree in Case No. 94CW220 on June 25, 1996. **3.2. Subsequent decrees awarding findings of diligence and making portions of the water right absolute:** The Water Court entered subsequent diligence decrees in Case No. 02CW103, on February 20, 2003; Case No. 09CW24, on February 26, 2010; and Case No. 16CW3045, on December 29, 2016. **3.3. Legal description:** The outlet of the drain is located in the SW 1/4, SW 1/4 of Section 31, Township 3 North, Range 69 West of the 6th P.M., Boulder County, Colorado, approximately 625 feet north of south section line and 10 feet east of the west section line of said Section 31. The entire drain is located in the SE 1/4 of Section 36, Township 3 North, Range 70 West of the 6th P.M. and in the SW 1/4 of Section 31, Township 3 North, Range 69 West of the 6th P.M., Boulder County, Colorado. **3.4. Source of water:** Alluvium of the St. Vrain River. **3.5. Appropriation date:** November 30, 1994. **3.6. Amount and uses:** 1.86 cfs, of which 0.85 cfs was made absolute for irrigation and livestock uses in Case No. 02CW103 and an additional 0.11 cfs (a total of 0.96 cfs) was made absolute for irrigation and livestock uses in Case No. 16CW3045; 0.90 cfs remains conditional for irrigation and livestock uses, and 1.86 cfs remains conditional for industrial, augmentation, and exchange uses. **3.7. Location of irrigated lands:** The irrigated acreage is 169 acres in the SW 1/4 of Section 31, Township 3 North, Range 69 West of the 6th P.M. and SE 1/4 of Section 36, Township 3 North, Range 70 West of the 6th P.M., all of which is north of the St. Vrain River. **3.8. Depth:** 4 to 6 feet. **4. Provide a detailed outline of what Applicant has done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period:** Applicant was unable to make an additional portion of the remaining conditional amount of the water right absolute during the previous diligence period. Applicant will continue to attempt to divert water, up to the full decreed amount for irrigation. Pursuant to a July 7, 1997 agreement with Boulder County and permits that may be issued in conjunction with that agreement, the property may be mined in the future and the conditional water right then used in the full amount and for all uses. **5. If claim to make absolute in whole or in part:** N/A. Applicant does not claim to have made an additional portion of the remaining conditional amount absolute during the previous period. **6. Name(s) and address(es) of the owner(s) of land upon which Applicant will construct a new diversion or storage structure, modify an existing diversion or storage structure, or either stores or will store water:** Applicant does not propose either the construction of a new diversion or storage structure, the modification of an existing diversion or storage structure, or the storage of any diverted water. Applicant owns the land on which the existing diversion structure is located and on which

it has and will put the diverted water to beneficial use. WHEREFORE, Applicant requests that the Water Court enter a decree: A. Finding that Applicant has exercised reasonable diligence in the development of the water right for irrigation and livestock uses and continuing the remaining conditional portion (0.90 cfs) of the water right for irrigation and livestock uses for an additional diligence period; and B. Finding that Applicant has exercised reasonable diligence in the development of the water right for industrial, augmentation, and exchange uses and continuing the 1.86 cfs for industrial, augmentation, and exchange uses as a conditional water right for an additional diligence period.

2022CW3214 ROGER SPADE AND MARY LOU SPADE, 12245 County Road 66, Greeley, Colorado, 80631. Please send all future correspondence and pleadings to Daniel K. Brown, Esq., and Whitney Phillips Coulter, Esq., Fischer, Brown Bartlett, Larsen & Irby, P.C., 1319 E. Prospect Road, Fort Collins, CO 80525. **APPLICATION FOR CORRECTION OF AN ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINT OF DIVERSION PURSUANT TO § 37-92-305(3.6), C.R.S. IN WELD COUNTY**. 2. Purpose of Application. Roger Spade and Mary Lou Spade own the Klaus Well No. 1, originally decreed in, Case No. W-1575, Water Division 1. By this application and pursuant to C.R.S. §37-92-101 et. seq., including C.R.S. §37-92-302, 305 and 305(3.6), Applicant seeks to correct the established but erroneously described point of diversion for Klaus Well No. 1. 3. Decreed Water Right for Which Applicant Seeks Correction. 3.1. Name of Structure: Klaus Well No. 1 – 14727 3.2. Original Decree. Case No. W-1575, Water Division 1, dated March 15, 1973. (“Original Decree”). 3.2.1. Erroneous Legal Description of Structure. SW 1/4 of the SW 1/4 of Section 19, Township 6 North, Range 66 West of the 6th P.M., Weld County, Colorado, at a point 380’ N of the S section line and 4170’ W of E section line, said Section 19. 3.2.2. Decreed Source of Water. Groundwater. 3.2.3 Appropriation Date. May 31, 1950. 3.2.4. Amount. 1 cfs. 3.2.5. Use. Irrigation of approximately 85 acres the W 1/2 of the SW 1/4 of Section 19, Township 6 N, Range 66 West of the 6th P.M., Weld County, Colorado. 4. Detailed description of proposed correction. 4.1. Statement of Correction. Upon information and belief, Klaus Well No. 1 has existed and been pumped in the same location since it was originally drilled, and that location is not the same as the one described in the Original Decree. See Exhibit A. The permit for Klaus Well No. 1 predates the Original Decree, and there are no records indicating that the well was moved after entry of the Original Decree. Klaus Well No. 1 is augmented in its current location pursuant to the final decree entered in Case No. 22CW3048, District Court, Water Division 1. 4.2. Description of the Corrected Point of Diversion. The correct legal description for Klaus Well No. 1 is as described below. 4.2.1. Legal: SW 1/4 SW 1/4 of Section 19, Township 6 North, Range 66 West of the 6th P.M., Weld County, Colorado. 4.2.2. UTM: Zone 13: 514632.0 Easting; 4479590.0 Northing. 5. Name and addresses of owner(s) or reputed owners of the land upon which Klaus Well No. 1 exists. Kevin and Cindy McRae are the owners of the land on which Klaus Well No. 1 exists: 12301 Weld County Road 66, Greeley, CO 80631. WHEREFORE, for the foregoing reasons, Applicant respectfully requests that the Court enter a decree granting the correction described herein of the established but erroneously described point of diversion for Klaus Well No. 1, and such other relief as the Court deems necessary and proper. (4 pages, 1 Exhibit).

2022CW3215 Applicant, THE CITY AND COUNTY OF DENVER, ACTING BY AND THROUGH ITS BOARD OF WATER COMMISSIONERS (“Denver Water” or “Applicant”), 1600 West 12th Avenue, Denver, Colorado 80204, Telephone: 303-628-6460 (c/o Daniel J. Arnold, James M. Wittler, Crystal J. Easom at the above address). **APPLICATION FOR CONDITIONAL STORAGE RIGHT, GROUNDWATER RIGHT, PLANS FOR AUGMENTATION, AND APPROPRIATIVE RIGHTS OF EXCHANGE IN ADAMS AND WELD COUNTIES**. Application fifteen (15) pages. **First Claim for Relief: Application for Storage Right**. 2. Name of Structure. North Reservoir Complex First Enlargement. 3. Description of North Reservoir Complex. The North Reservoir Complex is located adjacent to the South Platte River between 108th and 120th Avenues and consists of the following five off-channel reservoirs: Howe-Haller A Reservoir, Howe-Haller B Reservoir, Hazeltine Reservoir, Dunes Dam and Reservoir and Tanabe Reservoir. Water is diverted to the North Reservoir complex at the Fulton Ditch headgate and in the future, via a ground water mounding drain (“North Complex Mounding Drain”) that

will deliver water to the North Complex reservoirs. All five reservoirs are connected by pipelines so that they function as an integrated unit. A portion of the water stored at the North Reservoir Complex can be released to the South Platte River by gravity through an outlet that has been constructed in the north embankment of Hazeltine Reservoir. Upon completion, water stored below the invert of the gravity outlet will be released through the Hazeltine pump station. The Hazeltine Pump Station will also pump water to Dunes Dam and Reservoir and Tanabe Reservoir. Both outflows utilize the same outlet. The current configuration of the North Reservoir Complex is shown on **Figure 1. 4. Location of North Reservoir Complex**. The five reservoirs that comprise the North Reservoir Complex have the following locations: (a) Howe-Haller A Reservoir. Howe-Haller A Reservoir is located in the E1/2 of the NW1/4 and W1/2 of the NE1/4 of Section 9, T2S, R67W, 6th P.M., Adams County, Colorado. (b) Howe-Haller B Reservoir. Howe-Haller B Reservoir is located in the SW1/4 of the SW1/4 in Section 3; the SE1/4 of the SW1/4 and S1/2 of the SE1/4, in Section 4; and the NE1/4 of the NW1/4 and the NE1/4 in Section 9 of T2S, R67W, 6th P.M., Adams County, Colorado. (c) Hazeltine Reservoir. Hazeltine Reservoir is located in the NW1/4, N1/2 of the SW1/4 and W1/2 of the NE1/4 of Section 3; and in the NE1/4 and N1/2 of the SE1/4 of Section 4, T2S, R67W of the 6th PM, Adams County, Colorado. (d) Dunes Dam and Reservoir. Dunes Dam and Reservoir is located in the SW1/4 of the NW1/4, and NW1/4 of the SW1/4 of Section 2 and in the E1/2 of the SW1/4, SE1/4, and S1/2 of the NE1/4 of Section 3, T2S, R67W of the 6th P.M., Adams County, Colorado. (e) Tanabe Reservoir. Tanabe Reservoir is located in the NW1/4 of Section 10, T2S, R67W, 6th P.M., Adams County, Colorado. 5. Points of Diversion for the North Reservoir Complex First Enlargement. (a) The headgate of the Fulton Ditch as it currently exists is located on the east bank of the South Platte River in the NE1/4 of the SE1/4, in Section 17, T2S, R67W, 6th P.M., Adams County, Colorado, at a point approximately 2,815 feet south and 145 feet west of the NE corner of said Section 17. (b) The North Complex Mounding Drain is located within the NE 1/4 of the NE 1/4 Section 9 Township 2.0 S Range 67.0 W. Sixth P.M., Adams County, Colorado. UTM Coordinates (Meters, Zone: 13, NAD83), Easting 509849.0 Northing: 4416256.0. 6. Capacity of Structures Used to Fill the North Reservoir Complex First Enlargement. (a) Through the enlarged portion of the Fulton Ditch, up to a maximum rate of 300 cubic feet per second (“cfs”). (b) From the North Complex Mounding Drain, up to a maximum rate of 3 cfs. 7. Capacities of North Reservoir Complex Vessels Over and Above Capacities Decreed in Case No. 2001CW286/ 2013CW3056. Denver Water anticipates that Hazeltine Reservoir will have the following capacities over and above the 5,626 acre-feet of capacity decreed for Hazeltine in Case Nos. 2001CW286/2013CW3056, Water Division 1: a. Enlarged Capacity. 1,940 acre-feet approximately. b. Total Capacity. 7,566 acre-feet approximately. c. Active Capacity. 7,566 acre-feet approximately. d. Dead Storage. 0 acre-feet approximately. e. Approximate Surface Area at the High Water Line. 240 acres approximately. f. Maximum Depth. 48 feet approximately. g. Overall Capacity. This enlarged capacity increases the overall combined size of the North Reservoir Complex decreed in Case No. 2001CW286/2013CW3056 from 17,747 acre-feet to 19,687 acre-feet. Even though the North Reservoir Complex First Enlargement is for the enlarged capacity of Hazeltine Reservoir, water stored under the North Reservoir Complex First Enlargement Right may be placed in storage in any of the individual reservoirs that comprise the North Reservoir Complex, the Lupton Lakes Complex, the South Reservoir Complex, and other storage units of the Denver municipal water system subject to available capacity and so long as the amount in storage at any one time under the First Enlargement Right does not exceed the amounts in paragraph 8 below. 8. Amount. 1,940 acre-feet, CONDITIONAL for the North Reservoir Complex First Enlargement, with a one-time right to refill up to 1,940 acre-feet, CONDITIONAL, subject to carryover storage. 9. Date of Appropriation and Means of Initiation. The date of appropriation claimed is the date of filing of this application. 10. Source. The source of the water is from the South Platte River and streams and wastewater tributary thereto, including on-site precipitation. 11. Beneficial Use. Water will be stored and then used by exchange or directly for non-agricultural irrigation, commercial, industrial and all municipal uses, including, but not limited to, domestic, mechanical, manufacturing, industrial, power generation, fire protection, sewage treatment, street sprinkling, irrigation of parks, lawns, grounds and open spaces, flat water recreation, piscatorial, maintenance and preservation of wildlife, maintenance and preservation of wetland lake levels for permit compliance, water quality treatment and blending, lake and

reservoir evaporation, augmentation and/or replacement, and maintenance of adequate storage reserves. Such water may be fully consumed by direct use, storage and subsequent release, and by reuse, successive use, further exchange and disposition, subject to the terms and conditions of this Decree. 12. Place of Use. The place of use is the City and County of Denver and that area that is reasonably integrated with the development of the City and County of Denver as it presently exists or as it may exist in the future including within the service areas of existing and future customers in the counties of Adams, Arapahoe, Broomfield, Douglas, and Jefferson. **Second Claim for Relief: North Complex Mounding Drain Water Right**. 13. Name. North Complex Mounding Drain. 14. Description of North Complex Mounding Drain System. The North Complex Mounding Drain is located along the eastern edge of the Hazeltine and Howe-Haller B Reservoirs and is currently used pursuant to an approved Substitute Water Supply Plan. The North Complex Mounding Drain is permitted under Permit No. 82711-F issued November 14, 2018. Denver Water will pump groundwater intercepted by the North Complex Mounding Drain from the mounding drain and either store the water in the North Reservoir Complex for subsequent beneficial use or deliver the water to an unlined pond (“Pre-81 Pit”) located east of the Howe-Haller B Reservoir as shown on **Figure 1** to maintain water levels. The groundwater in the unlined Pre-81 Pit was exposed to the atmosphere prior to 1981 due to a gravel mining operation and is now maintained as a pond and wetland as required by the mine reclamation plan. At times when water is not needed to maintain water levels within the Pre-81 Pit or for storage in the North Reservoir Complex, water intercepted by the North Complex Mounding Drain will be pumped and delivered to First Creek in the SE1/4 of the NE1/4 of Section 9, Township 2 South, Range 67 West, 6th P.M., as approximately shown in **Figure 1** to replace out-of-priority depletions from the North Complex Mounding Drain. 15. Location of the North Complex Mounding Drain. The North Complex Mounding Drain is located within the NE 1/4 of the NE 1/4 Section 9 Township 2.0 S Range 67.0 W. Sixth P.M., Adams County, Colorado. UTM Coordinates (Meters, Zone: 13, NAD83), Easting 509849.0 Northing: 4416256.0. 16. Amount. The North Complex Mounding Drain will divert at a rate not to exceed 3 cfs or 1,346 gallons per minute (gpm), CONDITIONAL. 17. Date of Appropriation and Means of Initiation. The date of appropriation claimed is the date of filing of this application. 18. Source. The source of the water is from the South Platte River alluvium and streams and wastewater tributary thereto. 19. Depth. 20 feet, approximately. 20. Beneficial Use. See paragraph 11 above. 21. Place of Use. See paragraph 12 above. **Third Claim for Relief: Plan for Augmentation for North Reservoir Complex Precipitation and Seepage**. 22. Name of Augmented Structure. Hazeltine, Howe Haller A, Howe Haller B, Dunes, and Tanabe Reservoirs of the North Reservoir Complex. 23. Statement of Plan for Augmentation. Denver Water seeks to replace depletions associated with out-of-priority storage of precipitation and seepage inflows into the five water storage vessels that comprise the North Reservoir Complex while construction work is being performed and during times when Denver Water is unable to pump water out of the complex due to maintenance and other planned and unplanned outages at the future Hazeltine Pump Station. As of the date of this Application, Hazeltine remains under construction. Until a pump station becomes operational at Hazeltine Reservoir, Denver Water may not be able to discharge seepage or out-of-priority precipitation from the North Reservoir Complex. Water is currently being stored in Dunes and Tanabe Reservoirs, which will be operated by gravity until the Hazeltine Pump Station becomes operational. When water is being stored in Dunes or Tanabe Reservoirs and able to be released by gravity or pumping, Denver Water will utilize the accounting decreed in Case No. 01CW286, as amended in 13CW3056 Water Division 1 to make replacements of any out-of-priority diversions of seepage and precipitation when the call being administered downstream of the North Reservoir Complex is senior to December 28, 2001. When a reservoir that is part of the North Reservoir Complex is not able to release water by gravity or through pumping, Denver Water will make replacements of out-of-priority diversions of seepage and precipitation under this plan for augmentation. 24. Amount of Depletions. a. Precipitation. The average annual volume of intercepted precipitation is estimated to be 709.8 acre-feet. b. Seepage. The annual volume of seepage is estimated to be 104.1 acre-feet. 25. Timing of Depletions. For simplicity, Denver Water will assume that out-of-priority diversions of seepage and precipitation will return to the South Platte River within 72 hours as storm water runoff when the North Complex pump station is operational. Corresponding replacements for out-of-priority depletions will be made within 72 hours consistent with the State Engineer’s 72-hour

rule under this plan for augmentation. Out-of-priority diversions of precipitation and seepage will be replaced anytime there is a valid downstream call on the South Platte River that is senior to December 28, 2001. 26. Location of Augmented Structure. See paragraph 4 above. 27. Replacement Sources. Denver Water owns water rights originally decreed in the South Platte River basin for direct flow irrigation uses and has changed the consumptive use portions of these rights, by decree, to all municipal uses. Denver Water also owns water rights in tributaries to the Colorado River, which Denver imports to the South Platte River basin for beneficial use. In addition, Denver Water owns water rights in not-nontributary Arapahoe and Upper Arapahoe Aquifer formations and water rights in the nontributary Arapahoe and Upper Arapahoe, Laramie-Fox Hills, and the Lower Arapahoe Aquifer formations. Water from these sources will be made available in the amounts and at locations necessary to replace out-of-priority depletions pursuant to the plan for augmentation decreed herein. Water from these sources that is once or successively used through Denver Water's potable water system and returned to the South Platte River, and its tributaries will be made available in the amount and at locations, including, but not limited to, outfalls of the various wastewater treatment plants that discharge effluent attributable to Denver Water's service area, necessary to replace out-of-priority depletions pursuant to the plan for augmentation decreed herein. These water rights include: a. Beery Ditch, Case No. W-7739-74 WD1, appropriation date of June 15, 1861. b. Four Mile Ditch, Case No. 80CW313 WD1, appropriation date of June 1, 1868. c. Brown Ditch, Case No. 86CW014 WD1, appropriation date of November 30, 1862. d. Nevada Ditch, Case No. 90CW172 WD1, appropriation dates of August 30, 1861 - Priority No. 4; December 30, 1865 - Priority No. 19. e. Last Chance Ditch, Case No. 92CW014 WD1, appropriation dates of December 30, 1863 - Priority No. 14; - March 3, 1868 - Priority No. 39. f. Pioneer Union Ditch, Case No. 91CW100 WD1, appropriation dates of December 10, 1861 - Priority No. 5; September 1, 1862 - Priority No. 11. g. Hodgson Ditch, Case No. 91CW102, appropriation date of June 1, 1861 - Priority No. 3. h. Harriman Ditch, Case No. 91CW103, appropriation dates of March 16, 1869 - Priority No. 23; May 1, 1871 - Priority No. 25; March 1, 1882 - Priority No. 30. i. Robert Lewis Ditch, Case No. 91CW105, appropriation date of October 1, 1865 - Priority No. 19. j. Simonton Ditch, Case No. 91CW106, appropriation date of December 25, 1860 - Priority No. 2. k. Warrior Ditch, Case No. 91CW109 WD1, appropriation dates of December 1, 1861 - Priority No. 4; April 16, 1862 - Priority No. 8; October 31, 1864 - Priority No. 14. l. Blue River Diversion Project, Water District No. 36, Summit County Case Nos. 1805 and 1806 and Consolidated Case Nos. 2782, 5016, and 5017, U.S. District Court, appropriation date of June 24, 1946. m. Straight Creek Conduit of the Roberts Tunnel Collection System, Water District No. 36, C.A. No. 2371, appropriation date of January 21, 1957. n. Fraser River and Williams Fork Diversion Projects, Water District No. 51, Grand County, C.A. No. 657, appropriation date of July 4, 1921. This source may be used as a replacement supply under this plan to the extent allowed by the 1940 Agreement except as otherwise modified. o. Darling Creek Extension of the Williams Fork Diversion Project, Water District 51, Grand County, C.A. No. 1430, appropriation date of August 26, 1953. p. Moffat Tunnel Collection System, Water District No. 51, Grand County, C.A. No. 1430, appropriation date of August 30, 1963. q. Hamilton-Cabin Creek Ditch, Extension and Enlargement of Hamilton-Cabin Creek Ditch, Meadow Creek Reservoir, Water District No. 51, Grand County, C.A. No. 657, appropriation Date of July 2, 1932. r. Laramie Fox Hills-1 Well, Case No. 88CW149 WD 1 and Permit Nos. 32363-F and 35393-F. s. South and North Reservoir Complex South Platte Storage Rights, Case No. 2001CW286 WD1 as amended in Case No. 2013CW3056 WD1, appropriation date of December 28, 2001. t. Denver Metro Wells, Case No. 2003CW186 WD1, for right to withdraw nontributary and not-nontributary water from the Arapahoe, Upper Arapahoe, and Laramie-Fox Hills Aquifers u. Farmers and Gardeners Ditch Water Right, Case No. 2009CW084 WD1, appropriation date of March 15, 1863. v. South Reservoir Complex Enlargement Water Right, Case No. 2009CW264 WD1, appropriation date of December 29, 2009. w. Recycling Plant Direct Flow Water Right (Case No. 2001CW287 WD1), Appropriation Date: December 28, 2001. Only reusable return flows from this water right may be used for augmentation. x. Recycling Plant, Case No. 2001CW287 WD1, decree date of December 6, 2011, including return flows resulting from delivery of water from Recycle Plant. y. Lawn Irrigation Return Flows, Case No. 2004CW121 WD1, decree date of May 15, 2012. z. Nevada Ditch, Case No. 2020CW3103 WD1, application filed July 28, 2020, decree pending. aa. City Ditch, Case No. 2020CW3200 WD1, application filed December 28, 2020, decree

