

**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 following-leasing pilot projects under section 37-60-115(8)(e)(II), 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 2021 WATER RESUME PUBLICATION**

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

Pursuant to C.R.S. 37-92-302, you are notified that the following is a resume of all water right applications and certain amendments filed in the Office of the Water Clerk during the month of **DECEMBER 2021** for each County affected.

21CW24 RICHARD L. AND DEBORAH A. PLATTNER, 1637 Flint Ct., Broomfield, CO 80020. 303-465-5569. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN PARK COUNTY. Date of original decree: 10-11-02 in case 96CW871, WD1. Subsequent decree: 7-21-09 in case 08CW245 and 2-28-15 in case 15CW19, in WD1. 2 wells Plattner well on Lot 55 and Christensen, aka Plattner well on Lot 56 both located SE1/4 SE1/4 S15, T9S, R75W of the 6th PM. Lot 55 well is at a point approximately 850 ft. from S and 600 ft. from E. Lot 56 well is at a point approximately 1150 ft. from S and 600 ft. from E. both filing 26, Indian Mountain Subdivision and 1003 S Quarter Horse Rd and Lot 56 is Filing 26, Indian Moutain Subdivision and 626 Travois Rd. Source: Groundwater. Appropriation date: 5-31-73. Amount: .033 cfs. Use: Household use only in a single family dwelling not including irrigation. The return flow from such uses shall be returned to the same stream system in which the well is located.

21CW25 (15CW3002 and 07CW34), APPLICATION FOR FINDING OF REASONABLE DILIGENCE FOR ALEXANDER BAUER AND SARAH BAUER IN JEFFERSON COUNTY. 1.

Alexander Bauer and Sarah Bauer, 28625 Kennedy Gulch Rd, Conifer, CO 80433, 720-404-9458, alexjbauer@gmail.com

2. Name of structures: A. Sugarbush Conifer Well Nos. 1-7, each of which is a separate structure; B. Sugarbush Conifer Exchange. **3. Description of conditional water rights from previous decree:** A. **Date of Original Decree:** March 14, 2008, Case No. 07CW34, District Court for Water Division No. 1, for all structures. B. **Subsequent decrees awarding findings of diligence:** December 9, 2015, Case No. 15CW3002, District Court for Water Division No 1 C. **Legal description from the most recent decree that adjudicated the location:** i. Sugarbush Conifer Well Nos. 1-7: The exact locations of the Wells will not be known until the property is subdivided and the building envelopes are finally determined. However, the Wells can generally be described as being located within the S 1/2 SW 1/4 of Section 15, and the N 1/2 NW 1/4 of Section 22, Township 6 South, Range 71 West, 6th P.M., Jefferson County, Colorado. ii. Sugarbush Conifer Exchange: On North Turkey Creek and unnamed tributaries of North Turkey Creek above the point where Meadowview Reservoir water is released to the stream system, and water may be exchanged into an on-site storage container, Sugarbush Conifer, LLC was awarded a separate appropriative right of substitute supply and exchange pursuant to C.R.S. §37-80-120 and §37-92-302(1)(a). The reach of the exchange shall extend from the confluence of Turkey Creek and Bear Creek in the NW 1/4 of Section 5, Township 5 South, Range 69 West, 6th P.M., Jefferson County; thence up Turkey Creek to the confluence of North Turkey Creek and South Turkey Creek near the North line of the NW 1/4 NW 1/4 of Section 27, Township 5 South, Range 70 West, 6th P.M.; thence up North Turkey Creek to its confluence with an unnamed tributary in the NW 1/4 NW 1/4 of Section 14, Township 6 South, Range 71 West, 6th P.M.; thence up the unnamed tributary to its confluence with a second unnamed tributary in the NE 1/4 SW 1/4 of Section 14, Township 6 South, Range 71 West, 6th P.M.; and thence up the unnamed tributary to the point where depletions from the subject wells impact the unnamed tributary in the SW 1/4 SE 1/4 of Section 15, Township 6 South, Range 71 West, 6th P.M. iii. Attached as EXHIBIT A please find a legible map illustrating the potential location of the Wells. **D. Source of water:** Ground water tributary to North Turkey Creek, tributary to Turkey Creek, tributary to Bear Creek. **E. Appropriation Date:** February 28, 2007 for all structures. **F. Amount:** i. The amount of water decreed to each of the seven Sugarbush Conifer Well Nos. 1-7 is 15 gallons per minute, CONDITIONAL. ii. The amount of water decreed to the Sugarbush Conifer Exchange is a maximum flow rate of 0.1 cfs, CONDITIONAL. **G. Use:** Water from each of the Wells is decreed for domestic and ordinary household purposes in a single-family dwelling, the watering of livestock, and fire protection purposes. **H. Depth:** Unknown as the Wells have not yet been drilled. **4. Detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period:** The Applicant is the successor-in-interest to the Applicant Sugarbush Conifer, LLC (“Sugarbush”) in the original decree 07CW34. The seven conditional Wells and the conditional right of exchange all apply to property owned by the Applicant at the street address of 28625 Kennedy Gulch Road in Conifer, Colorado (the “Property”). Applicant took title to the Property in April 2009. The following facts establish work that has been done toward the completion of the conditional appropriations and application of water to a beneficial use as conditionally decreed: A. After entry of the original decree on March 14, 2008, Sugarbush conducted a search for qualified firms to assist in the development of the Property. Sugarbush executed a Professional Services Agreement with the Carrol and Lange engineering firm on May 29, 2008, to plat, design, and permit the envisioned subdivision for which the Wells would be built, in part, to serve; B. During the first year of the diligence period, Carrol and Lange completed conceptual designs and drawings for the proposed subdivision. Site visits were made to the Property, as well as engineering work, and drawings completed. Approximately \$20,100 was spent on this process of developing the Property in furtherance of the original decree; C. The Great Recession began approximately in the 3rd quarter of 2008 and caused Sugarbush to delay the subdivision process. The recession led to the economic failure of Sugarbush; D. Kennedy Gulch Properties, LLC (“KGP”) was formed in April 2009. The purpose of Kennedy Gulch Properties, according to the original operating agreement, was to purchase real estate located at the Property, for which the water rights subject to this Application are to be located

and used. At the same time, Kennedy Gulch Investments, LLC was formed for the purpose of purchasing a loan and collateral held by Mile High Banks for the Property; E. The sale of the Property occurred on April 23, 2009. KGP assumed the existing mortgage of the Property represented by a promissory note in favor of Mile High Banks. The sale price was approximately \$920,000. A separate deed was prepared to transfer the water rights; F. After purchase of the property, including the water rights, KGP on June 18, 2009 filed change of ownership forms for the existing wells – this work was integrated with the augmentation plan because one of the existing wells was to be used in the augmentation plan (for the horse stable); G. KGP's principal member passed away on July 25, 2010. Subsequently, Anna Berglund Brick took over management of KGP and arranged for transfer of interests, which included transfer of the water rights; H. In November 2011, an appraisal was completed on the Property and noted that new fencing had been installed. The new fencing was in anticipation of the livestock watering uses of the water rights; I. KGP has paid the annual assessments on its 12 shares of the Mountain Mutual Reservoir Company ("MMRC"), which shares are integral to operation of the Sugarbush Conifer Exchange as an element of the decreed augmentation plan. Applicant has incurred expenses to maintain the status of the MMRC shares in good standing for the term of the diligence period at an approximate cost of \$500. J. KGP took steps to market the Property in 2014. These include retaining a broker to investigate the value of the water rights and how they could be transferred. KGP has incurred approximately \$5,000 on services related to preparing the Property and water rights for sale; K. On June 17, 2013, an Improvement Survey Plat was completed and recorded at the Jefferson County Clerk and Recorder's Office. The Plat was completed at an expense of approximately \$3,800. The Plat was created in furtherance of restarting the development process which would be necessary to perfect the water rights, in part. 5. If claim to make absolute in whole or in part: N/A. 6. Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. The structures are located on land owned by the Applicant. 7. Remarks or any other pertinent information: On December 9, 2015, the District Court for Water Division No. 1 issued an order continuing the water rights subject to this application and requiring the filing of this application on or before December 31, 2021. The measure of reasonable diligence is the steady application of effort to complete the appropriation in a reasonably expedient and efficient manner under all the facts and circumstances. §37-92-301(4)(b), C.R.S. (2014). The Great Recession started approximately during the 3rd quarter of 2008 and caused Sugarbush to delay the development process on the Property necessary to perfect the conditional water rights subject to this Application. Economic conditions which adversely affect the feasibility of perfecting a conditional water right or the proposed use of water from a conditional water right may not be considered sufficient to deny a diligence application, if other facts are present to support diligence. Id. at §4(c). Here, there are contributing economic conditions beyond the control of the Applicant which adversely affected the feasibility of perfecting the water rights or the proposed uses of water during the diligence period. Applicant has established facts that support diligence accompanied by a period of unfavorable economic conditions which included the sale of the Property to the current owner during the diligence period. In diligence cases, where there are integrated water rights, work on one aspect of the water rights indicates diligence towards all of the water rights. City & Cnty. of Denver by & Through Bd. of Water Comm'rs v. Colorado River Water Conservation Dist., 696 P.2d 730, 750 (Colo. 1985). The water rights are part of an integrated water system on the Property utilizing those rights decreed in Case No. W-3011. As a result, work done on any aspect of the water rights used on the Property indicates diligence towards all of the water rights. WHEREFORE, the Applicant requests that the Court find reasonable diligence in the prosecution of the above-mentioned water rights and continue such rights in existence.

21CW26 DAN AND PATTY YORK, 215 South Josephine Avenue, Milliken, CO 80543, 970-587-2092, pattyjyork@icloud.com **APPLICATION FOR CONDITIONAL ABSOLUTE WATER RIGHTS (SURFACE) IN LARIMER COUNTY** Name of Structure: York Spring, 1/4 SW 1/4 SE S33 T11N R72W 6th PM, UTM Coordinates Northing 460528.477 Easting 4524798.114, Source of UTM's aerial map, accuracy of location displayed on GPS device 50 feet, Distance from Section Lines 311.6 feet S and 1574.4 E, Source Ground Water, Date of Appropriation 12-7-1982, appropriation was initiated with purchase of property, amount claimed in cubic feet per second 15gpm measured at 3/4 gallon per minute, uses for future domestic, all use will be for domestic use only on this property by owners/applicants

21CW3208 COLORADO WATER CONSERVATION BOARD ("CWCB"), 1313 Sherman Street, Suite 718, Denver, Colorado, 80203. Telephone: (303) 866-3441. Please direct communications regarding this case to Jennifer Mele, First Assistant Attorney General, and Allison D. Robinette, Assistant Attorney General, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 7th Floor, Denver, Colorado 80203. Telephone: (720) 508-6282 (Mele); (720) 508-6318 (Robinette). Email: jennifer.mele@coag.gov; allison.robinette@coag.gov. **APPLICATION FOR WATER RIGHTS OF COLORADO WATER CONSERVATION BOARD, IN REDSTONE CREEK, A NATURAL STREAM; IN THE BIG THOMPSON WATERSHED, IN LARIMER COUNTY, COLORADO** **2. Name of water right:** Redstone Creek Instream Flow ("ISF") Water Right. **3. Legal Description:** The Redstone Creek Instream Flow Water Right is located in the natural stream channel of Redstone Creek from its headwaters to the confluence with Buckhorn Creek, a distance of approximately 16.33 miles. A map depicting the approximate location of the Redstone Creek Instream Flow Water Right reach is attached as **Exhibit 1** to the Application. A. Upstream Terminus: Headwaters of Redstone Creek in the vicinity of: i. UTM: Northing: 4496738.38; Easting: 472174.81 (NAD 1983 Zone 13 North) ii. Lat/Long: Latitude 40° 37' 15.62"N; Longitude 105° 19' 44.31"W B. Downstream Terminus: Confluence with Buckhorn Creek at: i. UTM: Northing: 4480748.18; Easting: 482372.71 (NAD 1983 Zone 13 North) ii. Lat/Long: Latitude 40° 28' 38.03"N; Longitude 105° 12' 28.66"W C. The Universal Transverse Mercator ("UTM") of the upstream and downstream termini will be used as the legal description for the decree in this matter. The Lat/Long coordinates are provided as cross-reference locations only. The UTM and Lat/Long locations for the upstream and downstream termini were derived from CWCB GIS using the National Hydrography Dataset (NHD). **4. Source:** Redstone Creek, tributary to Buckhorn Creek, tributary to Big Thompson River, tributary to South Platte River. **5. A. Date of appropriation:** January 25, 2021. B. How appropriation was initiated: Appropriation and beneficial use occurred on January 25, 2021, by the action of the CWCB pursuant to sections 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. (2021). C. Date applied to beneficial use: January 25, 2021. **6. Amount of water claimed:** Instream flow of 6.2 cfs (05/01 - 06/15), absolute. **7. Proposed Uses:** Instream flow to preserve the natural environment to a reasonable degree. **8. Names and addresses of owners or reputed owners of the land upon which any new or existing diversion structure will be located:** The notice required by section 37-92-302(2)(b), C.R.S. (2021), to the owners or reputed owners of the land upon which any new or existing diversion or storage structure is or will be constructed is not applicable in this case. This application is for instream flow water rights, exclusive to the CWCB under the provisions of section 37-92-102(3), C.R.S. (2021). As an instream flow water right, the CWCB's appropriation does not require diversion structures or storage. *See Colo. River Water Conservation Dist. v. Colo. Water Conservation Bd.*, 594 P.2d 570, 574 (Colo. 1979); § 37-92-103(4)(c), C.R.S. (2021). As a surface water right, the CWCB's appropriation of instream flow water rights does not involve construction of a well. **9. Remarks:** This appropriation by the CWCB, on behalf of the people of the State of Colorado, is made pursuant to subsections 37-92-102(3) and (4) and subsections 37-92-103(3), (4) and (10), C.R.S., (2021). The purpose of the CWCB's appropriation is to preserve the natural environment to a reasonable degree. At its regular meeting on May 19, 2021, the CWCB determined, pursuant to subsection 37-92-102(3)I, C.R.S. (2021), that the natural environment of Redstone Creek will be preserved to a reasonable degree by the water available for the appropriation to be made; that there is a natural environment that can be preserved to a reasonable degree with the CWCB's water rights herein, if granted; and that such environment can exist without material injury to water rights.