pending. bb. Lupton Lakes Storage Complex Water Right, Case No. 2007CW322 WD1, appropriation date of December 28, 2007. cc. The North Complex Mounding Drain Water Right claimed in this Application. dd. The North Reservoir Complex First Enlargement Water Right claimed in this Application. ee. Denver Water can also release water from the above-referenced sources stored in Antero Reservoir, Eleven Mile Reservoir, Cheesman Reservoir, Chatfield Reservoir, Soda Lakes Reservoirs, Harriman Reservoir, Ralston Reservoir, and Gross Reservoir, or discharged from wastewater treatment plants, including the Metro Wastewater Reclamation District Treatment Plants (Hite Treatment Plant and Northern Treatment Plant) or Littleton/Englewood (“Bi-City”) Wastewater Treatment Plant. ff. Currently, as a result of the ruling entered in Case No. 81CW405, reuse of the source identified in Paragraph 27.n is limited. This application does not modify the decree entered in Case No. 81CW405, but Denver Water reserves the right to reuse water from this source beyond the limitations of such ruling if such decree is modified to permit such usage. This application also does not modify the decrees in any of the other cases identified in paragraph 27 and its subparagraphs.

28. Other Replacement Sources. a. Additional Supplies of Augmentation Water. Pursuant to C.R.S. § 37-92-305(8)(c), the Court may authorize the Applicant to utilize additional or alternative sources of augmentation water for replacement in the plan for augmentation sought herein, including water leased by the Applicant, if such sources are part of a substitute water supply plan approved pursuant to C.R.S. § 37-92-308 or if such sources are decreed for such use. b. Additional Water Rights Separately Decreed for Augmentation Use. If a water right is decreed or lawfully available for augmentation use and not already approved for such use under this application, Applicant may add the water right by notice, subject to a reasonable opportunity for Opposers to object on the grounds of injury. This paragraph shall apply to all separately decreed sources, whether they are permanent additions to this plan for augmentation or of limited duration. c. Other Additional Water Rights. If a water right is not decreed or otherwise lawfully available for augmentation use, and Colorado statutes or other governing authority provide a mechanism for using such water right without the need of a decree or well permit, Applicant shall provide written notice to the Opposers of its request for approval of the State Engineer pursuant to C.R.S. § 37 92-308 or other applicable statute. Applicant may use such water rights in the plan for augmentation upon the State Engineer’s approval of the administrative application for the term of such approval, unless such approval is reversed or modified on appeal or under retained jurisdiction.

29. Location of Replacement Sources. Location of replacement sources are more specifically described as follows: a. Delivery from Locations Upstream of the Fulton Ditch. The replacement supplies in paragraphs 27.a through 27.ee can be used as augmentation as a first use or by reuse and successive use through deliveries to the South Platte River by release from locations upstream of the Fulton Ditch where the replacement supplies may be lawfully stored or diverted, subject to the assessment of reasonable transit losses. b. Delivery from North Complex Mounding Drain. Water from the North Complex Mounding Drain or in storage at the North Reservoir Complex can be delivered to Bull Seep/First Creek and then to the South Platte River at a point where Bull Seep/First Creek intersect with the South Platte River, located at the NW 1/4 of the SE 1/4 of Section 4, Township 2 South, Range 67 West of the 6th P.M., in Adams County, Colorado. c. Delivery from North Reservoir Complex Outlet. The point where the North Reservoir Complex Outlet Structure physically discharges water to the South Platte River, which is located in the NW 1/4 of the NE 1/4 of Section 3, Township 2 South, Range 67 West of the 6th P.M., in Adams County, Colorado being 2578.48 feet westerly of the easterly line of said section and 179.01 feet southerly of the northerly line of said section. d. Lupton Lakes Reservoir Outlet. The replacement supplies in paragraphs 27.a through 27.ee can be used as augmentation at the point where the future Lupton Lakes Complex Outlet Structure discharges water to the South Platte River, expected to be located in the NE 1/4 of the NW 1/4 of Section 19, Township 1 North, Range 66 West of the 6th P.M., in Weld County, Colorado. Because the location of the outlet structure has not been finalized, distances to sections lines are not available at this time.

Fourth Claim for Relief: North Complex Mounding Drain Augmentation Plan. 30. Name of Augmented Structure. North Complex Mounding Drain. 31. Statement of Plan for Augmentation: See paragraph 14 above. At times when Denver Water is not releasing water from the North Complex Mounding Drain to First Creek, it will be delivering the water to the Pre-1981 Pit described under the second claim for relief or to the North Reservoir Complex for storage and subsequent beneficial uses. When water from the North Complex

Mounding Drain is delivered to either of these locations, Denver Water will replace all out-of-priority depletions associated with the North Complex Mounding Drain to the extent a call on the River is senior to the appropriation date for the North Complex Mounding Drain water right claimed under the Second Claim for Relief set forth above. 32. Timing, Amount, and Location of Depletions. Denver Water will replace all out-of-priority depletions from the North Complex Mounding Drain in time, location and amount. 33. Location of Augmented Structure. The North Complex Mounding Drain is located within the NE 1/4 of the NE 1/4 Section 9 Township 2.0 S Range 67.0 W. Sixth P.M., Adams County, Colorado. UTM Coordinates (Meters, Zone: 13, NAD83), Easting 509849.0 Northing: 4416256.0. 34. Replacement Supplies. The replacement supplies, including location and means of delivery are described in paragraphs 27 and 29 above and the subparagraphs thereunder. **Fifth Claim for Relief: Appropriative Rights of Exchange.** 35. Name of Water Right. North Reservoir Complex Augmentation and First Enlargement Exchange. 36. Exchange-to Locations. a. Outlet of North Reservoir Complex. The point where the North Reservoir Complex Outlet Structure physically discharges water to the South Platte River, which is located in the NW 1/4 of the NE 1/4 of Section 3, Township 2 South, Range 67 West of the 6th P.M., in Adams County, Colorado being 2578.48 feet westerly of the easterly line of said section and 179.01 feet southerly of the northerly line of said section. Denver Water may modify this location within a distance of up to half a mile in its final decree tendered to the Water Court. b. Confluence of Bull Seep/First Creek with South Platte River. The point where Bull Seep and First Creek intersect with the South Platte River, which is located at the NW 1/4 of the SE 1/4 of Section 4, Township 2 South, Range 67 West of the 6th P.M., in Adams County, Colorado. Denver Water may modify this location within a distance of up to half a mile in its final decree tendered to the Water Court. c. The Burlington Ditch Headgate. The location of the Burlington headgate is on the east bank of the South Platte River, in the NE1/4 of the SW1/4, Section 14, T3S, R68W, 6th P.M., in the City and County of Denver, Colorado, 2,456.2 feet east of the west line of the southwest quarter and 2347.7 feet north of the south line of said southwest quarter of section 14. The headgate is located at approximately latitude 039° 47' 24.69" N, longitude 104° 58' 9.97" W. The UTM coordinates are approximately NAD 1983 UTM Zone 13S 502616.89 mE 4404471.42 mN. The Burlington Ditch is used to convey water to the South Reservoir Complex. 37. Exchange-from Locations. a. Lupton Lakes Reservoir Outlet. The point where the Lupton Lakes Complex Outlet Structure discharges water to the South Platte River, located in the SE 1/4 of the SW 1/4 of Section 18, Township 1 North, Range 66 West of the 6th P.M., in Weld County, Colorado. Because the Outlet structure is under construction, distances to sections lines are not available at this time. b. Outlet of North Reservoir Complex. The point where the North Reservoir Complex Outlet Structure physically discharges water to the South Platte River, which is located in the NW 1/4 of the NE 1/4 of Section 3, Township 2 South, Range 67 West of the 6th P.M., in Adams County, Colorado being 2578.48 feet westerly of the easterly line of said section and 179.01 feet southerly of the northerly line of said section. 38. Exchange Reaches. a. Exchange Reach A. The exchange reach extends from the Lupton Lakes Outlet identified in paragraph 37.a above to the Outlet of the North Reservoir Complex described in paragraph 36.a above. b. Exchange Reach B. The exchange reach extends from the Lupton Lakes Outlet identified in paragraph 37.a above to the confluence of Bull Seep/First Creek with South Platte River described in paragraph 36.b above. c. Exchange Reach C. The exchange reach extends from the Lupton Lakes Outlet identified in paragraph 37.a above to the Burlington Ditch Headgate described in paragraph 36.c above. d. Exchange Reach D. The exchange reach extends from the Outlet of the North Reservoir Complex identified in paragraph 37.b. above to the Confluence of Bull Seep/First Creek with South Platte River described in paragraph 36.b above. e. Exchange Reach E. The exchange reach extends from the Outlet of the North Reservoir Complex identified in paragraph 37.b. above to the Burlington Ditch Headgate described in paragraph 36.c above. 39. Date of Appropriation and Means of Initiation. The date of appropriation claimed is the date of filing of this application. 40. Flow Rate. a. Augmentation Exchanges. For Exchange Reaches A, B, and D, 4 cfs, CONDITIONAL. b. North Reservoir Complex First Enlargement Right Exchange. For Exchange Reaches C and E, 50 cfs, CONDITIONAL. 41. Source. The source of the water is from the South Platte River alluvium and streams and wastewater tributary thereto. 42. Beneficial Use. See paragraph 11 above. 43. Place of Use. See paragraph 12 above. 44. Substitute Supplies. The substitute supplies are identified in paragraph 27 and its subparagraphs. 45. Owner of land on which

Structures are Located. Denver Water owns all land upon which the North Reservoir Complex will be located. Even though this application does not involve new diversion structures or storage structures or modifications to storage structures, Denver Water is providing notice to The Fulton Irrigating Ditch Company. Additionally, because water diverted through the Burlington Ditch to the South Reservoir Complex will be used for augmentation under this Application as an exchange-to location, Denver Water is providing notice to The Farmers Reservoir and Irrigation Company pursuant to its bylaws. Notice was provided to these entities at the following addresses: a. The Fulton Irrigating Ditch Company, 25 South 4th Avenue, Brighton, Colorado 80601. b. The Farmers Reservoir and Irrigation Company, 80 South 27th Avenue, Brighton, Colorado 80601. WHEREFORE, Denver Water requests the Court enter a judgment and decree granting Denver Water's First, Second, Third, Fourth, and Fifth Claim for Relief set forth above.

2022CW3216 WHISPERING ASPEN WATER COMPANY, MOUNTAIN MUTUAL RESERVOIR COMPANY, AND NORTH FORK ASSOCIATES, LLC; Whispering Aspen Water Company, P.O. Box 2074, Fairplay, CO 80440; Email: andrew.rajca@gmail.com; Telephone: 970-333-3359; 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 Rachel L. Bolt, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Email: asl@vrlaw.com; rlb@vrlaw.com; Telephone: (303) 443-6151.

APPLICATION FOR CHANGE OF WATER RIGHTS AND PLAN FOR AUGMENTATION IN PARK COUNTY.

2. Overview of claims. The Whispering Aspen Water Company ("Whispering Aspen") serves the Spruce Hill Development located in Fairplay, Park County, Colorado, the general location of which is shown on the map attached as **Exhibit A**. The water for the Spruce Hill Development is provided by commercial and domestic multi-use wells, which are augmented pursuant to a plan for augmentation originally decreed in Case No. W-8668-77, which was subsequently amended in Case Nos. 80CW131, 85CW465, and 00CW50. The source of the augmentation water is 0.17 cfs of the Guiraud 3T Ditch water right, yielding 3.76 acre-feet annually. Generally, under the augmentation plan out-of-propriety depletions for the Spruce Hill Development are replaced by: (1) leaving Guiraud 3T Ditch water in the Middle Fork of the South Platte River to augment irrigation season depletions; and (2) storing water in Lower Sacramento Creek Reservoir No. 1 to replace non-irrigation season depletions. Under the current augmentation plan, as recognized in the decree for Case No. 00CW50, there is an unused surplus of 0.028 cfs of Guiraud 3T Ditch water, yielding 0.622 acre-feet of unallocated consumptive use credit. As contemplated by the 00CW50 Decree, the development plans for the Spruce Hill Development have changed, resulting in anticipated non-irrigation depletions that are not replaced under that augmentation plan. Applicants filed this application to replace these additional non-irrigation season depletions in the following manner: to change up to 0.622 acre-feet of unallocated Guiraud 3T Ditch water for storage in Lower Sacramento Creek Reservoir No. 1 for subsequent release during the non-irrigation season pursuant to the supplemental augmentation plan sought in this Application.

CLAIM NO. 1: APPLICATION FOR CHANGE OF WATER RIGHT

3. Decreed Water Right for Which Change is Sought: 0.028 cfs of the Guiraud 3T Ditch, yielding 0.622 acre-feet of annual consumptive use credit which was previously changed and quantified in 00CW50 as described below. a. The Guiraud 3T Ditch has an appropriation date of July 1, 1867. The headgate for the ditch is located on the South bank of the Middle Fork of the South Platte River in the NE1/4 of the NE1/4, Section 8, Township 11 South, Range 76 West, 6th P.M., Park County, Colorado, at a point whence the Northeast Corner of the NE1/4 of said Section 8 bears North 63°35" East, 1,305 feet. Originally decreed for irrigation uses, this water right has been subject to various change proceedings. Past decrees have determined the average annual consumptive use under the Guiraud 3T Ditch to be 21.82 acre-feet per year per 1.0 cfs. b. In Case No. W-8668-77, 0.17 cfs of the Guiraud 3T Ditch water right, yielding 3.76 acre-feet of annual consumptive use credit originally decreed for irrigation was changed for use in a plan for augmentation for the Spruce Hill Development. That augmentation plan was subsequently amended in Case Nos. 80CW131, 85CW465 and 00CW050. Pursuant to the augmentation plan depletions are generally replaced to the stream by: (1) leaving water in the Middle Fork

of the South Platte River to augment irrigation season depletions; and (2) storing water in Lower Sacramento Creek Reservoir No. 1 to replace non-irrigation season depletions. The irrigation season is May 1 through September 30 and the non-irrigation season is October 1 through April 30 of every year. c. Pursuant to Paragraph 18 of the 00CW50 Decree, there is a surplus of 0.028 cfs of Guiraud 3T Ditch water, yielding 0.622 acre-feet of unallocated consumptive use credits of the total 3.76 acre-feet dedicated to the plan for augmentation in Case Nos. W-8668-77, 80CW131, 85CW465 and 00CW050 (the “Unallocated Consumptive Use Credit”). d. In accordance with Paragraph 18 of the 00CW50 Decree, Applicants now seek this change in order to have the Unallocated Consumptive Use Credit dedicated to the new supplemental augmentation plan described below. e. As set forth herein, Applicants seek judicial confirmation that the 0.028 cfs yielding 0.622 acre feet of Guiraud 3T Ditch can be stored in Lower Sacramento Creek Reservoir No. 1 for subsequent augmentation releases to replace non-irrigation season depletions in connection with this supplemental augmentation plan. f. The Lower Sacramento Creek Reservoir is located in the NE1/4 NW1/4, Section 32, and the SE1/4 SW1/4, Section 29, Township 9 South, Range 77 West, 6th P.M., Park County Colorado. g. Source of Water: South Platte River. h. Uses: The uses under the supplemental augmentation plan will be the same storage and augmentation purposes set forth in Case Nos. W-8668-77, 80CW131, 85CW465, and 00CW050. **CLAIM NO 2. APPLICATION FOR APPROVAL OF A SUPPLEMENTAL PLAN FOR AUGMENTATION** 4. Applicant intends this augmentation plan to act as a supplement in order to replace any out-of-priority depletions of the Spruce Hill Development not already replaced by the augmentation plan decreed in Case Nos. W-8668-77, 80CW131, 85CW465, and 00CW050. 5. Names of Structures to be Augmented: The structures described in the 00CW50 Decree, including the Spruce Hill Well #1 (Permit No. 59445-F), Spruce Hill Well #2 (Permit No. 59444-F), Spruce Hill Well #3 (Permit No. 59443-F), and up to three additional commercial and domestic multi-use wells that serve the Spruce Hill Development. 6. Water Rights to be Used for Augmentation Purposes: a. Guiraud 3T Ditch. 0.028 cfs of the Guiraud 3T Ditch, yielding 0.622 acre-feet annually which is the subject of the change herein. The location of the Guiraud 3T Ditch headgate is described above in Paragraph 3.a. b. Lower Sacramento Creek Reservoir No. 1. Whispering Aspen has entered into a contract with North Fork Associates to purchase 0.650 acre-feet of additional storage in Lower Sacramento Creek Reservoir No. 1. The reservoir has been constructed and holds the following decree for domestic, municipal, commercial, industrial, irrigation, fish and wildlife propagation, recreation and all other beneficial purposes, including exchange to compensate for depletions in the South Platte River or its tributaries.

<u>Adjudication</u>	<u>Appropriation Date</u>	<u>Amount (AF)</u>
Case No. W-7741-74	<u>July 25, 1974</u>	<u>40 af</u>

The location of the reservoir is described above in Paragraph 3.f. Releases from the reservoir are made pursuant to the Decrees issued in Case Nos. 84CW250 and 85CW465. The Guiraud 3T Ditch water may be stored in Lower Sacramento Creek Reservoir pursuant to an exchange decreed in Case No. 96CW287. 7. This supplemental augmentation plan would replace out-of-priority depletions of the Spruce Hill Development that are not already augmented pursuant to Case Nos. W-8668-77, 80CW131, 85CW465, and 00CW050. 8. As set forth in the 00CW50 Decree, 0.17 cfs of the Guiraud 3T Ditch water right, yielding 3.76 acre-feet of annual consumptive use credit was decreed for the augmentation plan based on the anticipated build out of the Spruce Hill Development as follows: a. 1.337 acre-feet to be left in the Middle Fork of the South Platte River to replace out of priority depletions during the irrigation season; b. 1.266 acre-feet to be stored in Lower Sacramento Creek Reservoir for replacement of non-irrigation season depletions; c. 0.285 acre-feet to replace evaporative losses from the reservoir storage; and d. 0.250 acre-feet dedicated to eight single family homes in a subdivision adjacent to the development to be allocated between them as their owners may designate. The remaining 0.028 cfs, yielding 0.622 acre-feet annually is the subject of Claim 1 as an Unallocated Consumptive Use Credit. 9. Whispering Aspen’s predecessor obtained 166 shares in the Lower Sacramento Creek Reservoir Company entitling it to 1.66 acre-feet of storage in the Lower Sacramento Creek Reservoir No. 1. This amount has been physically reduced to 1.64 acre-feet based on subsequent lining of the reservoir. Under the current augmentation plan, Whispering

Aspen is utilizing 1.551 acre-feet of storage, leaving 0.089 acre-feet of excess storage in Lower Sacramento Creek Reservoir. 10. Paragraph 15 of the 00CW50 Decree contemplated that the details of the Spruce Hill Development could change without altering the findings and conclusions in the Decree, provided the total depletions attributable to the development and evaporative losses from the storage of augmentation water in Lower Sacramento Creek Reservoir did not exceed the total historical consumptive use credits of 3.76 acre-feet of Guiraud 3T Ditch right and the related seasonal limits. 11. At the time of the 00CW50 Decree, it was anticipated that the development would include 141 RV park lots to be used exclusively during the irrigation season. 12. Instead of 141 seasonal RV lots, current development plans contemplate 56 year-round RV lots and 47 year-round single-family homes. Based on analysis of Martin and Wood in support of this application, this change to the development plan is anticipated to result in 0.612 acre-feet of consumptive depletions during the non-irrigation season that are not accounted for under the current augmentation plan. No unreplaced depletions will occur during the irrigation season. 13. These non-irrigation season depletions will be replaced pursuant to this supplemental augmentation plan by using the augmentation sources listed in Paragraphs 6.a. and b., above, operated as set forth below: a. In order to assure that sufficient augmentation water will be available to augment the anticipated stream depletions during the non-irrigation season, the 0.028 cfs of the Guiraud 3T Ditch priority, yielding 0.622 acre-feet per year, as described in Claim 1 herein, will be reserved for use in this supplemental plan for augmentation. This water will be stored in the Lower Sacramento Creek Reservoir No. 1 for release during the non-irrigation season. b. To ensure there is sufficient storage, Applicants will utilize the 0.089 acre-feet of excess storage in the current plan for augmentation in addition to the 0.650 acre-feet of Lower Sacramento Creek Reservoir storage described in Paragraph 6.b., above, for a total of 0.739 acre-feet of storage in Lower Sacramento Creek Reservoir. The net evaporation to be replaced pursuant to this augmentation plan is 0.127 acre-feet per year. Applicants will store a portion of the Guiraud 3T Ditch priority in the Lower Sacramento Creek Reservoir, pursuant to the exchange decreed in Case No. 96CW287. c. The supplemental augmentation plan sought herein in conjunction with the augmentation plan decreed in Case Nos. W-8668-77, 80CW131, 85CW465, and 00CW050 will not exceed the 0.17 cfs of the Guiraud 3T Ditch water right, yielding 3.76 acre-feet of annual consumptive use credit owned by Whispering Aspen. 14. 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: Applicants. WHEREFORE, Applicants request entry of a decree approving this Application, including but not limited to (1) granting the change sought in this Application (2) authorizing use of the augmentation supplies sought in this Application, (3) determining that the source and location of delivery of augmentation and replacement 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 wells described in paragraph 5 above, consistent with the 00CW50 Decree and the final decree entered in this case. (10 pgs., 1 Exhibit)

2022CW3217 JOHN B. JENSEN, 5901 S.W. Frontage Road Fort Collins, CO 80525, (970) 289-6000 (business). Please send all further pleadings to: Sara J.L. Irby, Esq. and Whitney Phillips Coulter, Esq. Fischer, Brown, Bartlett, Larsen & Irby, P.C., 1319 E. Prospect Road, Fort Collins, CO 80525. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN LARIMER COUNTY.** 2. Name of the structure: Harris Reservoir A. 3. Description of conditional water rights: A. Date of Decrees: i. Original Decree. Case No. 2001CW109, District Court, Water Division No. 1, October 31, 2002. ii. Diligence Decrees. Case No. 2008CW232, District Court, Water Division No. 1, February 5, 2010 and Case No. 2016CW3020, District Court, Water Division No. 1, December 29, 2016. B. Legal description of the structure: i. The reservoir is located in a portion of the S1/2 of the NW1/4, Section 10, Township 6 North, Range 68 West of the 6th P.M., Larimer County. ii. The outlet structure is an outlet tube. The center line of the outlet tube along the axis of the proposed dam is located at a point described as 2,260.7 feet South and 1,849.8 feet East from the Northwest corner of Section 10, Township 6 North, Range 68 West of the 6th P.M. A map showing the approximate configuration of the reservoir is attached as Exhibit A. C. Source:

Waters flowing in an unnamed draw collected in the draw above the headgate of the Spring Cañon Waste Way Ditch from runoff, return flows, seepage, waste and precipitation. The unnamed draw is tributary to the Cache la Poudre River. It heads in the NW1/4 of Section 1, Township 6 North, Range 69 West of the 6th P.M. In addition to these waters, which will be diverted into Spring Cañon Waste Way Ditch from the draw, another source is water from runoff, return flows, seepage, waste and precipitation that run into the Spring Cañon Waste Way Ditch along its course from its headgate on the unnamed draw to the takeout point for delivery of water to Harris Reservoir A. The sources are tributary to the Cache la Poudre River.

D. Points of diversion: The reservoir is filled by the Spring Cañon Waste Way Ditch, a/k/a Spring Canyon Waste Way Ditch, a/k/a Spring Canon Waste Way Ditch, a/k/a Spring Cañon Wasteway Ditch, a/k/a Spring Canyon Wasteway Ditch, a/k/a Spring Canon Wasteway Ditch, which diverts from an unnamed draw. The headgate of the Spring Cañon Waste Way Ditch is at a point North 45° 35' West 2,845 feet from the East quarter corner of Section 9, Township 6 North, Range 68 West of the 6th P.M., Larimer County, from which point the general course of the ditch is southeasterly. A short unnamed ditch carries water from the Spring Cañon Waste Way Ditch to the reservoir.

E. Rate of diversion: 4.5 c.f.s. F. Surface area of highwater line: 9.4 acres G. Appropriation Date: March 2, 1987. H. Amount: 200 acre feet, CONDITIONAL for the first fill. Applicant also has the CONDITIONAL right to one refill annually of up to 200 acre feet from the decreed source during any particular year if done in priority. I. Uses of water: Stock watering, irrigation, recreation, fish rearing, wildlife habitat and propagation, and augmentation for use by Applicant. The irrigated lands encompass 14 acres, consisting of four areas of pastureland, as well as some trees, located within the S 1/2 of the NW 1/4 of Section 10, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado. The approximate location of the lands to be irrigated is also shown on Exhibit A.

4. Diligence/Conditional Claims: During this diligence period, Applicant continued to develop, maintain, and operate Harris Reservoir A and its related structures. Specifically, in 2018, Applicant had an as-constructed stage area capacity survey completed of the reservoir and installed a staff gauge. Additionally, during the diligence period, Applicant added riprap along the bank of the reservoir, improved access to the reservoir by adding road base to and grading the access road around the reservoir, maintained the landscaping around the reservoir, and repaired a valve in the reservoir. In 2021, Applicant also shared in the costs and expenses of the repair of the concrete lined Spring Cañon Waste Way Ditch, which is used to deliver water to Applicant's inlet ditch. In total, Applicant expended approximately \$15,000.00 in developing, maintaining and operating the reservoir and its related structures and facilities during the diligence period. Applicant has demonstrated continued intent and progress toward finalizing these conditional water rights and has further shown that the conditional decree is being pursued in a manner that confirms that beneficial uses of the remaining conditional water rights can and will occur. Applicant reserves the right to assert and demonstrate that during the diligence period other or additional activities have been undertaken or accomplished toward completion of the appropriation.

5. 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: John Jensen 5901 SW Frontage Rd. Fort Collins, CO 80525.

WHEREFORE, Applicant respectfully requests a ruling and decree for the following: A. Applicant has exercised due and reasonable diligence during the six years following entry of the decree in Case No. 16CW3020 towards completion or for completion of the water rights, and has further demonstrated that Applicant has satisfied the requirements of "can and will". B. Applicant further prays that this Court continue in full force and effect the CONDITIONAL water rights for an additional six-year period, and for such other relief as the Court may deem proper. (6 pages, 1 exhibit).

2022CW3218 LOVELAND READY-MIX CONCRETE, INC., P.O. Box 299, Loveland, CO 80539. Matthew S. Poznanovic, Eric K. Trout, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR GROUNDWATER RIGHTS AND APPROVAL OF A PLAN FOR AUGMENTATION IN WELD AND LARIMER COUNTIES.** Summary of Application: LRM owns and/or operates multiple gravel mining properties in Weld and Larimer Counties, including the Dunn site gravel mining operation in Weld County ("Dunn Site"), described below. The purpose of this application is to provide a permanent

augmentation plan to replace out-of-priority depletions from mining operations at the Dunn Site. LRM's augmentation plan decreed in Case No. 09CW105 ("09CW105 Decree") augments out-of-priority depletions at other LRM properties. As described further in the 09CW105 Decree, certain sources of augmentation supplies from the 09CW105 Decree are approved for augmentation use at the Dunn Site.

PLAN FOR AUGMENTATION Names and Locations of Structures to be Augmented: Dunn Site: Located in the NE1/4 of Section 3, Township 4 North, Range 67W and the SW1/4 of the SE1/4 of Section 34, Township 5 North, Range 67W of the 6th P.M., Weld County, as shown on the attached **Exhibit A**. Description of Depletions to be Augmented: Evaporation: Evaporation from surface of exposed groundwater in unlined gravel pits at the Dunn Site. The total exposed surface area of unlined pits will be approximately 75.9 acres. Net evaporation will consume approximately 199.62 acre-feet per year. The amount of net evaporation to be augmented at the gravel pits within the approximately 75.9 acres of total exposed surface area may be further revised without amendment. Additional uses: Water consumption from gravel and rock mining, gravel washing and processing and related activities, commercial, industrial, irrigation, reclamation, piscatorial, fishing, fish culture and propagation, stock watering, wildlife, aesthetic, recreation, and fire protection uses. Irrigation consists of pre-mining irrigation, which continues on portions of the property as mining expands, and post-mining irrigation, which may be part of the reclamation plans, or in connection with non-mining use of the land. Portions of the property may be developed for other uses during or after mining. The additional uses will consume approximately 5.89 acre-feet per year. Annual depletions to be augmented are estimated to be up to approximately 205.51 acre-feet. Depletions are to the Big Thompson River. Sources of Augmentation Water (may be by first use or use of return flow from a prior use): 3.0 shares of the Consolidated Hillsborough Ditch Company changed in the 09CW105 Decree ("Hillsborough Shares"). The Hillsborough Shares shall be used according to the quantified historical consumptive use, volumetric limits, return flow obligations and other conditions for the change of water rights approved in the 09CW105 Decree. The water rights of the Consolidated Hillsborough Ditch Company are described as follows: Previous Decrees: Water rights were decreed in District Court, Boulder County, on May 28, 1883 as follows:

Priority	Appropriation Date	Amount	Ditch	LRM Pro Rata Amount for 3 Shares
No. 1	11/10/1861	96.5 cfs	Big Thompson	1.47 cfs
No. 40	4/15/1878	54.0 cfs	Hillsborough	1.37 cfs
No. 51	10/06/1881	45.69 cfs	Hillsborough	1.16 cfs

63.31 cfs of Priority 1 originally decreed to the Big Thompson Ditch is now decreed to the Hillsborough Ditch. 5.64 cfs of Priority No. 1 is separately owned in two deeded interests, and is not owned by the Consolidated Hillsborough Ditch Company. LRM claims no interest in these two deeded interests. The Consolidated Hillsborough Ditch Company owns 57.67 cfs of Priority No. 1 and all of Priority Nos. 40 and 51. Therefore, LRM owns pro rata interests in 57.67 cfs of Priority No. 1 and in all of Priorities 40 and 51. Point of Diversion: Headgate of the Hillsborough Ditch, located in the SE1/4 NW1/4 of Section 21, Township 5 North, Range 68W of the 6th P.M., Larimer County, Colorado; Source: Big Thompson River; and Among other changed uses decreed for the Hillsborough Shares in the 09CW105 Decree, the Hillsborough Shares may be used for augmentation purposes at the Dunn Site to replace evaporation from unlined gravel pits and other depletions resulting from reclamation, production and processing and gravel mining and to replace out of priority depletions resulting from industrial, reclamation, irrigation, stock watering, recreation, fish culture and propagation, fishing, wildlife, aesthetic, fire protection, and all uses associated with gravel and rock mining including evaporation, dust suppression and production and processing losses with the right to totally consume the consumable portion of the water attributable to the historical consumptive use, either by first use, successive use or disposition. Water will be used directly, following storage in the Walters Reservoir No. 1, Walters Reservoir No. 2 and/or Bokelman Reservoir No. 1, by exchange, and for augmentation of out-of-priority diversions and depletions resulting from the above uses and as a source of substitute supply and out of priority depletions resulting from the "first fill" of gravel

pits at the Dunn Site pursuant to an approved substitute water supply plan or a decreed augmentation plan. Water attributable to the Hillsborough Shares will be delivered to the Big Thompson River to augment out of priority depletions at the Dunn Site according to the terms of the 09CW105 Decree. The historical consumptive use of the Hillsborough Shares was quantified in the 09CW105 Decree. The terms and conditions under which the Hillsborough Shares are used for augmentation purposes are set forth in the 09CW105 Decree 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 09CW105 Decree for more detailed information. Up to 200 acre-feet per year of fully consumable water leased by Applicant from the City of Loveland (“Loveland”) for augmentation use according to a lease with a 25 year term, with the option to renew for successive 25 year terms. In supplying the leased water, Loveland may use any water, including, but not limited to the following sources of water which may be used to extinction: Native water from the Big Thompson River Basin which, when stored within Loveland’s reservoir system, may be totally consumed pursuant to the terms and conditions of the decree in Case No. 82CW202A, Water Division 1; and Water under an allotment contract with the Municipal Sub-District of the Northern Colorado Water Conservancy District, commonly known as Windy Gap Water; and Any other water rights of Loveland determined by Water Court decree to be totally consumable. LRM may use water for augmentation available under one or more of the conditional water rights for the Walters Reservoir Nos. 1 and 2 and/or the Bokelman Reservoir No. 1 (“Reservoirs”) decreed in the 09CW105 Decree: Decree Information: Originally decreed in Case No. 09CW105 on October 20, 2011. Diligence was found in Case No. 17CW3164 on August 21, 2018. Description of Conditional Water Rights for the Reservoirs from the 09CW105 Decree: Appropriation Date: December 18, 2007. Source: Big Thompson River and water tributary to the Reservoirs. Legal Descriptions: Walters Reservoir No. 1 shall be located in the NE1/4 of the SW1/4 of Section 24, Township 5 North, Range 68W of the 6th P.M., Larimer County as shown on **Exhibit B**. The approximate center of the reservoir is located 2083 feet from the south section line and 2034 feet from the west section line. Walters Reservoir No. 2 shall be located in the NW1/4 of the SE1/4 of Section 24, Township 5 North, Range 68W of the 6th P.M., Larimer County as shown on **Exhibit B**. The approximate center of the reservoir is located 1651 feet from the south section line, and 1967 feet from the east section line. Bokelman Reservoir No. 1 shall be located in the E1/2 of the SE1/4 of Section 24, Township 5 North, Range 68W of the 6th P.M., Larimer County as shown on **Exhibit B**. The approximate center of the reservoir is located 910 feet from the south section line, and 790 feet from the east section line. Amounts: Walters Reservoir No. 1: 480 acre-feet (conditional). Walters Reservoir No. 2: 160 acre-feet (conditional). Bokelman Reservoir No. 1: 345 acre-feet (conditional). Rate of Diversion for the Reservoirs: 50 cfs. Points of Diversion for All Reservoirs: Diversion Point No. 1 shall be located in the NW1/4 of the SE1/4 of Section 24, Township 5 North, Range 68W of the 6th P.M., Larimer County, Colorado, at a point approximately 2241 feet from the south section line and approximately 1814 feet from the east section line. Diversion Point No. 2 shall be located within the SE1/4 of Section 24, Township 5 North, Range 68W of the 6th P.M., Larimer County, Colorado. Water tributary to the Reservoirs may also be used to fill the Reservoirs. Each of these points serve as an alternate point of diversion for the other and up to 50 cfs cumulative may be diverted from either or both points of diversion. Uses: Among other uses decreed in the 09CW105 Decree, the conditional water rights for the Reservoirs are decreed for augmentation of out-of-priority depletions from industrial, reclamation, piscatorial, fishing, fish culture and propagation, stock watering, wildlife, aesthetic, recreation, fire protection, all uses associated with gravel and rock mining including evaporation, dust suppression and production and processing losses, directly or after storage, resulting from one or more separate diversions for these uses at the Dunn Site. Reference is made to the 09CW105 Decree for more detailed information. The conditional groundwater rights described below. Statement of Plan for Augmentation: Evaporation from the exposed surface of the unlined gravel pits at the Dunn Site will be estimated monthly. Depletions from the other augmented uses will be estimated monthly. Out-of-priority depletions will be replaced by the sources of augmentation water identified herein. The plan for augmentation will not cause any material injurious effect to the owner or user of any vested water rights or decreed conditional water rights. **GROUNDWATER RIGHTS** Dunn Pits: Location: Applicant currently plans for wet mining three unlined pits at the Dunn Site which will be located in the

NE1/4 of Section 3, Township 4 North, Range 67W, and the SW1/4 of the SE1/4 of Section 34, Township 5 North, Range 67W of the 6th P.M., Weld County, as shown on the attached **Exhibit A**. The final number of unlined pits at this site may be more than the currently planned three unlined gravel pits but the total exposed surface area for pits at the Dunn Site shall not exceed the total exposed area identified in the plan for augmentation above. Source of Water Right: Groundwater tributary to the Big Thompson River. Uses: Reclamation, piscatorial, recreation, fish propagation and all uses associated with gravel and rock mining, including evaporation, dust suppression and production and processing losses, as well as replacement of evaporation from exposed groundwater at the Dunn Site as further described in the plan for augmentation above. Appropriation Date: December 29, 2022. How Appropriation Initiated: The appropriation was initiated by formation of intent and the filing of this application. Well Permits: None. Well permits will be applied for prior to use. 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: The Dunn Site and the Reservoirs are owned by the Applicant. The following documents are filed with this application: Map showing the Dunn Site. Map showing the Reservoirs. WHEREFORE, Applicant prays that this Court enter a decree for the relief requested in this Application and for such other and further relief as will afford full relief in the matter. 8 pages.