21CW3209 CITY OF LONGMONT (“Longmont” or “City”) c/o Public Works and Natural Resources Department, 1100 South Sherman Street, Longmont, Colorado 80501, (303) 651-8376 water@longmontcolorado.gov c/o David S. Hayes, Eric K. Trout, Hayes Poznanovic Korver LLC, 1999 S. Broadway, Suite 3200, Denver, Colorado 80202, (303) 825-1980 dhayes@hpkwaterlaw.com

APPLICATION FOR CONDITIONAL SURFACE AND STORAGE WATER RIGHTS. IN BOULDER AND WELD COUNTIES. CLAIMS FOR CONDITIONAL SURFACE WATER RIGHTS.

2. Name of structure: Bonus Ditch – St. Vrain Creek Diversion. A. Location: SW1/4 NW1/4 of Section 11, Township 2 North, Range 69 West, 6th P.M., Boulder County, Colorado, with UTM coordinates 492128mE, 4444927mN, Zone 13T, as depicted on Exhibit A, attached to the application and available for inspection at the office of the Division 1 Water Clerk or via Colorado Courts E-filing. B. Source: St. Vrain Creek. C. Appropriation: i. Date of appropriation: December 7, 2021. ii. How appropriation was initiated: By concurrence of intent to appropriate and overt acts in furtherance of such intent, including, without limitation, the Longmont City Council’s approval of a resolution of intent to appropriate. D. Amount: 20 c.f.s., conditional. E. Use: Replacement and augmentation; replacement may include use of the water to meet Longmont’s historical return flow obligation(s) for its existing, pending, and future acquired and changed water rights in Water Division No. 1, and any other return flow obligations that it has agreed to replace by contract or agreement. F. Remarks: i. Replacement and augmentation uses will be accomplished by diversion, measurement, and return to the stream via the future “Dickens Augmentation Station” to be constructed by Applicant, at approximately the location depicted on Exhibit A. ii. Longmont intends to operate the Bonus Ditch – St. Vrain Creek Diversion structure pursuant to the foregoing appropriation in a manner such that, when it is diverting, a live stream will exist in the fish bypass structure located on St. Vrain Creek adjacent to the diversion structure. Iii. Longmont will operate the Bonus Ditch – St. Vrain Creek Diversion described herein and the appropriations described in Paragraphs 3 and 4 so as to limit the combined diversion rate of all three appropriations to a maximum of 20 c.f.s.

3. Name of structure: Bonus Ditch – Left Hand Creek Diversion. A. Location: SW1/4 NW1/4 of Section 11, Township 2 North, Range 69 West, 6th P.M., Boulder County, Colorado, with UTM coordinates 492386mE, 4444795mN, Zone 13T, as depicted on t Exhibit A. B. Source: Left Hand Creek, a tributary of St. Vrain Creek. C. Appropriation: i. Date of appropriation: December 7, 2021. ii. How appropriation was initiated: By concurrence of intent to appropriate and overt acts in furtherance of such intent, including, without limitation, the Longmont City Council’s approval of a resolution of intent to appropriate. D. Amount: 20 c.f.s., conditional. E. Use: Replacement and augmentation; replacement may include use of the water to meet Longmont’s historical return flow obligation(s) for its existing, pending, and future acquired and changed water rights in Water Division No. 1, and any other return flow obligations that it has agreed to replace by contract or agreement. F. Remarks: i. Replacement and augmentation uses will be accomplished by diversion, measurement, and return to the stream via the future “Golden Farms Augmentation Station” to be constructed by Applicant, at approximately the location depicted on Exhibit A. ii. Longmont will operate the Bonus Ditch – Left Hand Creek Diversion described herein and the appropriations described in Paragraphs 2 and 4 so as to limit the combined diversion rate of all three appropriations to a maximum of 20 c.f.s.

4. Name of structure: Coffin Davis Ditch. A Location: In the SW1/4 of Section 7, Township 2 North, Range 68 West, 6th P.M., Weld County, Colorado, at a point commencing at the SW corner of Section 7, whence the West one-quarter corner of said Section 7 bears North 00°00’00” East, thence North 88°03’49” East 999.07 feet to the point of diversion, as depicted on Exhibit A. B. Source: Dry Creek, a tributary of St. Vrain Creek. C. Appropriation: i. Date of appropriation: December 7, 2021. ii. How appropriation was initiated: By concurrence of intent to appropriate and overt acts in furtherance of such intent, including, without limitation, the Longmont City Council’s approval of a resolution of intent to appropriate. D. Amount: 20 c.f.s. conditional. E. Use: Replacement and augmentation; replacement may include use of the water to meet Longmont’s historical return flow obligation(s) for its existing, pending, and future acquired and changed water rights in Water Division No. 1, and any other return flow obligations that it has agreed to replace by contract or agreement. F. Remarks: i. Replacement and augmentation uses will be accomplished by diversion, measurement, and return to the

stream via the future “Sandstone Augmentation Station” constructed at approximately the location depicted on Exhibit A. ii. Longmont will operate the Coffin Davis Ditch appropriation described herein and the appropriations described in Paragraphs 2 and 3 so as to limit the combined diversion rate of all three appropriations to a maximum of 20 c.f.s. **CLAIM FOR CONDITIONAL STORAGE WATER RIGHT.**

5. Name of structure: Union Reservoir, Pump Station(s) Fill Right. A. Location. The reservoir is located in Sections 30, 31 and 32 of Township 3 North, Range 68 West and Sections 5 and 6, Township 2 North, Range 68 West, 6th P.M., Weld County, as depicted on t Exhibit A. B. Source: St. Vrain Creek. C. Filling structures: St. Vrain Creek Pump Stations No. 1 and No. 2, each with a capacity of 20 c.f.s. i. The inlet of St. Vrain Creek Pump Station No. 1 is located at a point on the North bank of St. Vrain Creek located at Latitude 40.1558152°N, Longitude 105.0977706°W, from which the NE Corner of Section 10, T2N, R69W of the 6th P.M. bears N 43°44'38" E, 1941.20 feet. ii. The proposed St. Vrain Creek Pump Station No. 2 will be located at a point on the West bank of St. Vrain Creek approximately 190 feet North and 2,700 feet East of the SW corner, Section 4, Township 2 North, Ranch 68 West, 6th P.M., Weld County. D. Appropriation: i. Date of appropriation: December 7, 2021. ii. How appropriation was initiated: By concurrence of intent to appropriate and overt acts in furtherance of such intent, including, without limitation, the Longmont City Council’s approval of a resolution of intent to appropriate. E. Amount: 6,889 acre-feet, conditional. F. Use: Storage for municipal, replacement, and augmentation uses, including by exchange. “Municipal use” includes all municipal uses, such as, but not by way of limitation, domestic, commercial, manufacturing, industrial, agricultural, watering of parks and lawns and gardens, fire protection, generation of electric power and power generally, recreation, fish and wildlife propagation, wastewater treatment, street sprinkling, and maintenance of adequate storage reserves for the above uses. Replacement may include use of the water to meet Longmont’s historical return flow obligation(s) for its existing, pending, and future acquired and changed water rights in Water Division No. 1, and any other return flow obligations that it has agreed to replace by contract or agreement. G. Description of reservoir: i. Height of dam: 33 feet. ii. Length of dam: 100 feet. iii. Capacity: 13,219 acre-feet. 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: A. The Bonus Ditch diversion structures are located on property owned by Longmont. B. The St. Vrain Creek Pump Station No. 1 is located on property owned by Longmont. C. The St. Vrain Creek Pump Station No. 2 is proposed to be located on property now owned by one or more of the following: i. Colorado Parks and Wildlife, 1313 Sherman St., Number 618, Denver, CO 80203. ii. JCK Gravel, Inc., 1738 Edgewater Pl., Longmont, CO 80504. iii. Meadow Vale Cove HOA, 1756 Edgewater Pl., Longmont, CO 80504. iv. Colorado Department of Transportation, 2829 W. Howard Place, Denver, CO 80204. D. Union Reservoir is located on property owned by Union Reservoir Company, P.O. Box 445, Greeley, CO 80632. E. The Coffin-Davis Ditch diversion is located on property owned by Longmont. **WHEREFORE**, Longmont respectfully requests that the Court enter a judgment and decree that: A. Grants this Application; B. Confirms and approves the conditional water rights described above. C. Grants such other relief to Longmont as the Court deems just and proper.

21CW3210 COLORADO WATER CONSERVATION BOARD (“CWCB”), 1313 Sherman Street, Suite 718, Denver, Colorado 80203. Please direct communications regarding this case to Patrick L. Barker, Assistant Attorney General, and Jennifer Mele, First Assistant Attorney General, Water Conservation Unit, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 7th Floor, Denver, Colorado 80203. Telephone: (720) 508-6297 (Barker), (720) 508-6282 (Mele). Email: patrick.barker@coag.gov, jennifer.mele@coag.gov. **APPLICATION FOR WATER RIGHTS TO PRESERVE THE NATURAL ENVIRONMENT TO A REASONABLE DEGREE IN DRY GULCH, A NATURAL STREAM IN THE CLEAR CREEK WATERSHED, IN CLEAR CREEK COUNTY, COLORADO.** 2. **Name of water right**: Dry Gulch Instream Flow (“ISF”) Water Right. 3. **Summary of Application**: By this Application, the CWCB requests adjudication of an ISF Water Right to preserve the natural environment of Dry Gulch, a natural stream tributary to Clear Creek, tributary to the South Platte

River, to a reasonable degree. **4. Legal description:** The Dry Gulch ISF Water Right is located in the natural stream channel of Dry Gulch from its headwaters to the confluence with Clear Creek, a distance of approximately 2.83 miles, as described below. A map depicting the approximate location of the Dry Gulch ISF Water Right reach is attached to the Application as **Exhibit 1. Upstream Terminus:** The headwaters of Dry Gulch in the vicinity of: UTM: Northing: 4395039.45; Easting: 421166.28 (NAD 1983 Zone 13 North); Lat/Long: Latitude 39° 42' 5.65"N; Longitude 105° 55' 10.38"W. **Downstream Terminus:** The confluence of Dry Gulch with Clear Creek at: UTM: Northing: 4394414.43; Easting: 425249.35 (NAD 1983 Zone 13 North); Lat/Long: Latitude 39° 41' 46.71"N; Longitude 105° 52' 18.69"W. The Universal Transverse Mercator (UTM) of the upstream and downstream termini will be used as the legal description for the decree in this matter. The Lat/Long coordinates are provided as cross-reference locations only. **5. Source:** Dry Gulch, tributary to Clear Creek, tributary to South Platte River **6. A. Date of appropriation:** January 25, 2021. **B. How appropriation was initiated:** Appropriation and beneficial use occurred on January 25, 2021, by the action of the CWCB under sections 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. (2021). **C. Date applied to beneficial use:** January 25, 2021. **7. Amount of water claimed:** Instream flow of 0.67 cfs (01/01 - 04/30), 5.4 cfs (05/01 - 07/31), 2 cfs (08/01 - 09/30), and 0.85 cfs (10/01 - 12/31), absolute. **8. Proposed use:** Instream flow to preserve the natural environment to a reasonable degree. **9. Names and addresses of owners or reputed owners of the land upon which any new or existing diversion structure will be located:** The notice required by section 37-92-302(2)(b), C.R.S. (2019), to the owners or reputed owners of the land upon which any new or existing diversion or storage structure is or will be constructed is not applicable in this case. The application is for instream flow water rights, exclusive to the CWCB under the provisions of section 37-92-102(3), C.R.S. (2021). As an instream flow water right, the CWCB's appropriation does not require diversion structures or storage. *See Colo. River Water Conservation Dist. v. Colo. Water Conservation Bd.*, 594 P.2d 570, 574 (Colo. 1979); § 37-92-103(4)(c), C.R.S. (2021). The Dry Gulch Instream Flow Water Right is a surface water right. As such, the appropriation does not involve construction of a well. **10. Remarks:** This appropriation by the CWCB, on behalf of the people of the State of Colorado, is made pursuant to sections 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. (2021). The purpose of the CWCB's appropriation is to preserve the natural environment to a reasonable degree. At its regular meeting on May 19, 2021, the CWCB determined, pursuant to section 37-92-102(3)(c), C.R.S. (2021), that the natural environment of Dry Gulch will be preserved to a reasonable degree by the water available for the appropriation to be made; that there is a natural environment that can be preserved to a reasonable degree with the CWCB's water right herein, if granted; and that such environment can exist without material injury to water rights.

21CW3211 THE GROUND WATER MANAGEMENT SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT AND THE WELL AUGMENTATION SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT (TOGETHER, "GMS" OR "APPLICANT"), 3209 West 28th Street, Greeley, Colorado 80634. c/o Bradley C. Grasmick, Rebecca E. Spence, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534 (970)622-8181. **APPLICATION FOR NEW GROUNDWATER RIGHT AND FOR THE ADDITION OF WELL TO AUGMENTATION PLAN IN MORGAN COUNTY.** **2. Summary of Application.** Applicant operates a plan of augmentation decreed in Case No. 02CW335 ("02CW335 Decree" or "GMS Plan"). This application includes two claims by GMS. The first is a claim for one new groundwater right, and the second is a claim to add the new groundwater right to the GMS Plan pursuant to ¶14.5 of the 02CW335 Decree. **3. Name of Structure.** Walker Recharge Project Shop Well No. 1 (the "Well"). **3.1. Name and Address of Well Owner.** The Applicant owns the Well and can be reached at the address set forth in ¶ 1 of this Application. **3.2. Location.** SW 1/4 of the SE 1/4 of Section 18, Township 4 North, Range 60 West of the 6th P.M., Morgan County, Colorado. **3.3. Permit No.** Pending. **3.4. GMS Contract No.** 1295. **3.5. Appropriation Date.** October 19, 2021 by Central Board Resolution. **3.6. Amount Claimed.** 50 g.p.m. and 10 acre feet per year, conditional. **3.7. Source.** Tributary Groundwater to the South Platte River. **3.8. Commercial, domestic, industrial, and irrigation.** Commercial, domestic and industrial uses will be made at the Walker Recharge Project Shop,

on and around the easements associated with the ponds, pipelines and other facilities and within the Central Colorado Water Conservancy District generally. Irrigation uses will be within the approximately 209 acres located within the SE 1/4 NE 1/4, SW 1/4 SE 1/4, N 1/2 SE 1/4 of Section 18, Township 4 North, Range 60 West of the 6th P.M. and all of Section 17, Township 4 North, Range 60 West of the 6th P.M. lying North and West of State Hwy 144, Morgan County, Colorado. 4. **Augmentation Plan.** Applicant operates an augmentation plan decreed in Case No. 02CW335. ¶14.5 of the 02CW335 Decree allows for the addition of wells to the GMS Plan subject to notice and terms and conditions. 5. **Structure to be Added and Augmented.** Walker Recharge Project Shop Well No. 1 described in ¶ 3 of this Application. 6. **Proposed Terms and Conditions.** 6.1. The terms and conditions for the Well will be the same as for the other Member Wells in the Decree. The consumptive use factors will be 60% for flood irrigated acres, 80% for sprinkler irrigated acres, and 100% for industrial and commercial uses. The method for determining future well depletions will be those set out in the 02CW335 Decree at Paragraph 17.3.3.2. The Well will be subject to all the terms and conditions for operation as for other Member Wells in the 02CW335 Decree. 6.2. Net Stream Depletions. Depletions resulting from the consumptive use of groundwater and accretions resulting from deep percolation of groundwater will be lagged back to the river using the Glover alluvial aquifer method and the following parameters: Transmissivity (gallons/day/foot) = 305,700. Specific Yield (%) = 0.2. Total Distance to Stream from Aquifer Boundary (feet) = 38,363 feet. Distance to Stream from Well (feet) = 62. GMS Reach = A 6.3. Out of priority depletions from pumping of the Well will be augmented by GMS. There are no out-of-priority depletions from prior pumping. 7. A report from White Sands Water Engineers supporting this Application is attached hereto as **Exhibit 1**. 8. **Name and Address of Landowner and Owner of Structure.** Applicants own the structure and the underlying land. This application consists of three pages and one exhibit.

21CW3212 TOWN OF MILLIKEN, c/o Cheryl Powell, Town Administrator, 1101 Broad Street, P.O. Box 290, Milliken, CO 80543, (970) 660-5047, CPowell@millikenco.gov. Please serve all pleadings on: Scott Holwick, Anthony J. Basile, Lyons Gaddis, P.C., P.O. Box 978, Longmont, Colorado 80502-0978, (303) 776-9900 sholwick@lyongaddis.com, abasile@lyongaddis.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN WELD COUNTY** 2. Names of Structures: A. Milliken Well No. 3. – Augmentation (Well Permit 59961FR) (“Milliken Well No. 3”) B. Knaub Well No. 0456 – Augmentation (Well Permit 79273F (Formerly 63813F)) (“Knaub Well No. 0456”). 3. Description of Conditional Water Rights: A. Date of original decree: Case No. 15CW3004, District Court for Water Division No. 1, entered December 9, 2015. B. Subsequent decrees awarding findings of diligence: N/A. C. Legal descriptions of structure locations (each location is depicted in **Figure No. 1**): i. Milliken Well No. 3: In the NW1/4 of the NW1/4 of Section 14, Township 4 North, Range 67 West of the 6th P.M., Weld County Colorado approximately 95 feet south and 1064 feet east from the northwest corner of said section. ii. Knaub Well No. 0456: In the NW1/4 of the NW1/4 of Section 14, Township 4 North, Range 67 West of the 6th P.M., Weld County Colorado at a point 450 feet south and 1034 feet east of the northwest corner of said Section 14. D. Source of water: Groundwater tributary to the Big Thompson River. E. Appropriation date: January 28, 2015. F. Amounts: i. Milliken Well No. 3: 1,000 g.p.m. and 35 a.f. (conditional). ii. Knaub Well No. 0456: 1.7 c.f.s. and 35 a.f. (conditional). G. Decreed uses: Augmentation of depletions from wells owned by Milliken and return flow obligations pursuant to the augmentation plan decreed in Case No. 02CW339 (“Aug Plan”). 4. Integrated System: The conditional water rights are each components of Applicant’s integrated municipal water supply system, such integrated system being comprised of several different water rights, features, and facilities as provided in § 37-92-301(4)(b), C.R.S. Work done on one or more features of this integrated system constitutes effort toward development of the water rights for all features facilities of this system as provided under § 37-92-301(4)(b), C.R.S. 5. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to the beneficial uses as conditionally decreed, including expenditures: During the period from December 9, 2015 to the present (“Diligence Period”), the Applicant has engaged in the activities described below which collectively support its claim for a finding of diligence and to continue the decreed conditional water rights subject of this case. A. Applicant continues to operate

the Aug Plan under which the structures described in ¶2 are included as augmentation sources, and for which the Milliken Well No. 3 and the Knaub Well No. 0456 were each constructed and have been operated. B. Applicant obtained a decree in Case No. 15CW3164, District Court for Water Division No. 1, on July 29, 2016, to correct the location from a previously decreed well that is included in the Aug Plan. C. Applicant obtained a decree in Case No. 15CW3134, District Court for Water Division No. 1, on March 25, 2016, continuing the conditional water rights decreed in its Aug Plan for another diligence cycle. D. Applicant obtained a decree in Case No. 16CW3150, District Court for Water Division No. 1, on January 18, 2018, for three new irrigation wells that are included in the Aug Plan. E. Applicant has expended more than \$5,600,000 to operate, repair, and improve its municipal water system infrastructure, including but not limited to the following: i. Applicant constructed Settlers Village Recharge Well No. 2 and Settlers Village Alluvial Drain Collection System; ii. Applicant reconfigured and updated its RO treatment facility which included substantial analysis to select the appropriate option(s) to complete the upgrade; iii. Applicant designed and installed a 1,000,000 gallon potable water tank, three irrigation wells, and two recharge wells to optimize blending its water supply consistent with the RO treatment facility upgrade; iv. Applicant designed and installed an emergency potable water cross connect to irrigate its fields, as needed; and v. Applicant designed and constructed the North Centennial Bypass Pipeline to provide operational flexibility for its augmentation obligations under its Aug Plan. F. Applicant acquired an additional 209 units of Colorado – Big Thompson units to increase its raw water supplies. G. Applicant renegotiated its raw water supply contracts with the City of Greeley and the Central Weld County Water District. H. Applicant reviewed and commenced renegotiating its First Use Agreement with the Central Colorado Water Conservancy District. I. Applicant expended more than \$300,000 conducting a preliminary rehabilitation analysis for the Little Thompson Reservoir, and engaged stakeholders in the proposed project. J. Applicant has participated as an opposer in water court cases in order to prevent injury to its water rights, including the conditional water rights identified herein. 6. Claims to Make Absolute (pumping data supporting claims is provided in Attachment No. 1): A. Milliken Well No. 3, operating under Permit No. 59961: 173.61 g.p.m. and 0.72 a.f. (absolute) on June 8, 2017. Milliken Well No. 3 pumped 35 a.f. (absolute) in the 2018 calendar year, leaving 0.0 a.f. conditional. B. Knaub Well No. 0456, operating under Permit No. 79273: 266.81 g.p.m. and 1.18 a.f. (absolute) on June 2, 2017. Knaub Well No. 0456 pumped 35 a.f. (absolute) in the 2017 calendar year, leaving 0.0 a.f. conditional. C. Supporting Evidence for Claims to Make Absolute: Applicant has compared its pumping records with call records maintained by the Division of Water Resources. Applicant pumped the amounts claimed absolute herein to augment out-of-priority depletions under the Augmentation Plan in June of 2017. 7. Owner(s) of land upon which the structures are or will be located: Applicant. 8. Applicant reserves the right to base its absolute claims on any diversions and uses of the structures subject of this application that occur after its filing and prior to the entry of a decree

21CW3213 JAMES AND KAREN FAYDENKO, MOUNTAIN MUTUAL RESERVOIR COMPANY, AND NORTH FORK ASSOCIATES, LLC; James and Karen Faydenko, 16321 River Haven Way, Morrison, CO 80465; Email: jim@homebuild.biz; Telephone: (303) 946-4517; Mountain Mutual Reservoir Company, 6949 Highway 73, Suite 15, Evergreen, CO 80439; Email: norm@hch20.com; Telephone: (303) 989-6932; and North Fork Associates, LLC, 2686 S. Yukon Ct., Denver, CO 80227; Email: 613blatch@gmail.com; Telephone: (303) 988-7111. Please direct all correspondence concerning this Application to: Aaron Ladd, Esq. and Kunal A. Parikh, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Email: asl@vrlaw.com; kap@vrlaw.com; Telephone: (303) 443-6151. **APPLICATION FOR UNDERGROUND WATER RIGHTS AND PLAN FOR AUGMENTATION INCLUDING EXCHANGE IN JEFFERSON COUNTY. CLAIM NO. 1: APPLICATION FOR UNDERGROUND WATER RIGHTS** 2. Names of Well and Permit Number: Faydenko Well No. 1, Well Permit No. 322657. a. Legal Description of the Well: Faydenko Well No. 1 is located in the NW1/4 NW1/4, Section 27, Township 5 South, Range 71 West, approximately 675 feet from the North section line and 220 feet from the West section line, Jefferson County, Colorado, as shown on the map attached as **Exhibit A**. b. Source: Groundwater tributary to an unnamed creek, tributary to Lans Gulch, tributary to Cub Creek, tributary to Bear Creek, tributary to the South Platte River. c. Date of

Appropriation: November 22, 2021. d. How Appropriation was Initiated: By drilling and applying the well to beneficial use. e. Date Water Applied to Beneficial Use: November 22, 2021. f. Amount Claimed: 11 gpm, absolute. g. Depth: 700 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, the irrigation of not more than one acre of home gardens and lawns, and fire protection. i. Names and Addresses of Owners of Land on Which the Well is Located: Co-Applicants, the Faydenkos. j. Remarks: Applicants may seek a new well permit for the Faydenko Well No. 1 referencing the final decree entered in this case. The Faydenko 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

3. Names of Structures to be Augmented: The Faydenko Well Nos. 2-7 (“Subject Wells”) will be subject to the augmentation plan sought in this matter. The Faydenko Well No. 1, described above, will continue to be exempt pursuant to Section 37-92-602(3), C.R.S. and therefore will not subject to the augmentation plan sought in this matter. The Subject Wells will divert groundwater on a parcel of approximately 39 acres lying in the NW1/4 NW1/4 Section 27, Township 5 South, Range 71 West of the 6th P.M., Jefferson Colorado (“Faydenko Property”), located in the drainage of Cub Creek, tributary to Bear Creek, tributary to the South Platte River. The rate of diversion for the Subject Wells will not exceed 15 gallons per minute. The Faydenko Property is shown on the map attached as **Exhibit A**. 4. Water Rights to be Used for Augmentation Purposes: The Faydenkos have entered into a contract with North Fork Associates, LLC to purchase 6.0 shares of Mountain Mutual Reservoir Company (“MMRC”) stock, which represents a firm annual yield of 0.188 of an acre-foot to satisfy the present and anticipated future replacement needs, attached as **Exhibit B**. a. The water rights which MMRC owns for the benefit of its shareholders (hereinafter referred to as the “**Bear Creek/Turkey Creek water rights**”), are summarized as follows: i. Harriman Ditch: 7.71 shares of the 400 shares of capital stock (1.93%), issued and outstanding in the Harriman Ditch Company. Said company owns direct flow water rights decreed to the Harriman Ditch. Pursuant to the decree entered in Civil Action No. 6832, on February 4, 1884, the ditch was awarded the following direct flow priorities:

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

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

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

iii. Soda Lakes Reservoir Nos. 1 and 2: 8.71 shares of the 400 shares of capital stock (2.18%), issued and outstanding in the Soda Lakes Reservoir and Mineral Water Company. Said company owns storage water rights decreed to the Soda Lakes Reservoir Nos. 1 and 2. Pursuant to the decree entered in Civil Action No. 91471 on September 24, 1935, the Soda Lakes Reservoir Nos. 1 and 2 were adjudicated for 1,794 acre-feet for irrigation purposes, and 598 acre-feet for storage for supplying the City of Denver with water for municipal purposes, including the watering of lawns and gardens. The date of appropriation awarded to the structures was February 11, 1893. The Soda Lakes Reservoirs are located in Section 1, Township 5 South, Range 70 West, 6th P.M., Jefferson County. The reservoirs are filled through the Harriman Ditch. iv. Meadowview Reservoir: The structure is located in the NE1/4 SW1/4 and the NW1/4 SE1/4 of Section 26, Township 5 South, Range 71 West, 6th P.M., Jefferson County. Meadowview Reservoir was awarded absolute water rights in Case No. 09CW92 (01CW294), in an amount of 20 acre-feet, and in Case No. 16CW3022 (94CW290), in an amount of 30 acre-feet, for augmentation, replacement, exchange and substitution purposes. The source is North Turkey Creek and water tributary to North Turkey Creek. Harriman Ditch and Warrior Ditch direct flow water and water available to MMRC in the Soda Lakes Reservoirs are also stored in Meadowview Reservoir by exchange pursuant to the appropriative rights of substitution and exchange decreed in Case Nos. 94CW290, 00CW060 and 01CW293. b. The overall “firm” yield of consumptive use water available from the MMRC portfolio of Bear Creek/Turkey Creek water rights and storage facilities was quantified in the decrees entered by the District Court for Water Division 1 in Case No. 01CW293, dated July 16, 2003, and Case No. 94CW290, dated October 16, 2006. The terms and conditions under which the Bear Creek/Turkey Creek water rights are used for augmentation and replacement purposes are set forth in the decrees in Case Nos. 01CW293 and 94CW290, and are deemed to be *res judicata* in future proceedings involving such rights, pursuant to *Williams v. Midway Ranches*, 938 P.2d 515 (Colo. 1997). Reference is made to the decrees in Case Nos. 01CW293 and 94CW290 for more detailed information. c. Terms from Case No. 19CW3154. Defined terms used here but not defined or used in other sections of this application shall have the meaning set forth in the decree for Case No. 19CW3154. i. When and to the extent the Bear Creek/Turkey Creek Firm Yield committed to the plan described in this application is not needed to make replacements pursuant to said plan, MMRC’s use of the Bear Creek/Turkey Creek Firm Yield that is committed to this application may be used as a Supplemental Supply as defined in the decree in Case No. 19CW3154 only in the manner, and subject to the terms and conditions, set forth in said decree, including but not limited to the provisions set forth in Sections 21.1 through 21.7 and 22.2.1 through 22.2.9 and 22.3.1 and 22.3.2. An excerpt of the decree in Case No. 19CW3154 that includes these referenced sections will be attached as an exhibit to the final decree in this case. ii. On an ongoing basis, if MMRC’s storage volume in Meadowview Reservoir is less than the Turkey Creek Estimated Actual Depletions from the current month until the next April 30, MMRC shall cease making replacements of pond evaporation depletions in the Turkey Creek basin that are to be augmented pursuant to this application. 5. Statement of Plan for Augmentation: This augmentation plan will replace out-of-priority depletions associated with the Subject Wells for indoor use, in the manner described below. a. The water requirements for the Subject Wells are for six-single family dwellings, with an average occupancy of 3.5 persons per house (“Indoor Use”). The estimated water requirements for Indoor Use for

each well is 80 gallons per capita per day (gpcd) with 10% consumption based on subsurface discharge from individual septic tank-soil absorption systems. This plan will require 0.188 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)	6	1.884	10%	0.188	0.094	0.094
Total			1.884		0.188	0.094	0.094

The monthly depletions are as follows in acre-feet:

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

This equates to a maximum stream depletion of 0.12 of a gallon per minute.

b. The required volume of augmentation water will be provided from the sources described in Paragraph No. 4, above. Due to the small volume of annual stream depletions projected to occur under this plan, instantaneous stream depletions may be aggregated and replaced by one or more releases from storage of short duration. c. The total consumptive use water requirement will be 0.188 of an acre-foot of the annual firm yield of 39.0 acre-feet of the Bear Creek rights. These requirements are needed at the point of depletion in the SE1/4 SW1/4, Section 22, 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. 6. Water Exchange Project: Since the point of depletion associated with the Subject Wells is upstream of the augmentation supplies, Applicants assert an exchange project right pursuant to Sections 37-92-103(9), 37-92-302(1)(a), 37-92-302(5), 37-92-305(3), 37-92-305(5), and 37-92-305(8)(a), C.R.S. The reach of said exchange shall extend from the confluence of Bear Creek and Turkey Creek in the NE1/4 NW1/4, Section 5, Township 5 South, Range 69 West thence up Bear Creek to the confluence with Cub Creek in the SW1/4 NE1/4, Section 10, Township 5 South, Range 71 West, thence up Cub Creek to the confluence with Lans Gulch in the NW1/4 SW1/4, Section 15, Township 5 South, Range 71 West, thence up Lans Gulch to the confluence with an unnamed stream in the NW1/4 SE1/4, Section 22, Township 5 South, Range 71 West, thence up the unnamed stream to the point of depletion in the SE1/4 SW1/4, Section 22, 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 December 20, 2021, at a maximum flow rate of 0.001 of a cubic foot per second and a maximum depletion in all reaches of 0.12 of a gallon per minute. 7. Administration of Plan: Appropriate accounting forms will be established for reporting usage and determining required releases to be made pursuant to this augmentation plan throughout each year. 8. Names and address of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: The Co-Applicants,

the Faydenkos. 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 Subject Wells and Faydenko Well No. 1 consistent with the final decree entered in this case. (10 pgs., 2 Exhibits)

21CW3214 COMPLAINT FILED WESTERN MUTUAL DITCH COMPANY, NO RESUME TO POST

21CW3215 BLUFF LAKE NATURE CENTER, A COLORADO NON-PROFIT CORPORATION, AND THE CITY AND COUNTY OF DENVER, ACTING BY AND THROUGH ITS BOARD OF WATER COMMISSIONERS. Please send all pleadings and correspondence to: Denver Water's Office of General Counsel, Attn: Jessica R. Brody, General Counsel, Daniel J. Arnold, No. 35458, James M. Wittler, No. 44050, Address: 1600 West 12th Avenue Denver, Colorado 80204-3412, (303) 682-6460, and Co-Applicant, the Bluff Lake Nature Center, Michael A. Kopp, No. 43204 Address: 1120 Lincoln Street, Suite 1600 Denver, Colorado 80203. **APPLICATION FOR CONDITIONAL STORAGE RIGHT AND PLAN FOR AUGMENTATION WITH CONDITIONAL RIGHT OF EXCHANGE IN THE CITY AND COUNTY OF DENVER. II. Purpose of Application.** Bluff Lake has existed since the late 19th century and was originally owned by a private landowner. The City and County of Denver purchased the Bluff Lake property in the early 20th Century as a part of the Stapleton Airport until its closure in 1994. In 2008, the Bluff Lake property was deeded to BLNC. Since that time, Bluff Lake has been operated by BLNC as an urban wildlife refuge and outdoor classroom in the City and County of Denver. The lake is home to an abundance of animals and native plants. Bluff Lake historically intercepted storm water from communities in the City and County of Denver and the City of Aurora. In 2015, BLNC rebuilt the dam to comply with Dam Safety standards. Following reconstruction of the dam, the lake retained storm water more frequently. As a result, BLNC is applying for a storage right for Bluff Lake to allow it to retain water for wildlife and educational purposes when intercepted in accordance with the priority system. In addition, Applicants request a plan for augmentation and appropriative right of exchange to be operated with substitute supplies leased to BLNC from Denver Water. **III. First Claim for Relief: Application for Storage Right.** 1. Name of Structure: Bluff Lake. 2. Legal Description: NW 1/4 of the SW 1/4 of Section 26, Township 3 South, Range 67 West of the 6th Principal Meridian. 3. Size of Lake: 44.45 acre-feet. 4. Source: Storm water discharged from the City of Aurora and the City and County of Denver that is tributary to Sand Creek, a tributary of the South Platte River. 5. Amount Claimed: 45 acre-feet, conditional, with the right to successively refill once per year. Zero acre-feet are claimed absolute. 6. Appropriation Date: 6.1. Date of Appropriation: The date of filing this Application. 6.2. How Appropriation was Initiated: The filing of this Application. 7. Place of Use: At Bluff Lake, as shown on **Exhibit A**. 8. Description of Bluff Lake and its Operations: BLNC operates the Bluff Lake Nature Center within the City and County of Denver. The Bluff Lake Nature Center is used as a wildlife refuge and an outdoor educational nature and science center. It is free and open to the public 365 days a year and sees roughly 80,000 visitors annually. The Bluff Lake Nature Center hosts Bluff Lake, an off-channel lake fed predominately by storm water discharged by communities in the City of Aurora and the City and County of Denver, with a capacity of 44.45 acre-feet. 9. Beneficial Uses: Recreational, fish, wildlife, educational, water quality, storm water management, exchange, and augmentation uses. 10. Owner of land on which Bluff Lake is located: BLNC owns the land on which Bluff Lake is located. 11. Remarks: BLNC will exclusively own the storage right decreed herein. **IV. Second Claim for Relief: Application for Plan for Augmentation.** 12. Name of Structure to be Augmented: Bluff Lake, as described above. 13. Statement of Plan for Augmentation: Denver Water has entered into a lease agreement, attached hereto as **Exhibit B**, with co-Applicant BLNC in which Denver Water has agreed to provide BLNC with up to sixty (60) acre-feet of non-potable water annually ("Lease Water") to the South Platte River from any source currently owned by Denver Water and available for

exchange or augmentation, to replace depletions caused by storage of storm water entering Bluff Lake. 14. Timing, Amount, and Location of Depletions: 14.1. Timing of Depletions: It is assumed depletions return to the South Platte River instantaneously as storm water runoff. Corresponding replacements for out-of-priority depletions will be made within 72 hours. 14.2. Amount of Depletions: The out-of-priority depletions stored in Bluff Lake. 14.3. Location of Depletions: Depletions accrue to Sand Creek in the City and County of Denver, 1,570 feet from the west line and 2,550 feet from the north line of Section 26, Township 3 South, Range 67 West of the 6th Principal Meridian (“Point of Depletion”). 15. Water Rights to be Used for Augmentation: BLNC will use water leased by Denver Water pursuant to a Non-Potable Water Lease Agreement with the BLNC dated May 27, 2021, attached hereto as **Exhibit B**. 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, but are not limited to: 15.1. Beery Ditch, Case No. W-7739-74 WD1, appropriation date of June 15, 1861. 15.2. Four Mile Ditch, Case No. 80CW313 WD1, appropriation date of June 1, 1868. 15.3. Brown Ditch, Case No. 86CW014 WD1, appropriation date of November 30, 1862. 15.4. Nevada Ditch, Case No. 90CW172 WD1, appropriation dates of August 30, 1861- Priority No. 4; December 30, 1865 - Priority No. 19. 15.5. Last Chance Ditch, Case No. 92CW014 WD1, appropriation dates of December 30, 1863 - Priority No. 14; - March 3, 1868 - Priority No. 39. 15.6. Pioneer Union Ditch, Case No. 91CW100 WD1, appropriation dates of December 10, 1861 - Priority No. 5; September 1, 1862 - Priority No. 11. 15.7. Hodgson Ditch, Case No. 91CW102, appropriation date of June 1, 1861 – Priority No. 3. 15.8. 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. 15.9. Robert Lewis Ditch, Case No. 91CW105, appropriation date of October 1, 1865 - Priority No. 19. 15.10. Simonton Ditch, Case No. 91CW106, appropriation date of December 25, 1860 - Priority No. 2. 15.11. 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. 15.12. 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. 15.13. Straight Creek Conduit of the Roberts Tunnel Collection System, Water District No. 36, C.A. No. 2371, appropriation date of January 21, 1957. 15.14. 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. 15.15. Darling Creek Extension of the Williams Fork Diversion Project, Water District 51, Grand County, C.A. No. 1430, appropriation date of August 26, 1953. 15.16. Moffat Tunnel Collection System, Water District No. 51, Grand County, C.A. No. 1430, appropriation date of August 30, 1963. 15.17. 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. 15.18. Laramie Fox Hills-1 Well, Case No. 88CW149 WD 1 and Permit Nos. 32363-F and 35393-F. 15.19. South Platte Gravel Pit Storage Right, Case No. 2001CW286 WD1 as amended in Case No. 2013CW3056 WD1, appropriation date of December 28, 2001. 15.20. 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 15.21. Farmers and Gardeners Ditch Water Right, Case No. 2009CW084 WD1, appropriation date of March 15, 1863. 15.22. Lupton Lakes Storage Complex