2022CW3219 (99CW225, 2008CW303, 2016CW3078) TOWN OF MORRISON, Kara Winters, Town Manager, 321 Highway 8, Morrison, CO 80465, Telephone: (303) 697-8749, Email: kara@morrisonco.us; direct pleadings to counsel for Morrison, Cynthia F. Covell, Andrea L. Benson and Gilbert Y. Marchand, Jr, Alperstein & Covell P.C., 1391 Speer Blvd., Suite 730, Denver, CO 80204 and **Holcim – WCR, Inc.**, Neil Whitmer, Director of Land and Environment, 1687 Cole Boulevard # 300, Golden, CO 80401, Telephone: (214) 213-7859, Email: neil.whitmer@holcim.com; direct pleadings to counsel for Holcim, James S. Witwer, Andrea M. Bronson, and Michael M. Golz, Davis Graham & Stubbs LLP, 1550 17th Street, Suite 500, Denver, CO 80202. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN JEFFERSON COUNTY. 2. Names of structures: A.** Morrison Quarry Pipeline No. 2. **B.** Morrison Quarry Reservoir No. 1. **C.** Morrison Quarry Reservoir No. 2. **3. Describe conditional water right (as to each structure) giving the following from the Referee’s ruling and judgment and decree: A. Date of original decree:** December 4, 2002, Case No.: 99CW225, Court: Water Court, Water Division No. 1. **B.** Subsequent diligence decrees were awarded by the Water Court, Water Division No. 1, in Case No. 2008CW303 on May 6, 2010, and Case No. 2016CW3078 on December 29, 2016. **C. Decreed Locations:** **i.**The decreed legal description of the point of diversion of the Morrison Quarry Pipeline No. 2 is at a point lying in the SE 1/4 of the NE 1/4 of Section 10, Township 5 South, Range 70 West of the 6th P.M. from which the NE Corner of said Section 10 bears N 33°15'07" E a distance of 1835.66' and from which NE Corner the North 1/4 Corner of said Section 10 bears S 89°40'25" W a distance of 2580.59 feet and from which North 1/4 Corner the point lies S 45°59'33" E a distance of 2188.41 feet, Town of Morrison, County of Jefferson, State of Colorado. The Morrison Quarry Pipeline No. 2 will deliver water to the Morrison Quarry Reservoirs No. 1 and 2. **ii.** The Morrison Quarry Reservoir No. 1 is an off-channel reservoir whose decreed location is in the NE and SE Quarter Sections of Section 10, Township 5 South, Range 70 West, 6th P.M., Jefferson County, Colorado. **iii.** The Morrison Quarry Reservoir No. 2 is an off-channel reservoir whose original decreed location is in the NE Quarter Section of Section 10, Township 5 South, Range 70 West, 6th P.M., Jefferson County, Colorado. The decree in Case No. 09CW33 corrected the legal description as follows: in the N1/2, NE1/4 and SE1/4NE 1/4 of Section 10, and in the W1/2, NW 1/4 of Section 11, all in Township 5 South, Range 70 West of the 6th P.M. in Jefferson County, Colorado. The decreed locations of the Morrison Quarry Pipeline No. 2 and the Morrison Quarry Reservoirs Nos. 1 and 2 are shown on Exhibit A. **D. Source:** Strain Gulch via the Morrison Quarry Pipeline No. 2, tributary to Bear Creek, tributary to the South Platte River. **E. Appropriation date:** December 27, 1999. **F. Amounts:** **i.** Morrison Quarry Pipeline No. 2: 20 cfs conditional. **ii.** Morrison Quarry Reservoir No. 1: 650 AF conditional. **iii.** Morrison Quarry Reservoir No. 2: 3,000 AF conditional. **G. Use:** Irrigation, agricultural, commercial, industrial, and all municipal uses and the right to exchange, for irrigation, agricultural,

commercial, industrial, and all municipal uses, including but not limited to, domestic, manufacturing, industrial, power generation, fire protection, sewage treatment, street sprinkling, irrigation of parks, lawns and grounds, recreational, piscatorial, maintenance and preservation of wildlife and aesthetic values, lake and reservoir evaporation, augmentation and replacement, adjustment and regulation of municipal water systems, including further exchange with municipal or industrial water systems, and other such water uses.

H. Point of Diversion: The decree in Case No. 99CW225 provides that water will be diverted to storage in the Morrison Quarry Reservoir Nos. 1 and 2 from the Morrison Quarry Pipeline No. 2, located as described in paragraph 3.C.i above.

4. Additional Information from Decree. Paragraph 7 of the decree in Case No. 99CW225 provides the following explanatory provision: “The Morrison Quarry Reservoirs No. 1 and No. 2 were conditionally decreed in Case No. 95CW126 for storage of 650 acre-feet and 3,000 acre-feet respectively. The sources of water decreed for diversion to these reservoirs in Case No. 95CW126 are direct diversions from Bear Creek via two intakes and diversion from Strain Gulch via the previously-decreed 1.0 cfs Cooley Morrison Quarry Pipeline. Applicants have since determined that during certain times of the year, inflows to Strain Gulch are greater than the capacity of the 1.0 cfs Cooley Morrison Quarry Pipeline which was approved for diversions of Strain Gulch inflows into the reservoirs in Case No. 95CW126. Applicants here seek to store water in the Morrison Quarry Reservoir No. 1 and No. 2 via the Morrison Quarry Pipeline No. 2, providing a point of diversion to storage in addition to the points of diversion decreed in Case No. 95CW126. The maximum amount of water that may be stored annually in Morrison Quarry Reservoir No.1 pursuant to the decree in Case No. 95CW126 and this decree will not exceed 650 acre-feet, and the maximum amount of water that may be stored annually in Morrison Quarry Reservoir No. 2 pursuant to the decree in Case No. 95CW126 and this decree will not exceed 3,000 acre-feet. The purpose and intent of this decree is to provide an additional location from which water may be diverted from Strain Gulch to storage in the Morrison Quarry Reservoir No. 1 and No. 2.”

5. 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.

A. To provide water supplies to current and anticipated future customers, Morrison owns and operates water rights, augmentation plans decreed in Case Nos. 82CW425 and 87CW301, and storage rights, including the water rights decreed in Case No. 99CW225. Morrison has diligently pursued development of these water rights, which are part of Morrison’s integrated water supply system. Pursuant to C.R.S. § 37-92-301(4)(b), when an integrated system is composed of several features, as is the case here, work on one feature of the system is considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire system. During this diligence period, Morrison has expended in excess of \$2,000,000.00 to develop and improve its water system infrastructure. Such expenditures included activities related to expansion of the water treatment plant, pump stations, water tanks, chlorination, and other supplies.

B. Morrison has committed to provide treated municipal water supplies to the Red Rocks Ranch, within the Mt. Carbon Metropolitan District (“Mt. Carbon”). Providing treated water to Red Rocks Ranch as well as its other customers will require a greater reliance on use of water stored in the Morrison Quarry Reservoirs. During this diligence period, Morrison and Mt. Carbon have developed plans and preliminary designs, cost estimates, and schedules for needed water system infrastructure, including upgrades to Morrison’s Bear Creek diversion facilities and the pumps and pipeline required to deliver water from Bear Creek to Morrison Quarry Reservoir No. 2. The Morrison Quarry Pipeline No. 2 will further support reservoir storage by allowing rapid storage from Strain Gulch when water is available.

C. Morrison has operated its augmentation plans since they were decreed in 1985 and 1988, respectively, and has provided the accountings for its water rights as required by the water commissioner and the Division Engineer. During this diligence period, the Division Engineer requested Morrison to update its water accounting reports to facilitate administration, and Morrison has done so at a cost of approximately \$44,000.

D. During this diligence period, Holcim has diligently pursued development of the water rights that are the subject of this Application, which are part of Holcim’s integrated water supply system per Paragraph 15 of the decree entered December 29, 2016, in Case No. 2016CW3078 (Water Division No. 1). Holcim’s activities during the diligence period include, but are not limited to, the following:

i. During the diligence period, Holcim spent over \$1,400,000 on engineering services associated with mining operations at Morrison Quarry, as

the same have been expanded and may be expanded in the future. Mining operations at Morrison Quarry are prerequisite to completing development of water delivery and storage structures at Morrison Quarry. *See, e.g.*, Paragraph 9(E) of the decree entered December 4, 2002, in Case No. 1999CW225 (Water Division No. 1). The engineering services included (1) design evaluations and project management for quarrying operations, including in connection with highwalls, haul roads, and site drainage; and (2) permit management and compliance, including geotechnical and hydrogeologic data collection and analysis, inspections, and technical revisions and modifications (e.g., AM-06, AM-07) to Holcim's Division of Reclamation, Mining and Safety ("DRMS") permit, No. M-1973-021. **ii.** During the diligence period, Holcim spent over \$125,000 for water engineering services associated with (1) operating Holcim's water rights that are decreed for storage in Morrison Quarry Reservoir Nos. 1 and 2 for use in connection with Holcim's mining activities, including coordinating diversions and releases, monthly water accounting, decreed reporting obligations, and technical support for water court applications and statements of opposition; (2) coordinating agreements for joint use of water delivery and/or storage facilities; (3) designing, constructing, and operating measurement equipment; and (4) evaluating the potential for augmentation and replacement use of water rights storable in Morrison Quarry Reservoir Nos. 1 and 2 for out-of-priority depletions that may occur in connection with Holcim's mining activities in the South Platte River basin. **iii.** During the diligence period, Holcim spent approximately \$3,000 for an engineering evaluation to study and characterize the hydrology of the Strain Gulch watershed, including investigation of siting and design of measuring devices for the stream. **iv.** During the diligence period, Holcim spent approximately \$196,000 in legal fees for (1) ongoing and future compliance with governmental approvals associated with land- and water-use activities at Morrison Quarry, including without limitation, Holcim's Amended Planned Unit Development-Industrial, DRMS permit (as amended by AM-07 and other permit amendments), and applicable water court decrees; (2) prosecution of applications for findings of reasonable diligence for Holcim's Morrison Quarry Reservoirs (Case No. 19CW3256) and Bowles Reservoir Exchange (Case No. 20CW3092), in which cases the Water Court continued in full force and effect conditional water rights that constitute part of Holcim's integrated water supply system; (3) negotiation of a year-round return flow delivery agreement in connection with use of Holcim's changed Bowles Reservoir Company shares, which are decreed for storage at Morrison Quarry; and (4) representation of Holcim as an opposer in water court proceedings to protect Holcim's water rights in Division 1, including the Morrison Quarry Reservoir water rights, in cases filed by others for water rights that posed a risk of injury to Holcim's rights in the absence of appropriate terms and conditions. **E.** During this diligence period, Morrison and Holcim worked cooperatively to develop the usable storage capacity in Morrison Quarry Reservoir No. 2, pursuant to their Annexation Agreement dated October 31, 1994, and amendments thereto. In connection with Holcim's intent to amend its mining plan for the Morrison Quarry, Morrison and Holcim, together with their consultants, have evaluated the operation of Morrison Quarry Reservoir No. 2, options for improved infrastructure for delivery of water to and release of water from Morrison Quarry Reservoir No. 2, and options for increased storage resulting from future planned mining at the Morrison Quarry. Morrison and Holcim have expended legal and consulting fees in this process. **F.** During this diligence period, Morrison has expended in excess of \$98,000 in legal fees with its water counsel in connection with Morrison's cooperative activities with Holcim, and to maintain and protect Morrison's own water rights by obtaining findings of reasonable diligence in the development of conditional water rights decreed for storage in the Morrison Quarry Reservoirs, including Case No. 19CW3258 (in which a portion of the water right originally decreed in Case No. 81CW358 was made absolute) and Case No. 19CW3256, and by participating as an opposer in water rights applications filed by others in order to protect its water rights (including the conditional rights decreed in Case No. 99CW225), and to develop and implement reservoir operation agreements and other contracts to facilitate use of Morrison's water rights. In addition, Morrison has spent over \$390,000 on engineering services related to the above activities as well as water rights accounting, coordination with the water commissioner for diversion, storage, and release of Morrison's water rights, modeling and sizing of future raw water diversion and transmission facilities, troubleshooting raw water conveyance issues, and modeling of future water availability scenarios related to climate change projections. **6. 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 located or upon which water is or will be stored. Morrison Quarry Pipeline No. 2: Applicants, Morrison Quarry Reservoir No. 1: Applicant Holcim, Morrison Quarry Reservoir No. 2: Applicant Town of Morrison **WHEREFORE**, Applicants, Town of Morrison and Holcim – WCR Inc., having demonstrated that they have exercised reasonable diligence in putting to beneficial use and completing the appropriations associated with the conditional water rights that are the subject of this Application, request the Court to grant a finding of diligence and enter a decree continuing the subject conditional water rights in full force and effect. (9 pages plus exhibit)

2022CW3220 APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN PART BY THE CITY OF GREELEY, ACTING BY AND THROUGH ITS WATER AND SEWER BOARD, IN WELD COUNTY. 1. Name, Address, and Telephone Number of Applicant: **CITY OF GREELEY**, acting by and through its Water and Sewer Board (“Greeley”) c/o Leah Hubbard, Water Resource Operations Manager, Greeley Water and Sewer Department, 1001 11th Avenue Greeley, CO 80631, (970) 350-9820, leah.hubbard@greeleygov.com. 2. General Description of Application: This application concerns the partially conditional water storage rights (“Conditional Storage Rights”) and the partially conditional rights of substitution and exchange, including storage (“Conditional Rights of Exchange”) decreed, and more particularly described, in Case No. 1999CW234, District Court, Water Division No. 1. The Conditional Storage Rights and Conditional Rights of Exchange comprise a portion of Greeley’s Lower Cache La Poudre River Water Stewardship Project. **Conditional Storage Rights** 3. Name of the Structures for Conditional Storage Rights: (1) 8th Street Reservoir (a/k/a East 8th Street Reservoir); (2) Flatiron Reservoir Nos. 1-5; and (3) F Street Reservoir. Flatiron Reservoir Nos. 1 and 2 are also known as “the Poudre Ponds at Greeley” and referred to herein as “Poudre Ponds.” Flatiron Reservoir Nos. 3 and 4 are also known and referred to herein as “Parcel B.” 4. Description of Conditional Storage Rights. 4.1. Original Decree: Case No. 1999CW234, District Court, Water Division No. 1, entered on August 26, 2009 (the “99CW234 Decree”). 4.2. Subsequent Diligence Decree: Case No. 2015CW3099 District Court, Water Division No. 1, entered on December 7, 2016 (the “15CW3099 Decree”). In the 15CW3099 Decree, this Court found that 1,304 acre-feet had been stored in Poudre Ponds, and that amount was therefore decreed as absolute. 4.3. Legal Description: The Conditional Storage Rights, as described in the 1999CW234 Decree, involve the following structures, as shown on the map attached hereto as Exhibit A. Name and legal description of reservoirs (all locations in 6th P.M., Weld County, Colorado): 4.3.1.1 8th Street Reservoir: to be constructed in parts of the N1/2 of the SE1/4 of the SW1/4, the S1/2 of the NE1/4 of the SW1/4, the N1/2 of the SW1/4 of the SE1/4 and the S1/2 of the NW1/4 of the SE1/4 all in Section 4, Township 5 North, Range 65 West. 4.3.1.2. Flatiron Reservoir Nos. 1-5: Flatiron Reservoir Nos. 1 and 2 have been constructed and Flatiron Reservoir Nos. 3-5 are to be constructed in parts of Section 36, Township 6 North, Range 66 West, that lie South of the centerline of the Cache la Poudre River, West of 25th Avenue, North of F Street, and East of 35th Avenue. 4.3.1.3. F Street Reservoir: to be constructed in parts of the NE1/4 of the SE1/4 and the portion of land lying South of railroad in the SE1/4 of the NE1/4 all in Section 34, Township 6 North, Range 66 West. 4.3.2. Name, legal location, and fill rate of structures used to fill reservoirs (all locations in 6th P.M., Weld County, Colorado): 4.3.2.1. 8th Street Reservoir: 4.3.2.1.1. Ogilvy Canal: the headgate for which is located on the north bank of the Cache la Poudre River in the SE1/4 of the SW1/4 of Section 4, Township 5 North, Range 65 West. Fill rate is 125 c.f.s. 4.3.2.1.2. Wells, infiltration galleries, or other diversion structures to be constructed in or adjacent to the alluvial aquifer tributary to the Cache la Poudre River and located within 1000 feet of the 8th Street Reservoir, including, without limitation, at the following location: 8th Street Reservoir Infiltration Gallery/Well No. 1: Located adjacent to the Cache la Poudre River at a point approximately 2,300 feet East of the West Section line and 500 feet North of the South Section line of Section 4, Township 5 North, Range 65 West. Fill rate is 30 c.f.s. 4.3.2.2. Flatiron Reservoir Nos. 1-5: 4.3.2.2.1. Greeley Canal No. 3, the headgate for which the decreed location is the NW1/4 of the SE1/4, Section 32, Township 6 North, Range 66 West, at a point approximately 1,900 feet West of the East Section Line and 2,200 feet North of the South Section Line of said Section 32. Fill rate is 25 c.f.s. 4.3.2.2.2. Boyd and Freeman Ditch, the headgate for which

the decreed location is on the South side of the Cache la Poudre River in Section 34, Township 6 North, Range 66 West. Fill rate is 54 c.f.s. 4.3.2.2.3. 35th Avenue Drainage Ditch Diversion Point, a point constructed on the 35th Avenue Drainage Ditch in the SW1/4 of the NW1/4 of Section 36, Township 6 North, Range 66 West. Fill rate is 225 c.f.s. 4.3.2.2.4. Wells, infiltration galleries, or other diversion structures to be constructed in or adjacent to the alluvial aquifer tributary to the Cache la Poudre River and located within 1000 feet of any or all of the Flatiron Reservoirs, including, without limitation, at the following locations: Flatiron Reservoir Infiltration Gallery/Well No. 1: Located adjacent to the Cache la Poudre River at a point approximately 2,400 feet West of the East Section line and 800 feet South of the North Section line of Section 36, Township 6 North, Range 66 West; Flatiron Reservoir Infiltration Gallery/Well No. 2: Located adjacent to the Cache la Poudre River at a point approximately 950 feet East of the West Section line and 1,050 feet South of the North Section line of Section 36, Township 6 North, Range 66 West. Fill rate is 30 c.f.s. for each infiltration gallery/well. 4.3.2.3. F Street Reservoir: 4.3.2.3.1 Greeley Canal No. 3, the headgate for which is decreed to be located in the NW1/4 of the SE1/4, Section 32, Township 6 North, Range 66 West, at a point approximately 1,900 feet West of the East Section Line and 2,200 feet North of the South Section Line of said section 32. Fill rate is 25 c.f.s. 4.3.2.3.2. Boyd and Freeman Ditch, the headgate for which the decreed location is on the South side of the Cache la Poudre River in Section 34, Township 6 North, Range 66 West. Fill rate is 54 c.f.s. 4.3.2.3.3. Wells, infiltration galleries, or other diversion structures to be constructed in or adjacent to the alluvial aquifer tributary to the Cache la Poudre River and located within 1000 feet of the F Street Reservoir, including, without limitation, at the following location: F Street Reservoir Infiltration Gallery/Well No. 1: Located adjacent to the Cache la Poudre River at a point approximately 1,200 feet West of the East Section Line and 2,300 feet South of the North Section Line of Section 34, Township 6 North, Range 66 West. Fill rate is 30 c.f.s. 4.3.3. The maximum combined rate of diversion of water pursuant to the Conditional Storage Rights into the reservoirs through the facilities described above is 225 c.f.s. 4.4. Source: Cache la Poudre River and surface and ground water tributary thereto. 4.5. Amount: 4.5.1. 8th Street Reservoir: approximately 1,975 acre-feet, conditional, with a right to refill as limited below. Active capacity: same. 4.5.2. Flatiron Reservoir Nos. 1-5: approximately 6,252 acre-feet, of which 1,304 was decreed absolute in the 15CW3099 Decree, and 4,948 remains conditional, with a conditional right to refill as limited below. Active capacity: same. 4.5.3. F Street Reservoir: approximately 325 acre-feet, conditional, with a right to refill as limited below. Active capacity: same. 4.5.4. The reservoirs described above have not yet been fully completed; therefore, the storage amounts listed are estimates. Actual storage amounts of the completed reservoirs may differ from the estimated amounts; however, the total amount of the storage rights shall not exceed 8,552 acre-feet, excluding refills. The total volume of water stored annually in the reservoirs shall not exceed 22,000 acre-feet. The reservoirs may be filled and refilled with up to 20,580 acre-feet of water annually under the 1999 priority and up to 1,420 acre-feet annually under the 2006 priority. Any carryover of 1999 priority storage water into the new water year shall count against the 20,580 acre-foot annual volumetric limit, and any carryover of 2006 priority storage water into the new water year shall count against the 1,420 acre-foot annual volumetric limit. As provided in the 15CW3099 Decree, 1,304 acre-feet of the first-fill storage limit has been made absolute, with 7,248 acre-feet of the first fill, and the entire refill amount remaining conditional. 4.6. Date of appropriation: The first 8,000 acre-feet of total storage in the above-described reservoirs shall be administered with an appropriation date of December 14, 1999 and a filing date of December 30, 1999. The remaining storage in the above-described reservoirs shall be administered with an appropriation date of September 20, 2006 and a filing date of October 24, 2006. 4.7. Use: All municipal purposes, including, but not limited to, domestic, irrigation, watering of lawns, parks and grounds, commercial, industrial, mechanical, manufacturing, fire protection, sewage treatment, power generation, street sprinkling, recreational, fish and wildlife propagation, lake and reservoir evaporation, exchange (including further exchange within Greeley's system and with other water users), maintenance of adequate storage reserves, maintenance of operating detention, maintenance of historical return flows as required by judicial or administrative order, and replacement, augmentation or substitution. Greeley has the right to fully consume such water, whether by direct use, storage and subsequent release, reuse, successive use, further exchange or disposition. **Conditional Rights of Exchange** 5. Name of Structures: Greeley's

Lower Cache la Poudre Exchanges. 6. Description of Conditional Rights of Exchange. 6.1. Original Decree: Case No. 1999CW234, District Court, Water Division No. 1, entered on August 26, 2009. 6.2. Legal Location of Conditional Rights of Exchange: The Conditional Rights of Exchange, as described the 1999CW234 Decree, involve the following structures, as shown on the map attached hereto as Exhibit A.