Water Right, Case No. 2007CW322 WD1, appropriation date of December 28, 2007.15.23. South Reservoir Complex Enlargement Water Right, Case No. 2009CW264 WD1, appropriation date of December 29, 2009. 15.24. Lawn Irrigation Return Flows, Case No. 2004CW121 WD1, decree date of May 15, 2012. 15.25. Nevada Ditch, Case No. 2020CW3103 WD1, appropriation dates of August 30, 1861- Priority No. 4; December 30, 1865 - Priority No. 19, application pending. 15.26. City Ditch, Case No. 2020CW3200 WD1, appropriation date November 28, 1860 – Priority 1, application pending. 15.27. 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. 15.28. Bluff Lake storage right decreed in this matter. 15.29. 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 Water Recovery Treatment Plants (Robert W. Hite Treatment Facility and Northern Treatment Plant) or South Platte Renew Wastewater Treatment Plant. 16. Other Replacement Sources: 16.1. Additional Supplies of Augmentation Water: Pursuant to C.R.S. § 37-92-305(8)(c), the Court may authorize the Applicants to utilize additional or alternative sources of augmentation water for replacement in the plan for augmentation sought herein, including water leased by the Applicants, if such sources are part of a substitute water supply plan approved pursuant to C.R.S. § 37-92-308 or if such sources are decreed for such use. 16.2. Additional Water Rights Separately Decreed for Augmentation Use: If a water right is decreed or lawfully available for augmentation use and not already approved for such use under this Application, Applicants may add the water right by notice, subject to a reasonable opportunity for Opposers to object on the grounds of injury. This paragraph shall apply to all separately decreed sources, whether they are permanent additions to this plan for augmentation or of limited duration. 16.3. Other Additional Water Rights: If a water right is not decreed or otherwise lawfully available for augmentation use, and Colorado statutes or other governing authority provide a mechanism for using such water right without the need of a decree or well permit, Applicants 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. Applicants may use such water rights in the plan for augmentation upon the State Engineer’s approval of the administrative application for the term of such approval, unless such approval is reversed or modified on appeal or under retained jurisdiction. 17. Means of Replacement: 17.1. Augmentation – First Use: Sources identified in Paragraphs 15.1 through 15.29 above are available to the South Platte River to replace to the location where the call that is below the point of depletion identified in paragraph 14.3 is being administered.17.2. Augmentation – Successive Uses: Each of the sources identified in Paragraphs 15.1 through 15.29 above can be reused and successively used to extinction absent prohibitions preventing such reuse, with the exception of the source listed in paragraph 15.28. Currently, as a result of the ruling entered in Case No. 81CW405, reuse of the source identified in Paragraph 15.14 is limited. This Application does not modify the decree entered in Case No. 81CW405, but Denver Water reserves the right to reuse water from this source beyond the limitations of such ruling if such decree is modified to permit such usage. This Application also does not seek to modify the decrees in any of the other cases identified in Paragraph 15. 17.2.1. Locations Where Substitute Supplies will be Introduced for Augmentation of Out-of-Priority Depletions: Water leased by Denver Water to BLNC will be released from and/or accounted for and identified by Denver Water once used, reused or successively used through its municipal system that is returning to the South Platte River, and deliver such water from one or more of the following sources to replace out-of-priority depletions:17.2.1.1. Chatfield Reservoir, the outlet works of which are located in the NE Corner of Section 1, Township 6 South, Range 69 West of the 6th Principal Meridian in Jefferson and Arapahoe Counties. 17.2.1.2. South Platte Renew - Wastewater Treatment Plant which discharges water to the South Platte River in Arapahoe County in Section 33, Township 4 South, Range 68 West of the 6th Principal Meridian. 17.2.1.3. Farmers and Gardeners Ditch Water Right decreed measurement location identified in paragraph 25 of the decree entered in Case No. 2009CW084 WD1. The relocated point of diversion of the Farmers, which is described as being located at the Denver stream gage (station number 06714000) currently located approximately 90 feet upstream of the Nineteenth Street Bridge in Denver, Colorado and Gardeners Ditch Water Right is located on the north and west bank of the South Platte River,

in the NE 1/4 of approximately 0.4 miles downstream of Cherry Creek, in the NW 1/4 of the SE 1/4 of Section 3328, Township 3 South, Range 68 West of the 6th Principal Meridian in the City and County of Denver, Colorado, approximately 87 feet from the north section line and 1,884 feet from the west section line. 17.2.1.4. The Lawn Irrigation Return Flow (“LIRF”) administration point located at the Burlington Ditch headgate as described in 23.2.1 of the Decree entered in Case No. 2004CW121 WD1. 17.2.1.5. Metro Water Recovery Treatment Plants which discharge water to the South Platte River in Adams County in Section 1, Township 3 South, Range 68 West of the 6th Principal Meridian. 17.2.1.6. The Point of Depletion, as described in this Application. 17.2.1.7. The Suncor Energy (USA) Inc. outfall located at SW 1/4 of the NE 1/4 of Section 12 Township 3 South, Range 68 West of the 6th Principal Meridian. 17.2.1.8. LIRF Sand Creek Quantification Point as described in 23.1.18 of the Decree entered in Case No. 2004CW121 WD1. 17.2.1.9. The confluence of Sand Creek and the South Platte River. 17.2.1.10. South Reservoir Complex outlet works, which are located on the west bank of the South Platte River in Adams County, Section 1, Township 3 South, Range 68 West of the 6th Principal Meridian. 17.2.1.11. LIRF Clear Creek Quantification Point as described in 23.1.13 of the Decree entered in Case No. 2004CW121 WD1. 17.2.1.12. The confluence of Clear Creek and the South Platte River. 17.2.1.13. The LIRF administration point located at the Fulton Ditch headgate as described in 23.2.2 of the Decree entered in Case No. 2004CW121 WD1. 17.2.1.14. North Reservoir Complex outlet works, which are located on the east bank of the South Platte River in the NW 1/4 of the NE 1/4 of Section 3, Township 2 South, Range 67 West of the 6th Principal Meridian 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. 17.2.1.15. The Metro Water Recovery Northern Treatment Plant outfall, which is located within the SW 1/4 of Section 31, Township 1 North, Range 66 West of the 6th Principal Meridian in Weld County, Colorado. 17.2.1.16. South Adams County Water and Sanitation District Wastewater Treatment Plant outfall, which is located within the SW 1/4 of the SE 1/4 of Section 17, Township 2 South, Range 67 West of the 6th Principal Meridian, in Adams County, Colorado. 17.2.1.17. The Lupton Lakes Reservoir Complex outlet, which shall be located as decreed in Case No. 2007CW322 and the subsequent Lupton Lakes Complex diligence decree fixing the point of diversion. Case No 2007CW322 decreed that the Proposed Point of Diversion will be located in the Northwest 1/4 of Section 19, Township 1 North, Range 66 West of the 6th P.M., County of Weld, State of Colorado. The final design and location of the proposed diversion facility has not been finalized to provide distance from section lines and may change to Section 18. The 2007CW322 decree provides that the final location of the proposed diversion facility may change to Section 18. Further, the 2007CW322 decree provides that Denver Water may, without amending the 2007CW322 decree, supplement the correct section (18 or 19), and distance and section lines in a decree to be entered during the earliest Lupton Lakes Complex diligence proceeding when this information becomes available. 17.2.1.18. By deliveries from storage facilities identified in Paragraph 15.29.17.3. Location of Replacements: When a valid call is being administered on the South Platte River below the Point of Depletion, Denver Water will deliver augmentation water to the South Platte River in an amount equal to out-of-priority depletions above the location where the call, including an adjudicated exchange, is being administered on the South Platte River.

V. Claim for Conditional Appropriative Right of Exchange. 18. Conditional Right of Exchange: 18.1. Description of Exchanges: When the replacement water is provided downstream of Bluff Lake, the plan for augmentation will include exchanges for which Applicants seek to appropriate an adjudicated exchange with an appropriation date of the date of filing this Application, as further described below. 18.2. Exchange Reaches: 18.2.1. From the Suncor Energy (USA) Inc. outfall located at SW 1/4 of the NE 1/4 of Section 12 Township 3 South, Range 68 West of the 6th Principal Meridian to the Point of Depletion. 18.2.2. From the LIRF Sand Creek Quantification Point as described in 23.1.18 of the Decree entered in Case No. 2004CW121 WD1 to the Point of Depletion. 18.2.3. From the confluence of Sand Creek and the South Platte River to the Point of Depletion. 18.2.4. From Denver Water’s South Reservoir Complex outlet works, which deliver water to the South Platte River in Adams County, Section 1, Township 3 South, Range 68 West of the 6th Principal Meridian to the Point of Depletion. 18.2.5. From the confluence of Clear Creek and the South Platte River to the Point of Depletion. 18.2.6. From the LIRF Fulton Administration Point as described in paragraph 23.2.1 of the Decree entered in Case No. 2004CW121 WD1 to the Point of

Depletion. 18.2.7. From the North Reservoir Complex outlet works, which are located on the east bank of the South Platte River in the NW 1/4 of the NE 1/4 of Section 3, Township 2 South, Range 67 West of the 6th Principal Meridian 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, to the Point of Depletion. 18.2.8. South Adams County Water and Sanitation District Wastewater Treatment Plant outfall, which is located within the SW 1/4 of the SE 1/4 of Section 17, Township 2 South, Range 67 West of the 6th Principal Meridian, in Adams County, Colorado, to the Point of Depletion. 18.2.9. From the Metro Water Recovery Northern Treatment Plant outfall, which is located within the SW 1/4 of Section 31, Township 1 North, Range 66 West of the 6th P.M., in Weld County, Colorado, to the Point of Depletion. 18.2.10. From the Lupton Lakes Reservoir Complex outlet, the location of which is described in paragraph 17.2.1.17, above, to the Point of Depletion. 18.3. Exchange-From Points: 18.3.1. The Suncor Energy (USA) Inc. outfall. 18.3.2. The LIRF Sand Creek Quantification Point. 18.3.3. The confluence of Sand Creek and the South Platte River. 18.3.4. Denver Water's South Reservoir Complex outlet works. 18.3.5. From the confluence of Clear Creek and the South Platte River. 18.3.6. The LIRF Fulton Administration Point. 18.3.7. The North Reservoir Complex outlet works. 18.3.8. The South Adams County Water and Sanitation District Wastewater Treatment Plant outfall. 18.3.9. From the Metro Water Recovery Northern Treatment Plant outfall. 18.3.10. From the Lupton Lakes Reservoir Complex outlet works. 18.4. Exchange-to-Point: The Point of Depletion. 18.5. Sources of Substitute Water Supply: Denver Water will utilize the augmentation sources listed in paragraph 15 above for the operation of the exchanges, which will be released from the exchange-from locations described in paragraph 18.3 above. 18.6. Rate: The total combined rate of diversions by exchange from any of the sources will be limited to 12.0 cubic feet per second. 18.7. Source: Storm water discharged from the City of Aurora and the City and County of Denver that is tributary to Sand Creek, a tributary of the South Platte River. 18.8. Appropriation Date: 18.8.1. Date of Appropriation: The date of filing this Application. 18.8.2. How Appropriation was Initiated: The filing of this Application. 18.9. Beneficial Uses: Recreational, fish, wildlife, educational, water quality, storm water management, exchange, and augmentation uses. 18.10. Place of Use: At Bluff Lake, as shown on **Exhibit A**.

21CW3216 NOTICE OF FILING OF FINAL DECENNIAL ABANDONMENT LIST FOR WATER DIVISION NO. 1: The State Engineer and the Division Engineer for Water Division 1, by and through the Attorney General hereby provide notice of the filing with the Water Clerk of the decennial abandonment list for Water Division 1 under section 37-92-401(4)(c), C.R.S. (2021). Notice is hereby given that, pursuant to section 37-92-401(4) C.R.S. (2021), the Division Engineer, in consultation with the State Engineer, has revised and finalized the decennial abandonment list, which contains those water rights that the Division Engineer has determined to have been abandoned in whole or in part. The decennial abandonment list, when concluded by judgment and decree, shall be conclusive as to the water rights determined to have been abandoned. The initial abandonment list (published in July 2020) and the final revised abandonment list are available online at: <https://dwr.colorado.gov/services/water-administration/water-rights>. The initial and final revised decennial abandonment lists may also be inspected after December 31, 2021, at the offices of the State Engineer, Division Engineer, and Clerk of the Water Court. Contact the respective offices for information on hours and/or appointments. This decennial abandonment proceeding, including any protest proceedings, are subject to Rule 12 of the Uniform Local Rules for All State Water Court Divisions (Water Court Rules), effective as amended on December 13, 2018 and available on the Water Court's website at: <https://www.courts.state.co.us/Courts/Water>. Any person who wishes to protest the inclusion of any water right on the final decennial abandonment list shall file a written protest with the Water Clerk and the Division Engineer in accordance with the procedures set forth in section 37-92-401(5), C.R.S (2021) not later than **June 30, 2022**. The fee for filing such a protest with the Water Clerk is forty-five dollars (\$45.00). The protest shall set forth in detail the factual and legal basis therefor. A form for such a protest ([JDF 304W](#)) is available on the Water Court website.

21CW3217 (93CW176, 03CW386 and 14CW3020) APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN ADAMS AND JEFFERSON COUNTIES, COLORADO.

1. Name and address of Applicant: City of Westminster, 4800 West 92nd Avenue, Westminster, Colorado 80030; (303) 658-2400. All correspondence and pleadings should be sent to the undersigned counsel for the Applicant. 2. Name of Structures: The Kershaw Ditch Exchange, The Manhart Ditch Exchange, The Jim Baker Reservoir Exchange, and The West Gravel Lakes Exchange as described in the decree in Case No. 93CW176 and involving the following structures: A. The Kershaw Ditch, located on the north bank of Clear Creek at the center of the SE1/4 of Section 7, Township 3 South, Range 68 West, Adams 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: (496254 E, 4405228 N). B. 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). C. 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). D. 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, iii. At a point of the West or Upper Bank of the Farmers' High Line Canal where said ditch crosses Leyden Creek below the embankment of Leyden Reservoir in the NE1/4 of Section 36, Township 2 South, Range 70 West. E. 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, iii. On Leyden Creek at a point where the Croke Canal crosses Leyden Creek in the NW1/4 of Section 31, Township 2 South, Range 69 West, 6th P.M., Jefferson County, Colorado. F. Jim Baker Reservoir, (f.k.a. Happe Ponds), located in the S1/2 of the NE1/4 and the N1/2 of the SE1/4 of Section 7, Township 3 South, Range 68 West of the 6th P.M., in Adams County, Colorado. In addition, Westminster provides the following coordinates to help further identify the approximate location of the Jim Baker Reservoir outlet works utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83),

Zone 13 North: (496995 E, 4406098 N). G. West Gravel Lakes located just west of the South Platte River about one-half mile east of the intersection of East 80th Avenue and North York Street in Sections 25 and 36, Township 2 South, Range 68 West, 6th P.M., Adams County, Colorado. In addition, Westminster provides the following coordinates to help further identify the approximate location of the West Gravel Lakes outlet works utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (505031 E, 4411328 N).

3. Description of conditional water rights:

A. Kershaw Ditch Exchange The Kershaw Ditch Exchange was made fully absolute in Case No. 14CW3020. No further diligence requirements apply to this exchange.

B. Manhart Ditch Exchange The Manhart Ditch Exchange was made fully absolute in Case No. 14CW3020. No further diligence requirements apply to this exchange.

C. Jim Baker Reservoir Exchange

i. Date of Original Decree: Case No. 93CW176, Water Court Division 1, State of Colorado, decreed on November 25, 1997.

ii. Diligence Decree: Case No. 03CW386, Water Court Division 1, State of Colorado, decreed on February 5, 2008. Case No. 14CW3020, Water Court Division 1, State of Colorado, decreed on December 1, 2015.

iii. Legal Description: In Case No. 93CW176, Westminster obtained a decree for a conditional appropriative rights of exchange involving the exchange of water stored in Jim Baker Reservoir located as described in paragraph 2.F., above, to the Church Ditch, located as described in paragraph 2.C., above, the Farmers' High Line Canal, located as described in paragraph 2.D., above, and the Croke Canal, located as described in paragraph 2.E., above.

iv. Source: Clear Creek, Ralston Creek and Leyden Creek, all tributary to the South Platte River.

v. Appropriation Date: December 22, 1993, Case No. 93CW176.

vi. Amount: In Case No. 93CW176, Westminster obtained an exchange decree for 25 c.f.s., conditional for the Jim Baker Reservoir Exchange. In Case No. 03CW386, the Court ruled that 11.98 c.f.s. of the conditional Jim Baker Reservoir exchange was made absolute, and entered a finding of diligence as to the remaining conditional amounts.

vii. Use: In accordance with the decree entered in Case No. 93CW176, the water exchanged pursuant to the conditional appropriative right of exchange may be used directly, stored at any location to which it may be diverted pursuant to the decree in 93CW176, including without limitation Standley Lake and Jim Baker Reservoir, and used for all beneficial uses including, but not limited to, municipal, domestic, irrigation, commercial, industrial, recreation, fish and wildlife, augmentation, replacement, and exchange, within the municipal water supply system and service area of the City of Westminster as it presently exists and as it may hereafter be expanded or modified. To the extent authorized by the decree entered in Case No. 93CW176, the exchanged water will be fully consumable by Westminster, and may be used, reused, and successively used to extinction for any and all beneficial purposes, including, but not limited to, augmentation, replacement, and exchange.

D. West Gravel Lakes Exchange

i. Date of Original Decree: Case No. 93CW176, Water Court Division 1, State of Colorado, decreed on November 25, 1997.

ii. Diligence Decrees: Case No. 03CW386, Water Court Division 1, State of Colorado, decreed on February 5, 2008. Case No. 14CW3020, Water Court Division 1, State of Colorado, decreed on December 1, 2015.

iii. Legal Description: In Case No. 93CW176, Westminster obtained a decree for a conditional appropriative rights of exchange involving the exchange of water stored in the West Gravel Lakes, located as described in paragraph 2.G., above, to Kershaw Ditch headgate, located as described in Paragraph 2.A., the Manhart Ditch headgate, located as described in paragraph 2.B., above, the Church Ditch, located as described in paragraph 2.C., above, the Farmers' High Line Canal, located as described in paragraph 2.D., above, and the Croke Canal, located as described in paragraph 2.E., above. This conditional exchange may be accomplished via delivery from the West Gravel Lakes to the South Platte River, via a bookover exchange in the various West Gravel Lakes storage accounts, or via an intra-ditch exchange involving the Lower Clear Creek Ditch, all as described in the decree in Case No. 93CW176.

iv. Source: Clear Creek, Ralston Creek and Leyden Creek, all tributary to the South Platte River.

v. Appropriation Date: December 30, 1993, Case No. 93CW176.

vi. Amount: 100 c.f.s., conditional.

vii. Use: In accordance with the decree entered in Case No. 93CW176, the water exchanged pursuant to the conditional appropriative right of exchange may be used directly, stored at any location to which it may be diverted pursuant to the decree in 93CW176, including without limitation Standley Lake and Jim Baker Reservoir, and used for all beneficial uses including, but not limited to, municipal, domestic, irrigation, commercial, industrial, recreation, fish and wildlife, augmentation, replacement, and exchange, within the municipal water supply system and service

area of the City of Westminster as it presently exists and as it may hereafter be expanded or modified. To the extent authorized by the decree entered in Case No. 93CW176, the exchanged water will be fully consumable by Westminster, and may be used, reused, and successively used to extinction for any and all beneficial purposes, including, but not limited to, augmentation, replacement, and exchange. The exchanged water exchanged under the West Gravel Lakes Exchange to Jim Baker Reservoir through the Kershaw or Manhart ditches may also be used for irrigation of Willis Case Golf Course (located in the W1/2 Section 18, Township 3 South, Range 68 West of the 6th P.M.), Inspiration Point Park (located in the SE1/4 Section 13, Township 3 South, Range 69 West of the 6th P.M.), and Berkeley Park (located in the NW1/4 Section 19 and the SW1/4 Section 18, Township 3 South, Range 68 West of the 6th P.M.) or for release of the Subject Shares into Clear Creek to provide flows for use by the City and County of Denver acting by and through its Board of Water Commissioners of the consumptive use portion of the Subject Water Rights for augmentation and exchange. 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 Kershaw Ditch Exchange and the Manhart Ditch Exchange in accordance with the requirements of the decree in Case No. 93CW176. B. During the diligence period, Westminster operated the Jim Baker Reservoir Exchange pursuant to the decree in Case No. 93CW176. The flow rates diverted by exchange during the diligence period, however, did not exceed the absolute amounts adjudicated in prior diligence decrees. C. During the current diligence period, Westminster has operated and maintained Jim Baker Reservoir. Activities include, but are not limited to, monitoring lake levels, operating, maintaining and repairing inlet and outlet works, accounting and record keeping activities, wetlands monitoring and general reservoir maintenance activities. Operation and maintenance of the reservoir is an integral component of the Jim Baker Reservoir Exchange. Operation and maintenance expenses have been incurred during the diligence period, including, but not limited to City staff time, expenses and outside consultant expenses. D. During the diligence period, Westminster has also paid funds in the form of ditch assessments to the Church Ditch Authority, the Farmers' High Line Canal and Reservoir Company, FRICO, the Manhart Ditch Company and the Kershaw Ditch Company. Said funds have been used, in part, to maintain the ditches necessary for operation of the conditional exchanges. E. Westminster is the owner of a storage account at the West Gravel Lakes, that is used, in part, for storage of water pursuant to the decree in Case No. 93CW176. Westminster has incurred expenses during the diligence period associated with its storage account at the West Gravel Lakes, including but not limited to expenses associated with the operation and maintenance of its storage account and the Lower Clear Creek/Colorado Agricultural ditches as well as pumping costs associated with the operation of the storage account. F. In accordance with prior diligence decrees, the conditional exchanges decreed in Case No. 93CW176 are part of Westminster's Clear Creek Water Supply System, an integrated system under § 37-92-301(4)(b), C.R.S. During the diligence period, Westminster has continued the development of its Clear Creek Water Supply System. Activities have included, among other things: acquisition of additional interests in water on Clear Creek and its tributaries and the South Platte River; prosecuting Water Court applications to incorporate said interests into the City's Water Supply System; exercising conditional exchanges and making portions absolute or obtaining diligence decrees on the remaining conditional portions; operation of an aeration system related to Jim Baker Reservoir; negotiation of bypass agreement for Lower Clear Creek/Colorado Agricultural Ditch; and, participation in numerous Water Court cases for purposes of protecting, maintaining and developing Westminster's Water Supply System. Expenses associated with these activities were incurred during the diligence period. 5. Water applied to beneficial use: N/A. 6. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Jim Baker Reservoir, West Gravel Lakes, the Colorado Agricultural Ditch/Lower Clear Creek Ditch headgate, the Kershaw Ditch headgate, 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. In prior diligence decrees, Westminster no longer sought diligence as to the conditionally decreed "exchange to" points on Leyden Creek and those points were abandoned solely for

purposes of the 93CW176 decree. Westminster fully intends to maintain diligence as to all other structures and diversion points associated with these exchanges on Clear Creek and Ralston Creek. On information and belief, new or modified diversion structures from Ralston Creek may be located on lands owned by: Church Ditch Water Authority, 2350 West 112th Avenue, Northglenn, Colorado 80234; Farmers' High Line Canal and Reservoir Company, 725 Malley Drive, Northglenn, Colorado 80233; 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: 1. To make a finding of reasonable diligence with respect to the remaining conditional portions of the Jim Baker Reservoir Exchange, and the West Gravel Lakes Exchange and providing that a subsequent showing of diligence be made six years from the date of entry of a decree of diligence in this matter.

21CW3218 COLORADO DIVISION OF PARKS AND WILDLIFE AND THE PARKS AND WILDLIFE COMMISSION, 6060 Broadway, Denver, CO 80216 (Please address all correspondence and inquiries regarding this matter to Ema I. G. Schultz 720-508-6307 and Tam Udall 720-508-6266, Office of the Attorney General, 1300 Broadway, 7th Floor, Denver, CO 80203.) **APPLICATION FOR ABSOLUTE AND CONDITIONAL SURFACE WATER RIGHTS AND CONDITIONAL WATER STORAGE RIGHTS IN WELD COUNTY, COLORADO.** **1. Name, mailing address, e-mail address, and telephone number of Applicant:** Colorado Division of Parks and Wildlife ("CPW"), Attn: Ed Perkins, Water Rights Administrator, 6060 Broadway, Denver, Colorado 80216, 303-291-7466; ed.perkins@state.co.us **2. Claim for Surface Water Rights:** **A. Name of Structures:** Centennial Valley SWA Pump No. 1. **B. Location of Structure:** i. Legal Description: SE1/4 of the NW1/4 of Section 29, Township 5 North, Range 63 West of the 6th P.M. in Weld County. ii. UTM Coordinates: Easting 545808.04 Northing 4469418.67, Zone 13. **C. Source:** South Platte River. **D. Appropriation Date:** May 7, 2021. i. How appropriation initiated: In priority diversion through the pump and placing the water to beneficial uses described below on the Centennial Valley State Wildlife Area (SWA). ii. Date applied to beneficial use: May 7, 2021. **E. Amount:** 7 cfs. i. 5.5 cfs, absolute. ii. 5 cfs, conditional. **F. Uses:** irrigation, creation and maintenance of wildlife habitat, recreation, and wildlife viewing. (The irrigation supports wildlife habitat, recreation, and wildlife viewing for public benefit on the Centennial Valley SWA.) i. Description of Irrigation: a. Historically irrigated: 25 acres. b. Proposed to be irrigated: up to 40 acres. c. Legal description of irrigated acreage: Irrigation occurs in the E1/2 of Section 29, W1/2 of Section 28, and NE1/4 of Section 33 all in Township 5 North, Range 63 West of the 6th P.M. in Weld County. The irrigated areas are depicted on **Exhibit A**, attached hereto and incorporated herein. ii. Other Description: The Centennial Valley SWA consists of 1,195 acres in Weld County. The purpose of this water right is to irrigate on the Centennial Valley SWA. **3. Claim for Storage Water Rights:** **A. Name of Structures:** Centennial Valley SWA Wetlands. **B. Location of Wetlands:** i. Legal Description: Storage will occur in a series of wetlands cells located in the E1/2 of Section 29, W1/2 of Section 28, and NE1/4 of Section 33 all in Township 5 North, Range 63 West of the 6th P.M. in Weld County. The wetland cell areas are shown on **Exhibit A**, attached hereto and incorporated herein. **C. Point of Diversion:** The wetland cells will be filled through the Centennial Valley SWA Pump No. 1 described in paragraph 2.B. **D. Source:** South Platte River. **E. Appropriation Date:** December 22, 2021. i. How appropriation initiated: Filing of application. ii. Date applied to beneficial use: N/A. **F. Amount:** 40 acre-feet, conditional. **G. Uses:** storage, creation and maintenance of wetlands, creation and maintenance of wildlife habitat, recreation, and wildlife viewing. (The wetlands support wildlife habitat, recreation, and wildlife viewing for public benefit on the Centennial Valley SWA.) **4. Name of owners of land upon which structures are located:** Applicant. WHEREFORE, CPW respectfully requests this Court enter a decree adjudicating the water rights as described herein, and for such other relief as this Court deems just and proper. Application is 3 pages.