6.2.1. Exchange-from Points (Points of Substitution and Exchange) (all locations in 6th P.M., Weld County, Colorado):

6.2.1.1. Greeley's Water Pollution Control Facility ("Wastewater Treatment Plant") Outfall, the approximate location of which is on the North bank of the Cache la Poudre River, approximately 620 feet East of the West Section line and 360 feet North of the South Section line of Section 4, Township 5 North, Range 65 West. 6.2.1.2. Lonetree (Swift) Industrial Wastewater Treatment Plant Outfall, located on Lone Tree Creek approximately 1 mile upstream of the confluence of that creek and the South Platte River in Section 31, Township 6 North, Range 64 West. 6.2.1.3. 8th Street Reservoir outlet, to be constructed in Section 4, Township 5 North, Range 65 West. 6.2.1.4. Outlet(s) for Flatiron Reservoir Nos. 1-5, to be constructed in Section 36, Township 6 North, Range 66 West. 6.2.1.5. F Street Reservoir outlet, to be constructed in Section 34, Township 6 North, Range 66 West. 6.2.1.6. 35th Avenue Reservoir outlet(s), to be constructed in Sections 34 and/or 35, Township 6 North, Range 66 West. 6.2.1.7. Release Structures for Greeley Canal No. 3 including, but not limited to:

6.2.1.7.1. 23rd Avenue Spillway, which is located in the Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) of Section 1, Township 5 North, Range 66 West, at a point approximately 1,050 feet West of the East section line and 2,450 feet North of the South section line of said Section 31 and which discharges into the Cache la Poudre River in the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of Section 31, Township 6 North, Range 65 West, at a point approximately 400 feet East of the West section line and 2,750 feet North of the South section line of said Section 31. 6.2.1.7.2. 16th Street Release Structure, which is located in the Northwest Quarter of the Southeast Quarter (NW1/4 SE1/4) of Section 10, Township 5 North, Range 65 West, at a point approximately 1,950 feet West of the East section line and 2,600 feet South of the North section line of said Section 10 and which discharges into the Cache la Poudre River in the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of said Section 10 at a point approximately 50 feet West of the East section line and 1,100 feet South of the North section line of said Section 10. 6.2.1.7.3. F Street Release Structure, which is to be located approximately 1,575 feet east of the West Section line and 750 feet north of the South Section line of Section 34, Township 6 North, Range 66 West. 6.2.1.8. 35th Avenue Drainage Ditch, which is located in the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section 36, Township 6 North, Range 66 West at a point approximately 50 feet East of the West Section line and 50 feet North of the South Section line of said Section 36 and which discharges into the Cache la Poudre River in the Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4) of said Section 36 at a point approximately 50 feet East of the West section line and 600 feet South of the North section line of said Section 36. 6.2.1.9. W.W. Farm Lake Nos. 1-4 outlet(s), to be constructed in Sections 32 and/or 33, Township 6 North, Range 66 West.

6.2.2. Exchange-to Points (Points of Diversion by Exchange) (all locations described from 6th P.M., Weld County, Colorado):

6.2.2.1. Ogilvy Canal headgate, which is located on the north bank of the Cache la Poudre River in the SE1/4 of the SW1/4 of Section 4, Township 5 North, Range 65 West. 6.2.2.2. Boyd and Freeman Ditch headgate, the decreed location for which is on the South side of the Cache la Poudre River on Section 34, Township 6 North, Range 66 West. 6.2.2.3. Greeley Canal No. 3 headgate, the decreed location for which is in the NW1/4 of the SE1/4, Section 32, Township 6 North, Range 66 West, at a point approximately 1,900 feet West of the East section line and 2,200 feet North of the South section line of said Section 32. 6.2.2.4. Wells, infiltration galleries, or other diversion structures described in Paragraph 4.3.2, and the following wells, infiltration galleries, or other diversion structures including the following: 35th Avenue Reservoir Infiltration Gallery No. 1: to be located on the south or east bank of the Cache la Poudre River in the SE1/4 NE1/4, Section 34, Township 6 North, Range 66 West; 35th Avenue Reservoir Infiltration Gallery No. 2: to be located on the south bank of the Cache la Poudre River in the NW1/4 NW1/4, Section 35, Township 6 North, Range 66 West; 35th Avenue Reservoir Infiltration Gallery No. 3: to be located on the south bank of the Cache la Poudre River in the NE1/4 NW1/4, Section 35, Township 6 North, Range 66 West; 35th Avenue Reservoir Infiltration Gallery No. 4: to be located on the south bank of the Cache la Poudre River in the NW1/4 NE1/4, Section 35,

Township 6 North, Range 66 West; 35th Avenue Reservoir Infiltration Gallery No. 5: to be located on the south bank of the Cache la Poudre River in the NE1/4 NE1/4, Section 35, Township 6 North, Range 66 West; 35th Avenue Reservoir Infiltration Gallery No. 6: to be located on the south or east bank of the Cache la Poudre River in the NE1/4 NE1/4, Section 34, Township 6 North, Range 66 West; WW Farm Infiltration Gallery No. 1: Located adjacent to the Cache la Poudre River at a point whence the Northwest corner of Section 32, Township 6 North, Range 66 West, bears North 38 degrees 25 minutes West a distance of 3,180 feet; and WW Farm Infiltration Gallery No. 2: Located adjacent to the Cache la Poudre River at a point whence the Northwest corner of Section 32, Township 6 North, Range 66 West, bears North 54 degrees 46 minutes West a distance of 4,960 feet. 6.2.2.5. 35th Avenue Drainage Ditch Diversion Point: a diversion structure located on the 35th Avenue Drainage Ditch in the SW1/4 of the NW1/4 of Section 36, Township 6 North, Range 66 West. 6.2.2.6. W. R. Jones Ditch: the headgate for which is located on the south side of the Cache La Poudre River in the SW1/4 of Section 36, Township 6 North, Range 67 West, at a point located approximately south 2,950 feet and east 850 feet from the northwest corner of said Section 36. 6.2.2.7. Whitney Irrigation Company Ditch: the headgate for which was originally situated in Section 20, Township 6 North, Range 67 West. The diversion point is now situated 1¾ miles upstream of the original point in the SE1/4 of Section 19, Township 6 North, Range 67 West, at a point located approximately south 2,900 feet and west 2,500 feet from the northeast corner of said Section 19, Township 6 North, Range 67 West. 6.2.3. Places of Storage Following Exchange: Following Greeley's diversion of water by exchange as outlined herein, water will be stored simultaneously in the places of storage described in Paragraph 4.3.1, and/or such other places of storage to be constructed in Sections 32, 33, 34, and/or 35, Township 6 North, Range 66 West, 6th P.M., Weld County, Colorado, in which Greeley may acquire a right to store water, including without limitation W.W. Farm Lakes, more particularly described in the decree entered in Case No. 90CW23, and 35th Avenue Reservoir, more particularly described in the decree entered in Case No. 98CW476. Greeley intends to fill and repeatedly refill these reservoirs by exchange. 6.3. Source: Cache la Poudre River and surface and ground water tributary thereto. 6.4. Water Rights Used as Sources of Substitute Supply: As provided in Paragraphs 17 and 18 of the 99CW234 Decree. 6.5. Date of appropriation: December 14, 1999. 6.6. Amount: Maximum combined rate of diversion of water by exchange will be 225 c.f.s.; Table 1 of 99CW234 Decree. In the 15CW3099 Decree, this Court decreed that an exchange rate of 6.14 c.f.s. is absolute from Greeley's Wastewater Treatment Plant to the Boyd and Freeman Ditch headgate, and an exchange rate of 10.54 c.f.s. is absolute from Greeley's Wastewater Treatment Plant to the 35th Avenue Drainage Ditch Diversion Point. The remaining exchange rates remain conditional. 6.7. Use: To the extent the substitute supplies are decreed for such use, water diverted under these rights of exchange will be used for all municipal purposes, including, but not limited to, domestic, irrigation, watering of lawns, parks and grounds, commercial, industrial, mechanical, manufacturing, fire protection, sewage treatment, power generation, street sprinkling, recreational, fish and wildlife propagation, lake and reservoir evaporation, exchange (including further exchange within Greeley's system and with other water users), maintenance of adequate storage reserves, maintenance of operating detention, maintenance of historical return flows as required by judicial or administrative order, and replacement, augmentation or substitution. Greeley has the right to fully consume such water to the same extent as is permitted for the sources of substitute supply provided in exchange, whether by direct use, storage and subsequent release, reuse, successive use, further exchange or disposition. **Finding of Diligence** 7. Integrated System: The Conditional Storage Rights and Conditional Rights of Exchange originally decreed in Case No. 99CW234 were and are conceived and planned to be operated as a component of Greeley's municipal water supply system, which is an integrated system comprised of several different water rights, features, and facilities. Work on one or more features of this integrated system constitutes effort toward development of the water rights for all features of the system. 8. 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 rounded to the nearest thousand dollars: The following activities and structure improvements facilitate Greeley's ability to divert, capture and control water stored under the Conditional Storage Right and Conditional Rights of Exchange. They also facilitate Greeley's ability to treat, deliver, and use water rights changed for municipal purposes, which results in fully-consumable return flows being

released from the Greeley's Wastewater Treatment Plant and the Lonetree (Swift) Industrial Wastewater Treatment Plant, that may be exchanged and stored under the subject Conditional Rights of Exchange. 8.1. Flatiron Reservoir Nos. 1-5: 8.1.1. In 2019, Greeley entered into a contract for engineering services to design an interconnect between Pond B (a/k/a Flatirons Reservoir Nos. 3 and 4) and Poudre Ponds (a/k/a Flatirons Reservoir Nos. 1 and 2) ("Interconnect") and to prepare a master plan for the entire site. The engineering services cost approximately \$870,000. 8.1.2. In 2020, Greeley entered into a contract for services to install the Interconnect and a slurry wall liner around Pond B (a/k/a Flatirons Reservoir Nos. 3 and 4). The services cost approximately \$3,817,000. 8.1.3. In 2021, Greeley constructed a pipeline from Flatiron Reservoir Nos. 1-5 to the Greeley Irrigation Company ("GIC") Ditch. The pipeline from, and the water stored in, Flatiron Reservoir Nos. 1-5 will be used to conduct an in-ditch exchange between the GIC ditch and Greeley's non-potable system ("In-Ditch Exchange"). Construction of the pipeline cost approximately \$3,770,000. 8.1.4. In 2022, Greeley and the GIC entered into an agreement establishing the terms and conditions of the In-Ditch Exchange. 8.2. Treatment of Changed Water Rights: 8.2.1. Improvements to the Boyd Lake Treatment Plant: 8.2.1.1. Between 2016 and 2022, Greeley expended over 15 million dollars on maintenance and various improvements to the Boyd Lake Treatment Plant, including but not limited to, the design and construction of improvements that enable the plant to operate during winter and improve water quality and the replacement of aging electrical infrastructure. 8.2.2. Improvements to Greeley's Bellvue Water Treatment Plant: 8.2.2.1. Between 2016 and 2022, Greeley expended over five million dollars on the maintenance and replacement of its raw water lines. 8.2.2.2. Between 2016 and 2022, Greeley expanded the Bellvue treatment plant with the project known as "TB1." The expended costs totaled more than 32 million dollars. 8.3. Changed Water Rights: 8.3.1. In Case No. 2015CW3162, decreed June 11, 2018, Greeley changed the place of storage for its conditional Rockwell Reservoir storage water right from Rockwell Reservoir to Milton Seaman Reservoir. 8.3.2. In Case No. 15CW3163, decreed July 29, 2021 Greeley changed 77.8 GIC shares to alternative uses for irrigation and all municipal related uses, including right to reuse, successively use and dispose of to extinction water diverted pursuant to the 77.8 shares. 8.3.3. In Case No. 17CW3020, decreed April 17, 2020, Greeley quantified and determined the amount, timing, and location of certain reusable effluent discharged from a dairy product processing plant owned by Leprino and, in connection therewith, claims to appropriative rights of exchange. 8.3.4. During the diligence period, Greeley participated in the Windy Gap Firming Project, which firms the yield of Greeley's Windy Gap Units. Water represented by Windy Gap Units may be reused and successively used and disposed of to extinction. During this diligence period Greeley spent approximately five million dollars. 8.4. Maintenance and Improvement of Other Structures: During the diligence period, Greeley expended approximately \$840,000 in pro rata special assessments through the Boyd Irrigation Company to repair damage and settle litigation caused by several flooding events that occurred in 2010, 2013, and 2014. 8.5. Work by Greeley Staff, Outside Counsel and Consultants: 8.5.1. Greeley's Water and Sewer Department staff regularly monitor river conditions to assess whether water may be stored under the Conditional Storage Rights or exchanged and stored under the Conditional Rights of Exchange. 8.5.2. During the diligence period, Greeley has participated as an objector in water court cases in order to prevent injury to these and its other Cache la Poudre River, Big Thompson River, and South Platte River water rights. 8.5.3. During the diligence period, Greeley made revisions to its accounting in response to a State Engineer's audit. **Claims to Make Conditional Storage Rights and Conditional Rights of Exchange Absolute, in Part** 9. Claims to Make Absolute, in Part: 9.1. Conditional Storage Rights Made Absolute, in Part: 9.1.1. Date Conditional Storage Rights Made Partially Absolute: During the 2019 water year, Greeley stored 1,458.6 acre-feet of the 8,552 acre-foot first fill in Poudre Ponds. Greeley therefore claims that the absolute amount of the Conditional Storage Rights should be increased from 1,304 acre-feet to 1,458.6 acre-feet, with 7,093.4 acre-feet of the first fill and the entire refill amount of the Conditional Storage Rights remaining conditional. 9.1.2. Diversions: A maximum of 1,458.6 acre-feet of water was diverted at the 35th Avenue Drainage Ditch under the 1999 storage priority and was subsequently stored in Poudre Ponds (a/k/a Flatiron Nos. 1 and 2). The physical capacity of Poudre Ponds is currently approximately 1,458 acre-feet. Table 1 of Exhibit B, attached hereto, summarizes monthly diversions to storage in Poudre Ponds and demonstrates Greeley's exercise of the Conditional Storage

Rights. 9.2. Conditional Rights of Exchange Made Absolute, in Part: 9.2.1. Date Conditional Exchange Rights Made Partially Absolute: In June 2021, Greeley exchanged 9.04 c.f.s. from Greeley’s Wastewater Treatment Plant. Greeley therefore claims that the absolute amount should be increased from 6.14 cfs to 9.04 c.f.s. from Greeley’s Wastewater Treatment Plant to the Boyd and Freeman Ditch Headgate with 20.96 c.f.s. of the 30 c.f.s. maximum rate of exchange in that reach to remain conditional. 9.2.2. Diversions: Greeley exchanged a maximum rate of 9.04 c.f.s. from Greeley’s Wastewater Treatment Plant to the Boyd and Freeman Ditch Headgate. Table 2 of Exhibit B summarizes monthly maximum rates of exchange operated by Greeley from the Wastewater Treatment Plant under the Conditional Rights of Exchange. The exchanges were exercised under the 1999 priority and, when required, with permission of the Ogilvy Land and Irrigation Company. Water diverted by exchange was subsequently stored in Poudre Ponds (a/k/a Flatiron Nos. 1 and 2) and accounted for separately from water stored under the Conditional Storage Rights.

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: 10.1. 8th Street Reservoir, outlet and infiltration gallery/well: Ogilvy Irrigating and Land Company, 822 7th Street, #760, Greeley, CO 80631; H2 Investments, LLC, 2161 Montauk Lane, Windsor, CO 80550; and Leprino Foods Company, 1830 W 38th Ave Denver, CO 80211-2200. 10.2. F Street Reservoir, outlet and infiltration gallery/well: Applicant. 10.3. Flatirons Reservoir Nos. 1-5, outlet(s) and infiltration galleries/wells: Applicant. 10.4. 35th Avenue Reservoir, outlet(s) and infiltration galleries/wells: Martin Marietta Materials Inc., c/o Baden Tax Management, PO Box 8040, Fort Wayne, IN 46898. 10.5. W.W. Farm Lakes, outlet(s) and infiltration galleries: Aggregate Industries - WCR Inc., 1687 Cole Boulevard, Suite 300, Lakewood, CO 80401-3318; Aggregate Industries, 6401 Golden Triangle Drive, Suite 40, Greenbelt, MD 20770-3204; and Camas Colorado Inc. (79.99% Interest) and Denver Aggregates Inc. (20.01% interest) c/o Aggregate Industries-WRC Inc. 1687 Cole Boulevard, Suite 300, Lakewood, CO 80401-3318. 10.6. Greeley Canal No. 3: Applicant and Greeley Irrigation Company, 3005 W 29th Street Suite G1, Greeley, CO 80631. 10.7. Boyd and Freeman Ditch: Boyd Irrigation Company, 1001 11th Ave, Suite 200, Greeley, CO 80631. 10.8. Greeley Wastewater Treatment Plant Outfall: Applicant. 10.9. Ogilvy Canal: The Ogilvy Irrigating and Land Company, c/o Witwer Oldenburg Barry & Johnson LLP, 822 7th Street, Suite 760, Greeley, CO 80631. 10.10. W. R. Jones Ditch: Mr. Randy Knutson, President, c/o Central Colorado Water Conservancy District, 3209 West 28th Street, Greeley, CO 80631. 10.11. Whitney Irrigation Company Ditch: Whitney Irrigating Ditch Company, 30951 County Road 27, Greeley, CO 80631. WHEREFORE: Greeley requests the Court enter a decree finding (1) that Greeley has exercised reasonable diligence toward completion of the appropriation for the Conditional Storage Rights and Conditional Rights of Exchange, as decreed in Case No. 99CW234, and continuing said conditional water rights for another six-year diligence period; and (2) that Greeley has made the rights partially absolute as described in Paragraph 9 for the decreed uses in the amounts claimed above.