21CW3219 (90CW211, 00CW103, 07CW144 and 15CW3017) APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN ADAMS AND JEFFERSON COUNTIES, COLORADO.

1. Name and address of Applicant: City of Westminster (“Westminster”), 4800 West 92nd Avenue, Westminster, Colorado 80030, (303) 658-2400. All correspondence and pleadings should be sent to the undersigned counsel for the Applicant. 2. Name of Structures: Westminster’s Big Dry Creek Waste Water Treatment Plant, Metro Wastewater Reclamation District Plant, the Church Ditch, the Farmers’ High Line Canal, and the Croke Canal. 3. Description of conditional water rights: A. Date of Original Decree: June 14, 1994, Case No. 90CW211, District Court, Water Division 1, State of Colorado. B. List of Subsequent Diligence Decrees: June 28, 2001, Case No. 00CW103, February 18, 2009, Case No. 07CW144, and December 2, 2015, Case No. 15CW3017, District Court, Water Division No. 1, State of Colorado. C. Location: In Case No. 90CW211, Westminster obtained a decree for two appropriative rights of exchange. The first right of exchange operates between the outfall of Westminster’s Big Dry Creek Wastewater Treatment Plant (“Big Dry Creek Plant”) and the Church Ditch headgate, the Farmers’ High Line Canal headgate, and the Croke Canal headgate (“Big Dry Creek Exchange”). The second right of exchange operates between the outfall of the Metro Wastewater Reclamation District Plant, also known as the Robert W. Hite Treatment Facility (“Metro Plant”) and the Church Ditch headgate, the Farmers’ High Line Canal headgate, and the Croke Canal headgate (“Metro Exchange”). Collectively, these two exchanges are referred to herein as the “Subject Water Rights.” The locations of the relevant structures are as follows: i. Westminster's Big Dry Creek Waste Water Treatment Plant: The outfall from the Big Dry Creek Plant is located at a point on the north bank of Big Dry Creek 400 feet east of Huron Street in the Northwest 1/4 of the Southwest 1/4 of Section 27, Township 1 South, Range 68 West, County of Adams, State of Colorado. Westminster provides the following coordinates to help further identify the approximate relevant location utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (500574 E, 4420578 N). ii. Metro Wastewater Reclamation District Plant: The outfall from the Metro Plant is located at a point on the East bank of the South Platte River in Section 1, Township 3 South, Range 68 West, which lies 1,400 feet East of the SW corner of said Section 1, County of Adams, State of Colorado. Westminster provides the following coordinates to help further identify the approximate relevant location utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (503898 E, 4406978 N). iii. Church Ditch: The headgate of the Church Ditch, also known as the Golden City and Ralston Creek Ditch, is located on the north bank of Clear Creek at a point in the NE1/4 of Section 32, Township 3 South, Range 70 West, Jefferson County, Colorado, 1450 feet S 69° 30' W from the northeast corner of said section. Westminster provides the following coordinates to help further identify the approximate relevant location utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (478991 E, 4400296 N). iv. Farmers’ High Line Canal: The headgate of the Farmers’ High Line Canal is located 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. This point is approximately 1.5 miles upstream of the headgate of the Croke Canal. Westminster provides the following coordinates to help further identify the approximate 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). v. Croke Canal: The headgate of the Croke Canal is located on the north bank of Clear Creek in the NW1/4NE1/4 of Section 26, Township 3 South, Range 70 West, 6th P.M., Jefferson County, Colorado. Westminster provides the following coordinates to help further identify the approximate relevant location utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (483408 E, 4402089 N). Decreed points of diversion also include the following: At a point on Ralston Creek where the Croke Canal crosses Ralston Creek in Section 1, Township 3 South, Range 70 West, 6th P.M., Jefferson County, Colorado, at a point near the center of said Section 1. Westminster provides the following coordinates to help further identify the approximate relevant location 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). On Leyden Creek at a point where the Croke Canal crosses Leyden Creek in the NW1/4 of Section 31, Township 2 South, Range 69 West, 6th P.M., Jefferson County, Colorado. C. Source: In Case No. 90CW211, Westminster obtained a decree for appropriate rights of exchange using effluent generated at the Big Dry Creek Plant and/or effluent generated at the Metro Plant as the substitute water supply. The source of water diverted by exchange is native to Clear Creek, Ralston Creek, and Leyden Creek. The source of the effluent that is used as a substitute supply is: (a) municipal return flows derived from exercise of the water rights changed in Case No. 90CW211, upon which any required returns have been paid, or upon which municipal return flows exceed required returns; and/or (b) municipal return flows derived from the exercise of the water rights changed in Case No. 90CW211, which accrue at times when no required returns are owed to the stream because there are no unsatisfied senior demands or the call is junior to the priority date of the exchange. D. Appropriation Dates: December 31, 1990. E. Amounts: 3 c.f.s. CONDITIONAL. F. Use: Pursuant to the decree entered in Case No. 90CW211, the water diverted by exchange will be used in Westminster's Municipal Water Utility System for municipal, irrigation, domestic, commercial, industrial, recreational, exchange, replacement, and augmentation purposes. Water diverted into Westminster's system by exchange shall carry rights of use, reuse, successive use, and disposition, and may be fully consumed by Westminster, since such water will be fully replaced with effluent that is derived from water that may be fully consumed. 4. Detailed outline of what has been done toward completion of the appropriation and application to a beneficial use as conditionally decreed. A. The Subject Water Rights decreed in Case No. 90CW211, and continued in effect Case Nos. 00CW103, 07CW144 and 15CW3017, are part of Westminster's Clear Creek Water Supply System, an integrated system under § 37-92-301(4)(b), C.R.S. During the diligence period, Westminster has continued the development of its Clear Creek Water Supply System. Activities have included, among other things: acquisition of additional interests in water on Clear Creek and its tributaries and the South Platte River; prosecuting Water Court applications to incorporate said interests into the City's Water Supply System; exercising conditional exchanges and making portions absolute or obtaining diligence decrees on the remaining conditional portions; operation of an aeration system related to Jim Baker Reservoir; negotiation of bypass agreement for Lower Clear Creek/Colorado Agricultural Ditch; and, participation in numerous Water Court cases for purposes of protecting, maintaining and developing Westminster's Water Supply System. Expenses associated with these activities were incurred during the diligence period. B. One of the sources of water to be exchanged via the conditional exchanges in Case No. 90CW211 is Westminster fully consumable effluent generated at the Big Dry Creek Plant. During the prior diligence period, Westminster finalized a \$44.5 million dollar upgrade to the BDCWWTP completed, in part, to meet discharge limitations and to increase treatment capacity at the Plant. During the diligence period, Westminster incurred operation and maintenance expenses associated with the Big Dry Creek Plant. Another source of water to be exchanged is Westminster's fully consumable effluent generated at the Metro Wastewater Reclamation District Plant. During the diligence period, Westminster paid certain fees to the Metro Wastewater Reclamation District related to treatment and discharge of Westminster's effluent at the Metro Plant. 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. 90CW211. 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 paid funds in the form of ditch assessments to the Church Ditch Water Authority, the Farmers' High Line Canal and Reservoir Company, and the Farmers' Reservoir and Irrigation Company. Said assessments have been used in part to fund annual operations and maintenance activities associated with the Farmers' High Line Canal, the Church Ditch and the Croke Canal. Through ownership interests and/or agreements, Westminster claims the right to carry excess water in these ditches and the exchanges decreed in Case No. 90CW211 directly involve these ditches. E. During the diligence period, Westminster has participated in a number of water court proceedings in an effort, in part, to protect and maintain return flows to Big Dry Creek and the Clear Creek and South Platte River basins. Costs

associated with these efforts were incurred during the diligence period. 5. Water applied to beneficial use: N/A. 6. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Consistent with findings in prior diligence decrees for the Subject Water Rights, the Leyden Creek diversion point is no longer a decreed “exchange to” point under the decree in Case No. 90CW211. This applies solely to the diversion point adjudicated for exchange purposes in Case No. 90CW211, and no other decree or water right. The Big Dry Creek Plant, and the related outfall, is owned by Westminster and located on City lands. On information and belief, the Metro Plant, and the related outfall, is owned by Metro Wastewater Reclamation District. There is no need to modify either of these outfalls in order to accomplish the conditional exchanges. Moreover, all structures associated with the conditional exchanges diverting from Clear Creek are existing, not new structures. There is no need to modify these structures in order to accomplish the conditional exchanges. On information and belief, a new or modified diversion structure diverting from Ralston Creek into the Croke Canal may be located on lands owned by: Farmers Reservoir and Irrigation Company, 80 South 27th Avenue, Brighton, Colorado 80601; City of Arvada, 8101 Ralston Road, Arvada, Colorado 80002. Additional notice by certified or register mail, as set forth in § 37-92-302(2)(b), C.R.S., will be provided to the entities identified above. The remaining structures involved with the conditional exchanges are all existing, not new, diversion or storage structures and no additional notice beyond the notice provided by the publication and resume is required. WHEREFORE, Westminster requests the Court to enter its decree and ruling as follows: 1. To make a finding of reasonable diligence with respect to Westminster’s Big Dry Creek Exchange and Metro Exchange that were conditionally decreed in Case No. 90CW211, and continued in effect in Case Nos. 00CW103, 07CW144 and 15CW3017, and providing that a subsequent showing of diligence on these exchanges be made six years from the date of entry of a decree of diligence; 2. Any other ruling the Court deems appropriate in the above-captioned matter.

21CW3220 COLORADO WATER CONSERVATION BOARD (“CWCB”), 1313 Sherman Street, Suite 718, Denver, Colorado, 80203. Telephone: (303) 866-3441. Please direct communications regarding this case to Jennifer Mele, First Assistant Attorney General, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 7th Floor, Denver, Colorado 80203. Telephone: (720) 508-6282. Email: jennifer.mele@coag.gov **APPLICATION FOR WATER RIGHTS TO PRESERVE THE NATURAL ENVIRONMENT TO A REASONABLE DEGREE IN NORTH FORK LITTLE THOMPSON RIVER, A NATURAL STREAM; IN THE BIG THOMPSON WATERSHED, IN LARIMER COUNTY, COLORADO.** **2. Name of water right:** North Fork Little Thompson River Instream Flow Water Right. **3. Legal Description:** The North Fork Little Thompson River Instream Flow Water Right is located in the natural stream channel of North Fork Little Thompson River from the confluence with Hell Canyon Creek to the confluence with Little Thompson River, a distance of approximately 3.77 miles. A map depicting the approximate location of the North Fork Little Thompson River Instream Flow Water Right reach is attached as **Exhibit 1** to the Application. **A. Upstream Terminus:** confluence with Hell Canyon Creek at: i. UTM: Northing: 4465680.11; Easting: 473124.37 (NAD 1983 Zone 13 North) ii. Lat/Long: Latitude 40° 20' 28.45"N; Longitude 105° 18' 59.16"W **B. Downstream Terminus:** confluence Little Thompson River at: i. UTM: Northing: 4461361.09; Easting: 474370.33 (NAD 1983 Zone 13 North) ii. Lat/Long: Latitude 40° 18' 8.51"N; Longitude 105° 18' 5.72"W **C.** The Universal Transverse Mercator (UTM) of the upstream and downstream termini will be used as the legal description for the decree in this matter. The Lat/Long coordinates are provided as cross-reference locations only. The UTM and Lat/Long locations for the upstream and downstream termini were derived from CWCB GIS using the National Hydrography Dataset (NHD). **4. Source:** North Fork Little Thompson River, tributary to Little Thompson River, tributary to Big Thompson River, tributary to South Platte River. **5. A Date of initiation of appropriation:** January 25, 2021 **B. How appropriation was initiated:** Appropriation and beneficial use occurred on January 25, 2021, by the action of the CWCB pursuant to

sections 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. (2021). C. Date applied to beneficial use: January 25, 2021. **6. Amount of water claimed**: Instream flow of 5 cfs (04/25 - 06/10), and 2 cfs (06/11 - 06/30), absolute. **7. Proposed Uses**: Instream flow to preserve the natural environment to a reasonable degree. **8. Names and addresses of owners or reputed owners of the land upon which any new or existing diversion structure will be located**: The notice required by section 37-92-302(2)(b), C.R.S. (2021), to the owners or reputed owners of the land upon which any new or existing diversion or storage structure is or will be constructed is not applicable in this case. This Application is for instream flow water rights, exclusive to the CWCB under the provisions of section 37-92-102(3), C.R.S. (2018). As an instream flow water right, the CWCB's appropriation does not require diversion structures or storage. *See Colo. River Water Conservation Dist. v. Colo. Water Conservation Bd.*, 594 P.2d 570, 574 (Colo. 1979); § 37-92-103(4)(c), C.R.S. (2021). As a surface water right, the CWCB's appropriation of instream flow water rights does not involve construction of a well. **9. Remarks**: This appropriation by the CWCB, on behalf of the people of the State of Colorado, is made pursuant to sections 37-92-102(3) and (4) and 37-92-103(3), (4) and (10), C.R.S. (2021). The purpose of the CWCB's appropriation is to preserve the natural environment to a reasonable degree. At its regular meeting on May 19, 2021, the CWCB determined, pursuant to section 37-92-102(3)(c), C.R.S. (2021), that the natural environment of North Fork Little Thompson River will be preserved to a reasonable degree by the water available for the appropriations to be made; that there is a natural environment that can be preserved to a reasonable degree with the CWCB's water rights herein, if granted; and that such environment can exist without material injury to water rights.