2022CW3221 JAARON JOHNSON, MOUNTAIN MUTUAL RESERVOIR COMPANY, AND NORTH FORK ASSOCIATES, LLC; Jaaron Johnson, 15807 Pine Valley Road, Pine, CO 80470; Email: jaaron.johnson33@gmail.com; Telephone: (303) 810-3050 (“Johnson”); 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 RIGHT AND APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE IN JEFFERSON AND PARK COUNTIES. 2. Summary of Claims: This Application includes two claims. Claim No. 1 seeks to adjudicate an underground water right for an existing domestic well. Claim No. 2 seeks approval of a plan for augmentation including exchange. Applicant Johnson own a 5-acre parcel of land presently known as 15807 Pine Valley Road, Pine, Colorado 80470 (“Subject Property”). Augmented structures within the Subject Property include the existing well, a pond complex that includes two main on-channel ponds, and some combination of the

following as necessary to meet the remaining water needs described in this application: a pump from the pond complex for irrigation use only, and a second well for irrigation use and/or an indoor use in a second single-family dwelling. Alternatively, if the irrigation use is provided by the second well, Applicant Johnson may drill a third well to serve the second single family residence, which well would be augmented pursuant to this augmentation plan. These augmented structures will be operated for indoor and outdoor use pursuant to the plan for augmentation described in Claim No. 2. **CLAIM NO. 1: APPLICATION FOR UNDERGROUND WATER RIGHT** 3. **Name of Well and Permit Number:** Pine Valley Well No. 1, Well Permit No. 96057-A. a. **Legal Description of the Wells:** The Pine Valley Well No. 1 is located in the SE1/4 NW1/4, Section 21, Township 7 South, Range 71 West of the 6th P.M., in Jefferson County, as shown on the map attached as **Exhibit A**, 1,916 feet from the North section line and 2,226 feet from the West section line. b. **Source of Water:** Groundwater in the drainage of Pine Gulch, tributary to the North Fork of the South Platte River, tributary to the South Platte River. c. **Date of Appropriation:** November 18, 2015. d. **How Appropriation was Initiated:** By constructing the well and applying water to beneficial use. e. **Dates Water Applied to Beneficial Use:** November 18, 2015. f. **Amount Claimed:** 7 gpm, ABSOLUTE. g. **Depth:** 685 feet. h. **Uses:** Ordinary household purposes inside one single-family dwelling. i. **Name and Address of Owner of Land on which the Well is Located:** Co-Applicant, Jaaron Johnson. j. **Remarks:** Applicants will seek a new well permit for the Pine Valley Well No. 1 to re-permit it as a fee well consistent with the final decree entered in this case. **CLAIM NO. 2: APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE** 4. **Name of Structures to be Augmented:** The structures to be augmented pursuant to this plan for augmentation are: (i) the Pine Valley Well No. 1 described in Paragraph No. 3 above; (ii) a pond complex which includes two on-channel ponds known as Pine Valley Pond No. 1 and Pine Valley Pond No. 2 (“Pine Valley Pond Complex”); (iii) the Pine Valley Well No. 2, to be permitted; (iv) the Pine Valley Pump, which will pump from the Pine Valley Pond No. 1; and (v) the Pine Valley Well No. 3 (as needed to provide water supply for the uses outlined herein) (together the “Augmented Structures”). The Augmented Structures are located on Applicant’s 5-acre parcel of land located in the in the SE1/4 NW1/4 of Section 21, Township 7 South, Range 71 West of the 6th P.M., in Jefferson County, shown on the map attached as **Exhibit A**. The Subject Property is located in the drainage of Pine Gulch, tributary to the North Fork of the South Platte River, tributary to the South Platte River. The rate of diversion for the Pine Valley Well Nos. 1, 2, and 3 will not exceed 15 gallons per minute each. Pine Valley Well Nos. 1, 2, and 3 will be permitted consistent with this application prior to operation of the well(s) pursuant to the augmentation plan. The exact location of the Pine Valley Well No. 2 and No. 3 will be described in the well permit(s) issued for the well(s). Return flows from the Pine Valley Well Nos. 1, 2, and 3, to the extent used for indoor uses, will be through an individual septic tank-soil absorption system for the wells where the return flows are returned to the same drainage in which the wells are located. The Pine Valley Pond No. 1 is located on the Subject Property in the SE1/4 NW1/4, Section 21, Township 7 South, Range 71 West, 2,350 feet from the West section line and 2,100 feet from the North section line. The Pine Valley Pond No. 2 is located on the Subject Property in the SE1/4 NW1/4, Section 21, Township 7 South, Range 71 West, 2,150 feet from the West section line and 1,900 feet from the North section line. Smaller auxiliary ponds included in the pond complex are fed via the pond complex chain and are located on the Subject Property. 5. **Water Rights to be Used for Augmentation Purposes:** Johnson has entered into a contract with North Fork Associates, LLC to purchase 19.1 shares of Mountain Mutual Reservoir Company (“MMRC”) stock, which represents a firm annual yield of 0.601 of an acre-foot to satisfy present and anticipated future replacement needs associated with the Augmented Structures. a. The water rights associated with the MMRC shares include the following: i. **Slaght Ditch:** In accordance with the Decree entered in Civil Action No. 1678 of Park County District Court, on May 22, 1913, the Slaght Ditch was awarded a direct flow priority of May 1, 1863, for 2.0 cubic feet per second for irrigation purposes. The source of water is the North Fork of the South Platte River. The point of diversion for the Slaght Ditch was originally established to be a point on the North bank of the North Fork of the South Platte River in the NE1/4 SE1/4, of Section 21, Township 7 South, Range 73 West, 6th P.M., approximately 2,060 feet North and 490 feet West of the SE Corner of Section 21. Pursuant to a Decree entered by the District Court for Water Division 1 in Case No. 82CW472, on October 3, 1983, the Maddox Reservoir Feeder Ditch was

approved as an alternate point of diversion for the Slaght Ditch water right. The point of diversion of the Maddox Reservoir Feeder Ditch is located on the North bank of the North Fork of the South Platte River in the NW1/4 SW1/4, Section 22, Township 7 South, Range 73 West, 6th P.M., approximately 1,240 feet East and 1,740 feet North of the SW Corner of Section 22. In Case No. 79CW339, 0.12 of a cubic foot per second of the Slaght Ditch priority was changed to a new location, with the water continuing to be used for irrigation purposes. Of the remaining 1.872 cubic feet per second, 0.481 of a cubic foot per second was transferred by MMRC in Case No. 03CW238 and 0.727 was transferred in Case No. 16CW3197. ii. Mack Ditch No. 2: In accordance with the Decree entered in Civil Action No. 1678 of the Park County District Court, on May 22, 1913, the Mack Ditch No. 2 was awarded a direct flow priority of May 1, 1863, for 1.0 cubic foot per second for irrigation purposes. The source of water is the North Fork of the South Platte River. The point of diversion of the Mack Ditch No. 2 was originally established to be on the South bank of the North Fork of the South Platte River at a point in the NE1/4 SE1/4, Section 21, Township 7 South, Range 73 West, 6th P.M., Park County, Colorado whence the E1/4 Corner of said Section 21 bears North 43° East, a distance of 984 feet more or less. By an Order of the Park County District Court entered on October 17, 1927, the point of diversion was moved approximately 789 feet upstream to a point on the South bank of the North Fork of the South Platte River in the NE1/4 SE1/4, Section 21, Township 7 South, Range 73 West, 6th P.M., whence the E1/4 Corner of said Section 21 bears North 79° 30' East, a distance of 1,292 feet, more or less. In Case Nos. W-7503, W-7548, 80CW080, 80CW455, 81CW143, 81CW298, and 89CW081, a total of 0.1191 of a cubic foot per second of Mack Ditch No. 2 water right was transferred out of the ditch for uses other than irrigation. Of the remaining 0.8809 of a cubic foot per second, 0.44045 of a cubic foot per second was transferred by MMRC in Case No. 03CW238. iii. Nickerson No. 2 Ditch: The Nickerson No. 2 Ditch, with a South Platte Priority No. 262 and North Fork Drainage Priority No. 24 has an appropriation date of May 1, 1872, as adjudicated by the District Court for Park County on May 22, 1913, in the amount of 0.65 of a cubic-foot-per-second. The headgate is located on the North bank of Deer Creek at a point whence the E1/4 Corner, Section 9, Township 7 South, Range 72 West of the 6th P.M., bears North 58° 15' East, 2,320 feet and has historically irrigated approximately 35 acres adjacent to Deer Creek in the SE1/4 Section 9, NW1/4 Section 15, and NE1/4 Section 16, Township 7 South, Range 72 West of the 6th P.M. all in Park County. iv. Parmalee No. 1 Ditch: The Parmalee No. 1 Ditch, with a South Platte Priority No. 251 and North Fork Drainage Priority No. 14 has an appropriation date of May 1, 1867, as adjudicated by the District Court for Park County on May 22, 1913, in the amount of 0.52 of a cubic-foot-per-second. In that Decree the headgate was located on the North bank of Deer Creek at a point whence the S1/4 Corner of Section 32, Township 6 South, Range 72 West of the 6th P.M., bears South 70° 6' East, 1,210 feet. Water Division No. 1 District Court Case No. W-7434 changed the location of the headgate to the Nickerson No. 2 Ditch, as shown above. v. Carruthers No. 2 Ditch: The Carruthers No. 2 Ditch, with a South Platte Priority No. 250 and North Fork Drainage Priority No. 13 has an appropriation date of May 1, 1867, as adjudicated by the District Court for Park County on May 22, 1913, in the amount of 0.52 of a cubic-foot-per-second. In that Decree the headgate was located on the North bank of Deer Creek at a point whence the S1/4 Corner between Sections 31 and 32, Township 6 South, Range 72 West of the 6th P.M., bears North 85° 30' East, 1,398 feet. Water Division No. 1 District Court Case No. W-7434 changed the location of the headgate for 0.28 of a cubic-foot-per-second to the Nickerson No. 2 Ditch, as shown above. This 0.28 of a cubic-foot-per-second is included in this contract. b. Firm Yield of Slaght Ditch Rights: The Slaght Ditch and Mack Ditch No. 2 water rights described herein shall hereinafter be referred to collectively as "Slaght Ditch Rights." Allocation of yield to Slaght Ditch Rights is attached as **Exhibit B**. The Decree issued in Case No. 03CW238, dated October 24, 2006, quantified the historic consumptive use associated with the Slaght Ditch Rights. The terms and conditions under which these water rights are used for augmentation, replacement, exchange and storage purposes were also defined and approved in Case No. 03CW238, as follows: i. The Slaght Ditch Rights may be left in the stream system to offset depletions from water use by MMRC shareholders. The water may also be stored in the Lower Sacramento Creek Reservoir No. 1 or the Maddox Reservoir. ii. The maximum rate of diversion under the Slaght Ditch Rights is 0.5 of a cubic foot per second. iii. Diversions to storage and/or assignment for in-stream augmentation credit are limited to the period May 1 through October 31 of each year, and are further limited to those times when

water is physically and legally available for diversion at the historic Slaght Ditch headgates on the North Fork of the South Platte River. If the May 1, 1867, priority is not fully satisfied to the extent of 2.0 cubic foot per second for the Slaght Ditch and 1.0 cubic foot per second for the Mack Ditch No. 2, MMRC's diversions are limited to its prorated entitlement to the water when physically and legally available. iv. Maximum annual diversions of the portion of the Slaght Ditch Rights changed in 03CW238 are limited to 41 acre-feet per year. During any consecutive ten-year period, the total diversions are further limited to 342 acre-feet. v. Pursuant to the Decree issued in Case No. 16CW3197, the historic consumptive use associated with an additional 0.727 cfs of the Slaght Ditch water right yields 31.8 acre-feet of consumptive use water.

c. Firm Yield of Nickerson Ditch Rights: The Nickerson No. 2, Parmalee No. 1, and Carruthers No. 2 Ditches are referred to herein as the "Nickerson Ditch Rights." The Decree issued in Case No. 00CW174, dated October 11, 2002, quantified the historic consumptive use associated with the Nickerson Ditch Rights. The terms and conditions under which the Nickerson Ditch Rights are used for augmentation, replacement, exchange and storage purposes were also defined and approved in Case No. 00CW174, as follows: i. The Nickerson Ditch Rights may be left in the stream system to offset depletions from water use by MMRC shareholders. The water may also be stored in the Lower Sacramento Creek Reservoir No. 1, Maddox Reservoir and other MMRC reservoirs within the South Platte River Basin located above South Platte, Colorado; provided, however, that the details of storage in another reservoir will be published in the Water Court Resume, or such storage is approved by the State Engineer pursuant to Sections 37-80-120 and 37-92-308, C.R.S. (2002). ii. The maximum rate of diversion under the Nickerson Ditch Rights is 0.8 of a cubic foot per second. Diversions are limited to the May 1, 1867, priorities decreed to the Parmalee Ditch No. 1 and the Carruthers Ditch No. 2. iii. Diversions to storage and/or assignment for in-stream augmentation credit are limited to the period April 23 through October 31 of each year, and are further limited to those times when water is physical and legally available for diversion at the historic Nickerson Ditch No. 2 headgate on Deer Creek. If the May 1, 1867, priority is not fully satisfied to the extent of 0.8 of a cubic foot per second, the diversion rate is reduced to the flow, which is then physically and legally available. iv. Maximum monthly diversions under the Nickerson Ditch Rights are limited as follows: April, 2.0 acre-feet; May, 16.0 acre-feet; June, 19.0 acre-feet; July, 16.0 acre-feet; August, 10.0 acre-feet; September, 7.0 acre-feet; and October, 4.0 acre-feet. Maximum annual diversions are limited to 62 acre-feet per year. During any consecutive ten-year period, total diversions are further limited to 486 acre-feet. The Nickerson Ditch rights are claimed as an alternate replacement supply in this matter. d. Maddox Reservoir: The Maddox Reservoir is located in the NE1/4 SW1/4, Section 22, Township 7 South, Range 73 West of the 6th P.M. in Park County. It was adjudicated on November 11, 1971, with an appropriation date of May 31, 1905. It is decreed for multiple purposes including irrigation, domestic, fish culture and recreation with a capacity of 54.0 acre-feet. It is filled by the Maddox Reservoir Feeder Ditch, which diverts from the North Fork of the South Platte River in the NE1/4, SE1/4, SW1/4, Section 22, Township 7 South, Range 73 West of the 6th P.M. and decreed as an alternate point of diversion for the Slaght Ditch. Allocation of yield to Maddox Reservoir is attached as **Exhibit C**. e. Lower Sacramento Creek Reservoir: The Lower Sacramento Creek Reservoir Company, a Colorado corporation, owns and operates the Lower Sacramento Creek Reservoir No. 1. The reservoir is located in the NE1/4 NW1/4, Section 32, and the SE1/4 SW1/4, Section 29, Township 9 South, Range 77 West, 6th P.M., Park County, Colorado. North Fork Associates owns 932 shares of a total of 3,700 shares in the Company (a 25.2% interest). The reservoir has been constructed and is entitled to store water under the following Decrees:

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

The water may be used for domestic, municipal, commercial, industrial, irrigation, fish and wildlife propagation, recreational and all other beneficial purposes, including exchange to compensate for depletions in the South Platte River and its tributaries. Other owners in the reservoir have transferred water rights to Lower Sacramento Creek Reservoir No. 1 in which Applicants have no interest. Lower

Sacramento Creek Reservoir is claimed as an alternate replacement supply in this matter. 6. Statement of Plan for Augmentation: Johnson is the owner of the Subject Property where the Augmented Structures are located. The Pine Valley Pond Complex includes flow-through, on-channel structures, with evaporation losses replaced pursuant to this plan for augmentation in order to maintain the structure at full-pool despite suffering evaporation losses. The Pine Valley Pump will be used for irrigation purposes only. The Pine Valley Well No. 2 may also be used for irrigation purposes. Indoor use for a planned second single-family dwelling will be supplied by the Pine Valley Well No. 2 or the Pine Valley Well No. 3. This augmentation plan will replace out-of-priority depletions associated with the Augmented Structures, for indoor and outdoor use, as described below. a. The water requirements for the Augmented Structures are for two single-family dwellings, with an average occupancy of 3.5 persons per house, one auxiliary dwelling unit with an average occupancy of 2.0 persons per house (“Indoor Uses”), the watering of two horses (or equivalent animals), one hot tub, a water feature, evaporation from the Pine Valley Pond Complex, and the irrigation of 9,100 square-feet of turf irrigation (or the consumptive equivalent of garden irrigation (22,750 square-foot) or a consumptively equivalent combination of turf and garden irrigation) (“Outdoor 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. The estimated water requirements for turf irrigation will be 1.25 af/ac with 80% consumption. The estimated water requirements for garden irrigation will be 0.50 acre-feet per acre with 80% consumption. Water for horses (or equivalent animals) will require 10 gal per head per day with 100% consumption. Water use for the hot tub will be 0.0056 acre-feet per year of consumption. Water use for the water feature will be 7.1 gallons per day. The water requirements for the replacement of evaporation of the Pine Valley Pond Complex will be 1.107 acre-feet per acre. Prior to development of the second single-family dwelling, water used for turf and garden irrigation will be reduced and the excess portion shall be allocated for uses inside the second single-family dwelling; an allocation of storage has been added to the irrigation use to accommodate year-round replacement when the second single-family dwelling is added. This plan will require 0.601 of an acre-foot of replacement water as 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%	0.031	0.016	0.015
Auxiliary Unit	80 gl/cap/dy (2.0 cap)	1	0.179	10%	0.018	0.009	0.009
Turf irrig.* 9,100 sq. ft. †	1.25 af/ac	0.209	0.261	80%	0.209	0.193	0.016
Horses (or equivalent animals)	10 gl/hd/dy	2	0.022	100%	0.022	0.011	0.011
Hot Tub	0.0056 af/tub	1	0.006	100%	0.006	0.003	0.003
Water Feature	7.1 gl/dy	183	0.004	100%	0.004	0.004	0.000
Pond Evaporation	1.107 af/ac	0.27	0.299	100%	0.299	0.229	0.070
Tran. Chg.	0.15%/Mi	14	0.012	100%	0.012	0.010	0.002
Total			1.097		0.601	0.475	0.126

*Garden irrig. 22,750 sq. ft. †	0.50 af/ac	0.522	0.261	80%	0.209	0.209	0.0000
† Alt: Single-Family In-House Use	80 gl/cap/dy (3.5 cap)	1	0.314	10%	0.031	0.016	0.015

*Replacement requirements for combined turf and/or garden irrigation will not exceed 0.209 acre-feet annually.

† Upon development of a second single-family dwelling, turf/garden irrigation will be reduced by 0.031 acre-feet and this amount of water will be allocated towards the single-family dwelling. The total need for replacement water under this augmentation plan will not exceed 0.601 of an acre-foot.

The monthly depletions are as follows in acre-feet:

Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
0.018	0.018	0.018	0.018	0.018	0.018	0.082	0.082	0.082	0.082	0.082	0.082

This equates to a maximum stream depletion of 0.62 gallons per minute.

b. The total consumptive use water requirement will be met with 0.601 of an acre-foot of the annual yield from the Slaughter/Mack Ditch Rights as described above and 0.126 of an acre-foot of space in Maddox Reservoir. (See Exhibits “B” and “C” respectively). The calculated requirements of the direct flow water rights from May through October are a total of 0.475 of an acre-foot at the point of depletion on Pine Gulch in the SE1/4 NW1/4, Section 21, Township 7 South, Range 71 West of the 6th P.M. The point of delivery of this water will be the headgate of the Slaughter Ditch on the South Platte River in the NE1/4 SE1/4, Section 21, and the outlet of Maddox Reservoir in the SE1/4 SW1/4, Section 22, all in Township 7 South, Range 73 West of the 6th P.M. During the irrigation season during the months of May through October, out-of-priority depletions to the stream system will be continuously augmented by MMRC foregoing the diversion of a portion of its Slaughter/Mack Ditch Rights. During the non-irrigation season during the months of November through April, and at times when the Slaughter Ditch Rights are not in priority, replacement will be made by release from Maddox Reservoir. The total requirement at the points of exchange at the confluence of Pine Gulch and the North Fork of the South Platte River in the SW1/4 SW1/4, Section 27, Township 7 South, Range 71 West is 0.601 of an acre-foot of replacement water. c. The required volume of augmentation water will be provided from the sources described in Paragraph No. 5, above. Due to the small volume of annual stream depletions projected to occur under this plan, instantaneous stream depletions may be aggregated and replaced by one or more releases of short duration. 7. Water Exchange Project and Appropriative Right of Exchange: Since the point of depletion associated with the Augmented Structures are upstream of the augmentation supplies, Applicants assert an exchange project right pursuant to Sections 37-92-103(9), 37-92-302(1)(a), 37-92-302(5), 37-92-305(3), 37-92-305(5), and 37-92-305(8)(a), C.R.S and an appropriative right of exchange pursuant to Sections 37-80-120 and 37-83-104, C.R.S. The reach of these exchanges shall extend from the confluence of Pine Gulch and the North Fork of the South Platte River in the SW1/4 SW1/4, Section 27, Township 7 South, Range 71 West thence up Pine Gulch to the point of depletion in the SE1/4 NW1/4, Section 21, Township 7 South, Range 71 West. In the event that there is a senior call within the exchange project or exchange reach that precludes the exchange, the Applicants can have replacement water delivered via trucking to make replacements above the calling water right or release water from an onsite container. The exchange project right will operate to replace

depletions to the flow of water in the stream system as the depletions occur. The water exchange project right and appropriative right of exchange will each be operated and administered with a priority date of December 30, 2022, at a maximum flow rate of 0.01 of a cubic foot per second. WHEREFORE, Applicants request the entry of a decree approving this Application, specifically (1) granting the appropriations sought in this Application, (2) authorizing use of the augmentation supplies described in this Application, (3) determining that the source and location of delivery of augmentation water are sufficient to prevent material injury to vested water rights. The Applicants also request entry of an Order directing the State Engineer to issue well permits for the construction and use of, or any replacement well permits required, for the Pine Valley Well Nos. 1, 2, and 3 consistent with the final decree entered in this case. (14 pgs., 3 Exhibits)

2022CW3222 Applicant: SCHMIDT LIVING TRUST C/O KEVIN SCHMIDT, 16924 WCR 42, LaSalle, Colorado 80645. (970) 284-5517. Please send all future correspondence to Bradley C. Grasmick or David L. Strait, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534. **APPLICATION FOR CHANGE OF WATER RIGHTS TO INCLUDE ALTERNATE POINT OF DIVERSION, IN WELD COUNTY.** 2. **Remarks.** Applicant seeks a decree to utilize a former domestic well as an alternate point of diversion for two existing irrigation wells that are included in the Ground Water Management Subdistrict of the Central Colorado Water Conservancy District's augmentation plan decreed in Case No. 02CW335. No other change of the water right is sought, and all three wells will be included in the 02CW335 augmentation plan. **CLAIM FOR CHANGE OF WATER RIGHT TO INCLUDE ALTERNATE POINT OF DIVERSION** 3. **Decreed Water Rights for Which Change is Sought:** 3.1. **Name of Well:** Schmidt Well 1-14499; WDID 0207989; Permit No. 14499-R ("Schmidt Well 14499"). 3.1.1. **Date of Original Decree:** March 10, 1975, Case No. W-3760, District Court, Water Division 1. 3.1.2. **Location.** SE 1/4 of the NE 1/4 of Section 26 Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado, at a point 2,732 feet North and 240.5 feet West of the SE Corner of said Section 26. 3.1.3. **Source of Water.** Groundwater. 3.1.4. **Appropriation Date.** May 31, 1949. 3.1.5. **Rate of Diversion.** 1.10 c.f.s. 3.1.6. **Use.** Irrigation of 130 acres in Section 26 Township 4 North, Range 66 West, 6th P.M., Weld County, Colorado. 3.2. **Name of Well.** Schmidt Well 1-14498; WDID 0207999; Permit No. 14498-R ("Schmidt Well 14498", together with Schmidt Well 14499, the "Schmidt Wells"). 3.2.1. **Date of Original Decree:** March 10, 1975, Case No. 3760, District Court, Water Division 1. 3.2.2. **Location.** SE 1/4 of the NE 1/4 of Section 26 Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado, at a point 2,940 feet North and 461.5 feet West of the SE Corner of said Section 26. 3.2.3. **Source of Water.** Groundwater. 3.2.4. **Appropriation Date.** June 30, 1957. 3.2.5. **Rate of Diversion.** 1.76 c.f.s. 3.2.6. **Use.** Irrigation of 130 acres in Section 26 Township 4 North, Range 66 West, 6th P.M., Weld County, Colorado. 4. **Description of Proposed Change:** Applicant seeks approval to change the Schmidt Wells water rights, as described in Paragraphs 3.1 and 3.2 herein, to add an alternate point of diversion at the Schmidt Wells – APOD, as described in Paragraph 4.1 herein. The Schmidt Wells are currently decreed for irrigation use and are included in the Ground Water Management Subdistrict of the Central Colorado Water Conservancy District's ("GMS") augmentation plan decreed in Case No. 02CW335 ("GMS Plan"). Applicant seeks the ability to divert the water right decreed to the Schmidt Wells to be pumped at the Schmidt Wells and the Schmidt Wells-APOD. Diversions of the Schmidt Wells water rights at the Schmidt Wells-APOD will be limited as described herein. Applicant does not seek any other changes to the Schmidt Wells water rights. GMS has authorized Applicant to pump the Schmidt Wells and the Schmidt Wells – APOD as requested in this Application under GMS Contract No. 700, attached hereto as **Exhibit A**. GMS is simultaneously filing an application to include the Schmidt Wells – APOD in the GMS Plan. 4.1. **Description of Alternate Point of Diversion.** Schmidt Wells – APOD; Permit No. 158140. 4.1.1. **Location.** NE 1/4 of the NE 1/4 of Section 26 Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado, at a location that is 250 feet from the North section line and 440 feet from the east section line. Easting, 522396.7. Northing, 4459908.2. 4.1.2. **Source of Water.** Groundwater. 4.1.3. **Diversion Rate.** 15 g.p.m. 5. **Terms and Conditions.** Applicant will limit the total amount diverted from Schmidt Well 14499, Schmidt Well 14498 and Schmidt Wells-APOD so that the total amount diverted i does not exceed the presently decreed amount of 2.86 c.f.s. from the combination of the three wells at any

given time. The Schmidt Wells-APOD will be used for irrigation along with the Schmidt Wells on the 130 acres decreed to be irrigated by the Schmidt Wells. Applicant's pumping from the Schmidt Well-APOD shall not exceed 5.67-acre feet per year. 6. **Name and Address of Owners of Structures.** Applicant owns the structures and the land upon which the structures are located. This Application includes 4 pages and 1 exhibit.

2022CW3223 THE OGILVY IRRIGATING AND LAND COMPANY, 822 7th Street, Suite 760 Greeley, CO 80631, and **THE OGILVY AUGMENTATION COMPANY**, 1811 38th Avenue Greeley, CO 80634 Please send all further pleadings to: Daniel K. Brown, Esq. and Whitney Phillips Coulter, Esq. Fischer, Brown, Bartlett, Larsen & Irby, P.C., 1319 E. Prospect Road, Fort Collins, CO 80525. **APPLICATION FOR A CONDITIONAL STORAGE WATER RIGHT IN WELD COUNTY.** 2. Overview. The Loloff Pit is an existing, off-channel, lined gravel pit. The Colorado Division of Water Resources approved the liner for the Loloff Pit on April 26, 2019. 3. Application for Conditional Storage Water Right. Applicants request confirmation and adjudication of a conditional storage water right for the Loloff Pit as further described below: 3.1. Name of Structure: Loloff Pit. 3.2. Location: In the E 1/2 of the NW 1/4 of Section 4, Township 5 North, Range 65 West of the 6th P.M., County of Weld, State of Colorado. 3.3. Source: Cache la Poudre River. 3.4. Legal Description of Point of Diversion: Ogilvy Ditch, the headgate of which is located in the SE 1/4 of the SE 1/4 of SW 1/4 of Section 4, Township 5 North, Range 65 West of the 6th P.M. It's approximate UTM coordinates are Easting 527984, Northing 4474716, in Zone 13, as determined using the CDSS MapViewer. The Ogilvy Ditch has a physical capacity of approximately 100 cfs. 3.5. Conditional Diversion Rate: 50 cfs. Water has been delivered to and from the Loloff Pit by temporary pumps and pipes, and will be delivered and released in the future via a pipeline to be constructed connecting the Ogilvy Ditch to the Loloff Pit. 3.6. Date of appropriation: September 27, 2022. 3.7. How appropriation was initiated: The Ogilvy Irrigating and Land Company acquired ownership of the Loloff Pit and surrounding property with the intent to store water therein. 3.8. Date water applied to beneficial use: N/A. 3.9. Surface area of high-water line. Approximately 65 acres. 3.10. Reservoir Capacity. The total capacity for the Loloff Pitt is 2,500 acre feet. 3.11. Conditional Amount: Storage of up to 2,500 acre feet, **CONDITIONAL**, with a right to fill and re-fill when in priority. 3.12. Proposed Uses: Diversion and storage for irrigation, commercial, industrial and livestock uses; augmentation and replacement purposes, including use in the plan for augmentation decreed to the Ogilvy Augmentation Company in Case No. 03CW150, District Court, Water Division No. 1; and in situ recreational, piscatorial and wildlife propagation. 4. Names and Addresses of Owner of the Land and Structure: Applicants own the land and the structure. (5 pages).

2022CW3224 Applicant: **THE GROUNDWATER MANAGEMENT SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT**, hereinafter referred to as "Central" or "GMS," 3209 West 28th Street, Greeley, Colorado 80634. (970) 330-4540. Please send all future correspondence to Bradley C. Grasmick and Linda Preslan Bower, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534. **APPLICATION FOR CHANGE OF WATER RIGHTS IN WELD COUNTY.** 2. Water Rights to be Changed. Water rights represented by 94 Shares in the Western Mutual Ditch Company (Western), Stock Certificate Nos. 858 and 869 which water rights are described below. 3. Name of Structure. Western Mutual Ditch 4. Previous Decrees. 4.1. The Western Mutual Ditch (aka Hewes and Cook Ditch) was decreed in Civil Action 6009 Arapahoe County District Court on April 28, 1883 and in Civil Action 54658 on August 2, 1918 with appropriation dates of May 5, 1866 for 27.45 cfs (Priority No. 13) and August 10, 1871 for 71.12 c.f.s (Priority no. 23) and January 26, 1894 for 86.43 cfs (Priority No. 72) for irrigation purposes. The headgate is located on the west bank of the South Platte River in the southeast quarter of the southwest quarter of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. 4.2. Western also adjudicated a water right in Case No. 2010CW141 in which they appropriated water from a warm water slough that enters the Ditch. This water right is not being changed in this application. 5. Historical Use. The Shares were used for irrigation on the following farms. 5.1. Meining Farm. 1.0 share was historically used to irrigate lands located in the NE 1/4 of Section 30, Township 4 North Range 66 West of the 6th

P.M., Weld County Colorado. (Exhibit 1). 5.2. WETCo Farms. 93 shares were historical used to irrigate a combination of 8 farms hereinafter referred to as Farms 2, 3, 4, 5, 6, 8, 9, and 10 which are located in the SE 1/4 Section 3 and NE 1/4 of Section 10, Township 4 North, Range 66 West, the E 1/2 of the NW 1/4 and West 1/2 of the NW 1/4 of Section 15, Township 4 North, Range 66 West, the S 1/2 of the NW 1/4 of Section 16, Township 4 North, Range 66 West, and the S 1/2 of Section 11, Township 4 North, Range 66 West, all of the 6th P.M. in Weld County, Colorado (Exhibit 1). 6. Proposed Change. 6.1. Use. In addition to the currently decreed uses, GMS seeks to add the following uses to the shares: irrigation (on new/separate lands within GMS's boundaries), industrial, augmentation, recharge, replacement and exchange, with the right to totally consume the consumable portion of the water, either by first use, successive use, or disposition. Specifically, the shares may be used as a source of substitution and replacement supply in the plans for augmentation in Case No. 02CW335, Case No. 03CW99, 16CW3202 and 21CW3193 for replacing well depletions and return flows. Fully consumable water associated with the water delivered under the shares and released for augmentation or other decreed uses may also be rediverted and delivered to recharge or storage, either directly or by exchange consistent with the terms and conditions of the following storage and recharge decrees, including, but not limited to Case Nos.: 83CW184, 88CW127, 92CW021, 92CW165, 94CW096, 94CW097, 00CW83, 01CW48, 02CW269, 02CW270, 05CW331, 12CW304, 14CW3123, 16CW3119, 16CW3202, 17CW3202, and 19CW3088. 6.2. Dry up. The lands historically irrigated with the shares have been dried up and/or are subject to a dry-up covenant requiring the cessation of irrigation when the shares are used for changed uses. 6.3. Diversion Period. Historically there were diversions in the months of March through November. 6.4. Farm Headgate Delivery. Farm headgate deliveries were estimated based on pro-rata river headgate diversions reduced to account for an average 25% ditch loss in the Western Mutual Ditch and an additional 2% per mile for any earthen lateral ditches used to deliver water to the farms historically irrigated. Based on historical diversion records over a study period from 1965-2020, historical river diversions for the Shares averaged approximately 2,156-acre feet and farm headgate deliveries attributable to the Shares averaged approximately 1,610 acre-feet per year. 6.5. Historic Consumptive Use. Historical consumptive use associated with the Shares are estimated to average approximately 834 acre-feet per year over the study period of 1965-2020. This amount is preliminary and may be adjusted up or down as more information becomes available to Applicant. 6.6. Return Flows. Annual return flows associated with water delivered to the shares historically averaged approximately 776 acre-feet per year over the study period of 1965-2020. Returns from the subject shares may consist of surface returns which will accrue immediately to the stream, and deep percolation returns which will be lagged to the nearest flowing stream. Presently, Applicant anticipates that all return flows will be characterized as deep percolation returns. The timing of the return flows will be determined using the IDS AWAS software, the bounded alluvial aquifer Glover methodology and site-specific alluvial aquifer characteristics. Return flows from water delivered to the shares accrued to the South Platte River in the following locations: Meining Farm: NE 1/4 of the SE 1/4 of Section 24, Township 4 North, Range 67 West, 6th P.M., Weld County Colorado; Farms 2, 3, & 4: SE 1/4 of the NW 1/4 Section 3, Township 4 North, Range 66 West, 6th P.M., Weld County Colorado; Farms 5 and 6: NE 1/4 of the NW 1/4 Section 9, Township 4 North, Range 66 West, 6th P.M., Weld County Colorado; Farm 8: NE 1/4 of the SW 1/4 of Section 8, Township 4 North, Range 66 West, 6th P.M., Weld County Colorado; Farms 9 & 10: SE 1/4 of the NW 1/4 Section 3, Township 4 North, Range 66 West, 6th P.M., Weld County Colorado. Historical Return flows for the Meining Farm accrued to Reach C and Reach C-1 of the GMS and WAS augmentation plan administrative reaches, respectively. Return flows for Farms 2, 3, 4, 5, 6, 8, 9, and 10 accrued to GMS and WAS administrative Reach C and C-2, respectively. As a term and condition of this decree, Central will replace the historical return flows, either directly, by substitution or otherwise, at times there are valid calls located downstream of the point where the return flows are owed to the river. To prevent injury to water rights which may have relied on the return flows from these shares, the return flows will be replaced above the calling water right entitled to said return flows by using a portion of the water associated with the shares or with other water rights owned, leased or otherwise controlled by Central and authorized for such use. Return flow factors will be determined upon completion of engineering analysis. Central may utilize all water attributable to the Shares for the changed uses applied for herein after the return flow

obligations have been satisfied. 6.7. Delivery of the Shares. Water from the shares shall continue to be diverted at the Western Mutual Ditch headgate and carried in the Ditch. Central will take delivery of the water via headgates on the Western Mutual Ditch for the beneficial uses to be decreed herein. Such delivery from the Western Mutual Ditch may include delivering the water directly to the South Platte River or delivery to recharge facilities proximate to the Western Mutual Ditch and recharged pursuant to the decree entered in Case No. 05CW331. Current points of delivery from the Western Mutual Ditch are listed in Exhibit 2 attached hereto. Future headgates, augmentation stations and recharge ponds located on or proximate to the Western Mutual Ditch may be utilized by GMS for the delivery and beneficial use of the water represented by the shares. GMS may re-divert the shares after they have been delivered to the South Platte River for the beneficial uses decreed herein. GMS may also utilize the water as a source of substitute supply in an exchange, divert the water to storage or divert the water to recharge at the projects listed in Case Nos. 05CW331 and 16CW3202. 6.8. Proposed terms and conditions. GMS shall continue to take delivery of its shares from the Western Mutual Ditch for the uses decreed herein either directly after storage or recharge or for delivery to the stream and re-diversion at the locations to be approved by the court. Central will continue to bear its proportionate amount of ditch loss assessed by Western on its share deliveries. Share deliveries to recharge ponds and calculation of recharge credit for delivery to ponds served by the Western Mutual Ditch shall be pursuant to the decree entered in Case No. 05CW331. Monthly, annual and a 20-year average volumetric limits on deliveries shall be applied to the future delivery of the shares for the new uses to be decreed herein. Return flows shall be replaced as described herein to prevent injury. Approximately 789 acres historically irrigated by the shares shall be dried up when the shares are fully used for the new uses to be decreed herein in order to prevent an expansion of use. 7. Name and Address of Owners of Structures. Applicant owns the Shares. The Western Mutual Ditch is owned by the Western Mutual Ditch Company c/o Dairay Richards, 308 N. 47th Ave Ct., Greeley CO 80634. This Application consists of 6 pages and 2 exhibits.

2022CW3225 HUNT WATER, LLC, 14460 WCR 40, Platteville, Colorado 80651, Telephone: (970) 737-2437 (P. Andrew Jones, #29076, Law Office of P Andrew Jones, 1213 Founders Circle, Windsor, CO 80550, Telephone: (970) 235-0252, E-mail: ajones@pandrewjones.com). **APPLICATION FOR CONDITIONAL WATER STORAGE RIGHT IN WELD COUNTY. Hunt Water Reservoir No. 3, 2.** Name of Reservoir: Hunt Water Reservoir No. 3, 3. Legal Description: a. UTM i. Easting: 516687.60315. Northing: 4458452.12661 ii. Zone 13 iii. Source: Spotted from map (centroid location given). iv. Accuracy: N/A b. PLSS i. In the Southeast 1/4 of the Southwest 1/4 and Southwest 1/4 of the Southeast 1/4 of Section 29, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado, ii. 450 feet from the South section line, 2000 feet from West section line. iii. Source: Map c. See Attached Exhibit "A" for map. 4. Source: South Platte River. 5. Fill Ditches: a. Platte Valley Canal i. Capacity: 200 c.f.s. ii. Point of Diversion: In the Northeast Quarter of Section 19, Township 2 North, Range 66 West of the 6th P.M. iii. Comment: Water is delivered through Platte Valley Canal and Evans Ditch No. 2 to lateral headgate, and then in lateral system to Reservoir. b. Farmers Independent Ditch i. Capacity: 130 c.f.s. ii. Point of Diversion: The headgate of the Farmers Independent Ditch in the SW 1/4 of the SW 1/4, Section 19, Township 3 North, Range 66 West, 6th P.M., Weld County, Colorado. iii. Water is delivered through Farmers Independent Ditch to lateral headgate, and then in lateral system to Reservoir. 6. Date of Appropriation: September 1, 2022. 7. How Appropriation was Initiated: Site acquisition, formation of intent to appropriate, engineering review, on-site testing and excavation. 8. Amount Claimed: 300 acre feet, with right to fill and refill as many times as priority will allow, conditional. Rate: 5 c.f.s. 9. Uses: Irrigation, augmentation, replacement, and industrial uses by direct delivery from reservoir, recharge following release from the reservoir, or exchange following release from the reservoir. Uses via recharge to include delivery to recharge sites decreed in 08CW71 and 17CW3215. Augmentation and replacement uses include use in the PVIC Augmentation Group LLC augmentation plan decreed in 08CW71, and in the Central Colorado Water Conservancy District augmentation plans decreed in 02CW335 and 03CW99. 10. Surface Area at High Water Line: 17 acres (approximate). No dam will be constructed. Any berm surrounding the reservoir will be less than 10 feet in height. 11. Name of Owners of Land: a. Diversions:

i. Platte Valley Irrigation Company, P. O. Box 336483, Greeley, CO 80633. ii. Farmers Independent Ditch Company, P.O. Box 1371, Greeley, CO 80632-1371. b. Hunt Water Reservoir No. 3, David and Kayleen Hunt, 14460 WCR 40 Platteville, CO 80651, owners in Applicant Hunt Water, LLC.

2022CW3226 Applicant: THE GROUND WATER MANAGEMENT SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT (“GMS” or “Applicant”), 3209 West 28th Street, Greeley, Colorado 80634. (970) 330-4540. Please send all future correspondence to Bradley C. Grasmick and David L. Strait, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534. **APPLICATION TO ADD WELL TO PLAN FOR AUGMENTATION, IN WELD COUNTY.** 2. **Plan for Augmentation.** Applicant operates a plan for augmentation decreed in Case No. 02CW355 (“GMS Plan”). ¶14.5 of the decree in Case No. 02CW335 (“GMS Decree”) allows the addition of wells to the plan subject to notice and terms and conditions. 3. **Structure to be Added and Augmented.** The owner of the Well has simultaneously filed an application seeking to add the Well as an alternate point of diversion for the existing wells, Permit Nos. 14499 (WDID 0207989) and 14498 (WDID 0207999) in the GMS Plan. The Well will be used for purposes of irrigation of 130 acres in the NE 1/4 of Section 26, Township 4 North, Range 66 West, Weld County, Colorado in conjunction with Well Permit Nos. 14499 and 14498. 3.1. **Name of Structure to be Added and Augmented:** Schmidt APOD, Permit No. 158140 (the “Well”). 3.1.1. **Name and Address of Owners of Well:** Schmidt Living Trust c/o Kevin Schmidt, 16924 WCR 42, LaSalle, Colorado 80645. (970) 284-5517. 3.1.2. **Location of Well:** NE 1/4 of the NE 1/4 of Section 26, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. Easting, 522396.7, Northing 4459908.2. 3.1.3. **Permit No.:** 158140 for domestic use; a new permit will be issued for the Well as needed to reflect the irrigation use. 3.1.4. **GMS Contract No.:** No. 700. **See Attachment 2 to Exhibit 1.** 4. **Proposed Terms and Conditions.** 4.1. **Consumptive Use Factors.** The terms and conditions for the irrigation uses of the Well will be the same as for the other Member Wells in the GMS Decree. The consumptive use factor will be 60% for flood irrigation and 80% for sprinkler irrigation. Irrigation water from the Well will not be recycled through use of tailwater collection systems. The Well will be subject to all the terms and conditions for operation as for other Member Wells in the GMS Decree. 4.2. **Net Stream Depletions.** Depletions resulting from the use of groundwater for irrigation uses will be lagged back to the South Platte River using the Glover bounded alluvial aquifer method and the following parameters.

River	Distance to River from Aquifer Boundary (ft)	Distance to River from Well (ft)	Specific Yield	Harmonic Mean Transmissivity (gpd/ft)	GMS Administrative Reach
	(1)	(2)	(3)	(4)	(5)
South Platte River	29,337	20,283	0.2	126,800	C

Notes:(1) Shortest measured distance between the well the South Platte River plus the shortest measured distance between the well and the aquifer boundary. (2) Shortest measured distance between the well and the South Platte River. (4) Calculated by dividing the distance from the stream to the well by the sum of the quotient of the length of the path across each crossed grid cell and that grid cell’s transmissivity value (SPDSS tgrid0309). (5) Administrative Reach where depletions modeled to accrue. 5. **Depletions.** The Well will be included in the GMS Plan as a new well and thus has no depletions from prior pumping. Depletions from pumping the existing wells, Permit Nos. 14499 (WDID 0207989) and 14498 (WDID 0207999) are already being replaced in the GMS Plan. For this reason, there are no depletions from prior pumping of the Well that need to be augmented and no additional depletions will be added to GMS upon entry of a decree in this case. 6. **Names and Addresses of Owners of Land on Which Structure is Located:** Schmidt Living Trust c/o Kevin Schmidt, 16924 WCR 42, LaSalle, Colorado 80645. (970) 284-5517. This application consists of 4 pages and 1 exhibit.

2022CW3227 CITY AND COUNTY OF BROOMFIELD. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN WELD COUNTY. Attorneys for Applicant: Cynthia F. Covell, #10169, Andrea L. Benson, #33176, Gilbert Y. Marchand, Jr., #19870, Alperstein & Covell, P.C., 1391 Speer Boulevard, Suite 730, Denver, CO 80204, cfc@alpersteincovell.com; alb@alpersteincovell.com; gym@alpersteincovell.com, phone: (303) 894-8191; Fax (303) 861-0420. **1. Name, mailing address, email address and telephone number of applicant:** City and County of Broomfield (“Broomfield” or “Applicant”), c/o Director of Public Works, 3951 W. 144th Avenue, Broomfield, Colorado 80023, Telephone No.: (303) 438-6348, e-mail: publicworks@broomfield.org. **2. Names of structures/water rights:** Heit Pit Storage Rights; South Platte River-Little Dry Creek Exchange. **3. Date of Original and Diligence Decrees:** **3.a.** Original Decree: Case No. 2006CW288, decreed by the District Court for Water Division 1, State of Colorado, on June 4, 2010. **3.b. First Diligence Decree:** Case No. 2016CW3086, decreed by the District Court for Water Division 1, State of Colorado, on December 14, 2016. **4. Description of Conditional Water Storage Right:** **4.a. Name of Reservoir:** Heit Pit. **4.b. Legal Description of Reservoir:** Heit Pit is a gravel pit reservoir constructed with a slurry wall, currently being mined, and located in the South Half of the Northeast Quarter, and the North Half of the Southeast Quarter of Section 13, Township 2 North, Range 67 West of the 6th P.M., Weld County, Colorado, more particularly described on Exhibit A hereto. A map of the subject property is attached as Exhibit B hereto. **4.c. Legal Description of Diversion Point(s) for filling structures:** **4.c.(1)** Lupton Bottom Ditch, whose headgate is located just north of Wattenburg, Colorado on the west bank of the South Platte River in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 19, Township 1 North, Range 66 West. of the 6th P.M. **4.c.(2)** Meadow Island No. 1 Ditch, whose headgate is located on the northwest bank of the South Platte River in the Southwest Quarter of Section 19, Township 2 North, Range 66 West, of the 6th P.M. **4.c.(2)(i)** The South Platte Wellfield/Wells, located on the west bank of the South Platte River in the Southwest Quarter of Section 18 and part of the Northeast Quarter of the Northwest Quarter of Section 19, Township 2 North, Range 66 West of the 6th P.M., were decreed in Case No. 2009CW96 as alternate points of diversion for the Meadow Island No. 1 Ditch as a filling structure for the Heit Pit storage rights. The location of the South Platte Wellfield/Wells is shown on Exhibit C hereto. **4.c.(3)** The Little Dry Creek Diversion, to be located in the West Half of the Southeast Quarter of Section 13, Township 2 North, Range 67 West, of the 6th P.M., will be a surface diversion from Little Dry Creek. **4.d.** Source of water: The South Platte River and its tributaries, including Little Dry Creek and Big Dry Creek. **4.e.** Date of appropriation: August 4, 2006. **4.f.** Amount: One fill of 1,560 acre feet, conditional, with the right to continuous refills totaling 1,560 acre-feet in a given year, for a total amount of water that can be stored in one year of 3,120 acre-feet. Water stored under the first fill and the refills of the 2006CW288 right in the previous year which remains in storage at the beginning of the new accounting year shall be considered carryover storage against the first fill in the new accounting year. Fully consumable or reusable water stored in Heit Pit at the beginning of the water storage year which is not stored under the subject 2006 Heit Pit storage rights shall not automatically count against Broomfield's 2006 first fill right. However, once the first fill right is filling in priority and there is insufficient capacity in the reservoir for the first fill right and the fully consumable or reusable water, Broomfield must then choose whether to book over the fully consumable or reusable water and count it against the 2006 first fill right or release it from Heit Pit. Any such water that is booked over shall be considered to be and accounted for as first fill water and counted against the first fill right in Broomfield's accounting. The filling structures are: the Lupton Bottom Ditch at a filling rate of 115 c.f.s. from the South Platte River and Big Dry Creek; the Meadow Island No. 1 Ditch at a filling rate of 50 c.f.s. from the South Platte River; and the Little Dry Creek Diversion at a filling rate of 31 c.f.s. from Little Dry Creek. The South Platte Wellfield/Wells were decreed as alternate points of diversion for the Meadow Island No. 1 Ditch as a filling structure for the Heit Pit storage rights at a rate of 10 c.f.s. out of the 50 c.f.s. decreed to the Meadow Island No. 1 Ditch as a filling structure for the Heit Pit storage rights. Broomfield shall perform an as-built survey of Heit Pit after all mining and reservoir construction is completed and, in the first proceeding for a finding of reasonable diligence or to make the water right absolute after said completion, shall reduce the 1,560 acre-feet amount for the one fill and the 1,560 acre-feet amount for the continuous refills to be each equal to the capacity of Heit Pit as determined by the as-built survey. However,

the 1,560 acre-feet for the one fill and the 1,560 acre-feet for the continuous refills will not be increased if the survey shows the as-built capacity exceeds 1,560 acre-feet. The Heit Pit is currently being mined and will not be completed as of the date of this application. **4.g. Use:** All municipal purposes, including irrigation, lake level maintenance, domestic, industrial, industrial and mining uses in conjunction with gravel mining operations, dust suppression, reclamation, sand and gravel washing, commercial, fire protection, stockwatering, recreation, piscatorial, storage and all other municipal purposes. The water will also be used for exchange, for replacement, and for augmentation purposes, including, but not limited to, the exchanges decreed in Case No. 98CW436, the exchanges decreed in Case No. 2004CW310, replacement of return flows for the water rights changed in Case No. 2005CW290, and the augmentation plan decreed in Case No. 2009CW96. Applicant has the right to use, reuse, successively use and dispose of, by sale, exchange or otherwise, to extinction all water lawfully diverted and/or impounded pursuant to the decree entered in Case No. 2006CW288. **4.h. Place of use.** The place of use for the conditional water storage right is any place served in the present or in the future by the City and County of Broomfield. **5. Description of conditional appropriative right of substitution and exchange:** **5.a. Name of structure:** South Platte – Little Dry Creek Exchange. **5.b. Location of Exchange Reach:** The South Platte - Little Dry Creek Exchange reach extends from the confluence of Little Dry Creek and the South Platte River, described in paragraph 5.b.(1), below, up Little Dry Creek to the Little Dry Creek Diversion described in paragraph 4.c.(3), above. Under the exchange, Applicant will divert by exchange up to 31 c.f.s. of water from Little Dry Creek at the Little Dry Creek Diversion. Substitute supplies will be made available from the sources described in paragraph 5.c., below, above the calling right when this exchange is operated. **5.b.(1) Downstream terminus of exchange (exchange-from point):** The confluence of Little Dry Creek and the South Platte River is located on the west bank of the South Platte River in the South Half of the Northeast Quarter of Section 12, Township 2 North, Range 67 West of the 6th P.M. The approximate location of said point is shown on Exhibit B hereto. **5.b.(2) Upstream terminus of exchange (exchange-to point):** The Little Dry Creek Diversion described in paragraph 4.c.(3), above. **5.c. Sources of substitute supply:** **5.c.(1)** Consolidated Mutual Effluent released to the South Platte River at the Perry Pit, the Metro Wastewater Treatment Plant (a/k/a the Robert W. Hite Treatment Facility), and/or the proposed 2nd Metro Plant (a/k/a the Northern Treatment Plant). **5.c.(2)** Windy Gap Effluent released at Broomfield’s Wastewater Reclamation Facility and/or Great Western Reservoir into Big Dry Creek, and/or released at Koenig Pit to Little Dry Creek and/or South Platte River. **5.c.(3)** Direct flow rights decreed in Case No. 98CW346 and direct flow rights decreed in Case No. 2004CW310, released into Big Dry Creek. **5.c.(4)** Fully consumable water from the water rights changed by the decree in Case No. 2005CW290, released to the South Platte River and/or Little Dry Creek directly or from storage in Koenig Pit. **5.c.(5)** Fully consumable water from Walnut Creek, decreed in Case No. 2008CW02, released to Great Western Reservoir by the Department of Energy and delivered to Big Dry Creek. **5.c.(6)** Broomfield lawn irrigation return flows returning to Big Dry Creek, once the same are quantified and decreed in a separate proceeding. **5.c.(7)** Storage rights decreed in Case No. 81CW463. **5.c.(8)** City of Aurora effluent pursuant to Broomfield’s agreement with Aurora dated November 3, 2009. **5.c.(9)** Additional future substitute supplies obtained by Broomfield pursuant to the terms and conditions of the decree in Case No. 2006CW288. **5.d. Date of appropriation:** December 28, 2006. **5.e. Amount:** 31 c.f.s., conditional, for the South Platte - Little Dry Creek Exchange. At times, this exchange may be operated in conjunction with the exchanges decreed in Case No. 2004CW310 and the exchanges decreed in Case No. 98CW436. **5.f. Uses:** All municipal purposes, including irrigation, lake level maintenance, domestic, industrial, industrial and mining uses in conjunction with gravel mining operations, dust suppression, reclamation, sand and gravel washing, commercial, fire protection, stockwatering, recreation, piscatorial, storage and all other municipal purposes. The water will also be used for exchange, for replacement, and for augmentation purposes, including, but not limited to, the exchanges decreed in Case No. 2004CW310, the exchanges decreed in Case No. 98CW436, and replacement of return flows for the water rights changed in Case No. 2005CW290. Applicant has the right to use, reuse, successively use and dispose of, by sale, exchange or otherwise, to extinction all water lawfully diverted and/or impounded pursuant to the decree entered in Case No. 2006CW288, provided the substitute supply used in the exchange is fully consumable or reusable water.

5.g. The place of use for the appropriative right of substitution and exchange decreed in Case No. 2006CW288 is any place served in the present or the future by the City and County of Broomfield. **6. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period:** **6.a.** During this diligence period, Broomfield has continued to improve, operate and maintain its integrated water supply system, of which the conditional water rights described herein are a part. To enable Broomfield to more effectively provide water service to its existing and future customers, it has expended in excess of \$300 million during this diligence period for overall capital infrastructure investment to construct, repair and improve its water system infrastructure and related infrastructure and projects that are part of the efficiency, operation and maintenance of its integrated water supply system. These efforts have allowed Broomfield to continue to provide reliable water service to its existing customers and to plan for anticipated future demand. **6.b.** The storage water right and appropriative right of substitution and exchange described herein are components of Broomfield's reclamation system, which diverts water for irrigation of parks, open spaces, and recreation facilities throughout Broomfield. During the diligence period, the City and County of Broomfield has spent in excess of \$415,000 in engineering fees for the utilization and development of the reclamation system. **6.c.** During this diligence period, Broomfield has expended approximately \$268,000 in engineering fees related to permitting, design and construction of certain water system infrastructure related to the water rights described herein, including the Heit Pit pump station and inlet structure, a new diversion structure on Meadow Island Ditch, and the South Platte Wellfield. **6.d.** During this diligence period, Broomfield has defended its water rights against applications filed by others in water court cases in which Broomfield determined that injury to its water rights could occur in the absence of appropriate protective terms and conditions. Broomfield has also filed applications for water rights in water court to maintain diligence on its existing water rights and change and adjudicate additional water rights to supplement Broomfield's water portfolio. Broomfield has expended in excess of \$765,000 for representation by water counsel and \$723,000 in water resource engineering fees in these water court proceedings. **7. 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.** **7.a.** Heit Pit: Applicant. **7.b.** Lupton Bottom Ditch headgate: Lupton Bottom Ditch Company, 11016 Weld County Road 23, Ft. Lupton, Colorado 80621. **7.c.** Meadow Island No. 1 Ditch headgate: Meadow Island No. 1 Ditch Company, 9826 Highway 66, Platteville, Colorado 80651. **7.d.** South Platte Wellfield/Wells: 45 Acres LLC, 9378 County Rd 25, Fort Lupton, Colorado 80621; Groundwater Management Subdistrict of the Central Colorado Water Conservancy District, 3209 West 28th Street, Greeley, Colorado 80634; Darrell L. Bearson and Nelva M. Bearson, 9208 Weld County Road 25, Fort Lupton, Colorado 80621. **7.e.** Little Dry Creek Diversion: Meadow Island No. 1 Ditch Company, c/o Richie Pyeatte, 9826 Highway 66, Platteville, Colorado 80651; Heit Farm Ltd. LLP, 4520 County Road 27 Fort Lupton, Colorado 80621-8369; Applicant. **WHEREFORE**, Applicant, the City and County of Broomfield, respectfully requests that this Court enter a decree finding that Applicant has exercised reasonable diligence toward the completion of the appropriations and putting to beneficial use the conditional water rights described herein and continuing said conditional rights for another six years, or such period as may otherwise be permitted by law. (8 pages, plus exhibits)

2022CW3228 HANDY DITCH COMPANY, 2010 County Road 10E, P.O. Box 569, Berthoud, CO 80513; Telephone: (970) 532-4613. Bradley C. Grasmick, David L. Strait, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534, Telephone: (970)622-8181; **APPLICATION FOR CONDITIONAL WATER STORAGE RIGHT. CONDITIONAL WATER STORAGE RIGHT IN LARIMER COUNTY.** 2. Name of Structure: Welch Reservoir Enlargement. 2.1. Legal Descriptions: Welch Reservoir is located in parts of Sections 3, 4, 9 and 10, Township 4 North, Range 69 West, 6th P.M., Larimer County, Colorado. See **Exhibit A**, attached hereto and incorporated herein. 3. Name and capacity of ditches or structures used to fill reservoir: The Handy

Ditch; rate of diversion: 250 cfs, conditional. 4. Legal description of point of diversion: The Handy Ditch headgate is located on the east bank of the Big Thompson River in the SW 1/4 of Section 3, Township 5 North, Range 70 West, 6th P.M., Larimer County, Colorado. 5. Previous Decrees: Welch Reservoir was decreed in Case No. 9079, Boulder County District Court, on April 1, 1931, and in Case No. 10077, Boulder County District Court, on November 14, 1939 with the following appropriation dates and amounts: October 1, 1881, Welch Reservoir No. 1 for 1,901 acre-feet; November 25, 1888, Welch Reservoir No. 2 for 662 acre-feet; November 25, 1888, Welch Reservoir No. 5, for 26.5 acre-feet; April 17, 1902, Welch Reservoir Nos. 1, 2, and 5 (First Enlargement) for 1,263 acre-feet; February 1, 1904, Welch Reservoir Nos. 3 and 4 for 471 acre-feet; June 1, 1921, Welch Reservoir Nos. 1, 2, 3, 4, and 5 (Second Enlargement) for 631 acre-feet; and June 15, 1923, Welch Reservoir Nos. 1, 2, 3, 4, and 5 (Refill) for 4,955 acre-feet (collectively, the “Welch Reservoir Rights”). The current total decreed storage capacity for Welch Reservoir is 4,955.24 acre-feet. 6. Diversion amount to storage; volume claimed: The Welch Reservoir Enlargement claim is 5,472.76 acre-feet, with 4,007.24 acre-feet absolute, and 1,465.52 acre-feet conditional. With the right to one refill up to 5,472.76 acre-feet, conditional. 7. Source: The Big Thompson River. 8. Date of Appropriation: August 30, 2017. 9. How appropriation was initiated: By the diversion and storage of free river water in Welch Reservoir beginning in 2017. 10. Uses: Irrigation, agricultural, municipal, industrial, augmentation, replacement, storage, exchange, recreational, piscatorial. 11. Surface area at high water line: 444 acres. 12. Total capacity of Welch Reservoir: 10,428 acre-feet upon full enlargement. 13. Description of project: Water will be diverted at the headgate of the Handy and delivered to users who can take delivery from the Handy Ditch and its facilities for the beneficial uses described herein. Water may be used directly or after storage in Welch Reservoir. Water diverted and stored pursuant to the water right claimed herein will be used for the claimed uses by Handy Ditch Company shareholders, which includes the Little Thompson Water District and the Town of Berthoud. Applicant has also delivered water for industrial uses pursuant to a contract with Anadarko. 14. Accounting and Reporting: Applicant will measure water as it is diverted at the Handy Headgate for purposes of the flow rate decreed herein and will measure water as it is delivered into Welch Reservoir for purposes of tracking the volume decreed herein. Welch Reservoir accounting will be submitted to the Division Engineer on a monthly basis. Applicant will also account for the water stored in Welch Reservoir based on a water year of November 1st through October 31st. 15. Names and Addresses of Owners of Land on Which Structures are Located: Applicant owns the land upon which Welch Reservoir is located. This application consists of four (4) pages.

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

YOU ARE HEREBY NOTIFIED that any party who wishes to oppose an application, or an amended application, may file with the Water Clerk, P. O. Box 2038, Greeley, CO 80632, a verified Statement of Opposition, setting forth facts as to why the application should not be granted, or why it should be granted only in part or on certain conditions. Such Statement of Opposition must be filed by the last day of **FEBRUARY 2023** (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.