21CW3221 (81CW447, 95CW087, 02CW28, 08CW274 and 15CW3041) APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN ADAMS COUNTY, COLORADO.

1. Name and address of Applicant: City of Westminster ("Westminster"), 4800 West 92nd Avenue, Westminster, Colorado 80030, (303) 658-2400. All correspondence and pleadings should be sent to the undersigned counsel for the Applicant. 2. Name of Structures: Exchange from Metropolitan Denver Sewage Disposal District No. 1 Plant (now known as Robert W. Hite Treatment Facility) ("Metro") to Little Dry Intake No. 1. 3. Description of conditional right: A. Date of Original Decree: April 26, 1988, Case No. 81CW447, Water Court, Division 1, State of Colorado. Subsequent findings of diligence were issued on February 28, 1996, in Case No. 95CW087, on December 11, 2002, in Case No. 02CW28, on April 22, 2009, in Case No. 08CW247, and on December 2, 2015, in Case No. 15CW3041, all in Water Court, Division 1, State of Colorado. B. Location: In Case No. 81CW447, Westminster obtained a decree for an exchange of water between Metro and Little Dry Intake No. 1. The locations of the structures are as follows: Metropolitan Denver Sewage Disposal District No. 1 Plant: At a point of the east bank of the South Platte River in Section 1, Township 3 South, Range 68 West, which lies 1,400 feet east of the southwest corner of said Section 1, County of Adams, State of Colorado. Westminster provides the following coordinates to help further identify the approximate relevant location of the Metro outfall utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (503898 E, 4406978 N). Little Dry Intake No. 1: A point of diversion located in the North East 1/4 of Section 6, Township 3 South, Range 68 West, City of Westminster, County of Adams, State of Colorado more particularly described as follows: Beginning at a point in the North East corner of Section 6, thence West along North Boundary of Section 6 to a point of intersection with Little Dry Creek; thence along the south boundary of Little Dry Creek a distance of 500 feet to the point of diversion. C. Source: In Case No. 81CW447, Westminster obtained a decree for an exchange of water using effluent generated at the Metro Plant as a substitute supply. The source of water diverted by exchange is Little Dry Creek. The source of effluent used as a substitute supply is from certain water rights diverted by Westminster through its municipal utility system pursuant to the decree entered in Case No. W-8743, Water Court, Water Division No. 1, State of Colorado and from certain nontributary ground water rights diverted by Westminster through its municipal utility system pursuant to the decree in Cases No. W-4017 and W-8741-77, Water Court,

Water Division No. 1, State of Colorado. D. Appropriation Date: September 14, 1981, Case No. 81CW447 in the amount of 10 c.f.s. E. Use: Pursuant to the decree entered in Case No. 81CW447, the water diverted will be used in the City of Westminster's municipal utility system for municipal, irrigation, domestic, commercial, industrial, recreational, exchange, replacement, and augmentation purposes. Westminster may make direct use, storage, reuse, successive use, further exchange and thereby fully consume the waters diverted and accounted for under operation of the decree in Case No. 81CW447. 4. Detailed outline of what has been done toward completion of the appropriation and application to a beneficial use. A. The water rights adjudicated in Case No. 81CW447 are part of Westminster's Clear Creek raw water supply system, an integrated system as defined by § 37-92-301(4) C.R.S. During the diligence period, Westminster has continued the development of its Clear Creek Water Supply System. Activities have included, among other things: acquisition of additional interests in water on Clear Creek and its tributaries and the South Platte River; prosecuting Water Court applications to incorporate said interests into the City's Water Supply System; exercising conditional exchanges and making portions absolute or obtaining diligence decrees on the remaining conditional portions; completion of construction and subsequent operation of Little Dry Creek Pond; operation of an aeration system related to Jim Baker Reservoir; negotiation of bypass agreement for Lower Clear Creek/Colorado Agricultural Ditch; and, participation in numerous Water Court cases for purposes of protecting, maintaining and developing Westminster's Water Supply System. Expenses associated with these activities were incurred during the diligence period. B. During the diligence period, Westminster has, pursuant to the decree in Case No. W-8743, diverted water into the municipal utility system and put such water to beneficial use in Westminster's water service area. Beneficial use of a portion of said water has then generated effluent at the Metro Plant. Costs associated with these efforts, including payments made to the Metro Wastewater Reclamation District, have been incurred during the diligence period. C. The Little Dry Creek Pond is a component of Westminster's park improvement project in the Little Dry Creek basin. The Pond is located on Little Dry Creek within the reach of the exchange adjudicated in Case No. 81CW447. During the diligence period, Westminster obtained a decree in Case No. 13CW3145 that, among other items, adjudicated a plan for augmentation for Little Dry Creek Pond. One decreed augmentation source for the Little Dry Creek Pond is the water right originally adjudicated in Case No. 81CW447. The exchange right that is the subject of the present application may serve as a source of water for filling of Little Dry Creek Pond and to augment evaporation, all subject to the terms and conditions set forth in the decree in Case No. 13CW3145. The Little Dry Creek Pond project was completed and became operational during the diligence period. Pond design, permitting and construction expenses were incurred during the diligence period. A map associated with the application in Case No. 13CW3145, setting forth the general locations of the relevant structures, including the points of exchange in Case No. 81CW447, is attached as Exhibit A. D. During the diligence period, Westminster has participated in a number of water court proceedings in order to protect and maintain return flows to Little Dry Creek, Clear Creek and the South Platte River. In addition, Westminster has participated in a number of water court proceedings in the Clear Creek basin in an effort to protect and maintain the full entitlement of water available to the water rights decreed in Case No. W-8743, Water Court, Water Division No. 1, State of Colorado. Under the terms of Case No. 81CW447, effluent generated by the use of said water rights in Westminster's municipal utility system may be used for exchange purposes. E. Previously, Westminster participated in a joint effort to move the Derby Gauge on Clear Creek and thereby monitor the flow on Clear Creek at a point between the Metro outfall and the Little Dry Intake No. 1 within the reach of the exchange decreed in Case No. 81CW447. Westminster staff continues to monitor the flow data and the resulting exchange potential generated by this gauge during the diligence period. 5. Water applied to beneficial use: N/A. To the extent water is diverted in priority and applied to beneficial use pursuant to the terms of the decree in Case No. 81CW447 during the pendency of this application, however, Westminster reserves the right to make any such amounts 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 diversion structure involved in this exchange will be located on property owned by the applicant, the City of Westminster. WHEREFORE, Westminster requests the Court to enter its decree and ruling as follows: A. To make a finding of reasonable diligence with respect to the entire conditional water rights decreed in Case No. 81CW447, and providing that a subsequent showing of diligence be made six years from the date of entry of a decree of diligence. B. Any other ruling the Court deems appropriate in the above-captioned matter.

21CW3222 (06CW257 & 14CW3116) THE CITY OF AURORA, COLORADO, acting by and through its Utility Enterprise, 15151 E. Alameda Parkway, Suite 3600, Aurora, CO 80012, 303-739-7370. Please direct all pleadings to: John M. Dingess, Teri L. Pettitt, Hamre, Rodriguez, Ostrander & Dingess, P.C., 3600 South Yosemite Street, Suite 500, Denver, Colorado 80237, 303-779-0200. **APPLICATION FOR A FINDING OF REASONABLE DILIGENCE AND TO CONTINUE CONDITIONAL WATER RIGHTS IN ADAMS AND ARAPAHOE COUNTIES.** 2.

DESCRIPTION OF CONDITIONAL WATER RIGHTS. In Case No. 06CW257, Water Division 1, the Court approved an augmentation plan enabling Aurora to replace out-of-priority depletions caused by a) irrigation of municipal parks, golf courses, and greenbelts throughout the City, and b) evaporation from certain ponds. As part of Case No. 06CW257, Aurora was awarded conditional water rights for these structures. In Case No. 14CW3116 the Court found Aurora had exercised reasonable diligence in the development of the conditional water rights decreed in 06CW257, awarded absolute water rights, and continued the remaining conditional water rights in full force as decreed. Aurora now seeks a finding of reasonable diligence regarding those structures that remain conditional as further described below. 2.1. **Original Decree.** Water Division 1, Case No. 06CW257, decreed on September 25, 2008 (“Original Decree” or “06CW257 Decree”). 2.1.1. In addition to approving the subject conditional water rights, the 06CW257 Decree also approved a plan for augmentation. The plan for augmentation approved in the 06CW257 Decree is not within the jurisdiction of this Court in this diligence proceeding. 2.2. **Subsequent Decree.** Water Division 1, Case No. 14CW3116, decreed on December 8, 2015 (14CW3116 Decree”). 2.3. **Location of Structures** (shown on **Exhibit A**, attached hereto). 2.3.1. Westerly Creek. 2.3.1.1. *Expo Park Pond #1 and Pump Station*: Irrigation Pond with pump located on Westerly Creek in the NE 1/4 of the NW 1/4 of Section 14, Township 4 South, Range 67 West of the 6th P.M., Arapahoe County, at a point 250 feet from the North Section line and 1,590 feet from the West Section line. 2.3.1.2. *Expo Park Pond #2*: Pond located on Westerly Creek in the SE 1/4 of the NW 1/4 of Section 14, Township 4 South, Range 67 West of the 6th P.M., Arapahoe County, at a point 1,615 feet from the North Section line and 1,520 feet from the West Section line. 2.3.1.3. *Expo Park Pond #3*: Pond located on Westerly Creek in the SE 1/4 of the NW 1/4 of Section 14, Township 4 South, Range 67 West of the 6th P.M., Arapahoe County, at a point 2,125 feet from the North Section line and 1,700 feet from the West Section line. 2.3.1.4. *Utah Park Pond & Pump Station*: Irrigation pond with pump located on Westerly Creek in the SW 1/4 of the SW 1/4 of Section 24, Township 4 South, Range 67 West of the 6th P.M., Arapahoe County, at a point 900 feet from the South Section line and 715 feet from the West Section line. 2.3.1.5. *Jewell Wetlands Pond*: Pond located in the SW 1/4 of the SE 1/4 of Section 24, Township 4 South, Range 67 West of the 6th P.M., Arapahoe County, at a point 340 feet from the South Section line and 2,420 feet from the East Section line. 2.3.2. Tollgate Creek. 2.3.2.1. *City Center Park Pond*: Pond located in the SW 1/4 of the SE 1/4 of Section 7, Township 4 South, Range 66 West of the 6th P.M., Arapahoe County, at a point 760 feet from the South Section line and 2,065 feet from the East Section line. 2.3.2.2. *Hutchison Greenway Pond & Pump Station*: Irrigation Pond with pump located on West Tollgate Creek in the SW 1/4 of the SE 1/4 of Section 28, Township 4 South, Range 66 West of 6th P.M., Arapahoe County, at a point 275 feet from the South Section line and 1,920 feet from the East Section line. 2.3.2.3. *Centre Hills Golf Course Pond #1 & Pump Station*: Irrigation Pond with pump located on East Tollgate Creek in the NE 1/4 of the SW 1/4 of Section 8, Township 4 South, Range 66 West of 6th P.M., Arapahoe County, at a point 1,475 feet from the South

Section line and 2,630 feet from the West Section line. 2.3.2.4. *Centre Hills Golf Course Pond #2*: Pond located on East Tollgate Creek in the SW 1/4 of the SE 1/4 of Section 8, Township 4 South, Range 66 West of 6th P.M., Arapahoe County, at a point 920 feet from the South Section line and 2,245 feet from the East Section line. 2.3.2.5. *Centre Hills Golf Course Pond #3*: Pond located on East Tollgate Creek in the SW 1/4 of the SE 1/4 of Section 8, Township 4 South, Range 66 West of 6th P.M., Arapahoe County, at a point 650 feet from the South Section line and 1,310 feet from the East Section line. 2.3.2.6. *Centre Hills Golf Course Pond #4*: Pond located on East Tollgate Creek in the SE 1/4 of the SE 1/4 of Section 8, Township 4 South, Range 66 West of 6th P.M., Arapahoe County, at a point 360 feet from the South Section line and 645 feet from the East Section line. 2.3.3. Piney Creek. 2.3.3.1. *Saddle Rock Golf Course (Well Permit No. 61038-F)*: A tributary well in Piney Creek located in the NE 1/4 of the NW 1/4, Section 25, Township 5 South, Range 66 West of the 6th P.M., Arapahoe County, at a point 850 feet from the North Section line and 2525 feet from the West Section line. 2.4. **Sources**. Surface and ground water tributary to Westerly Creek, West Tollgate Creek, East Tollgate Creek, and Piney Creek. Westerly Creek, West Tollgate Creek, and East Tollgate Creek are tributaries of Sand Creek. Piney Creek is a tributary of Cherry Creek. Sand Creek and Cherry Creek are tributaries of the South Platte River. 2.5. **Date of Appropriation**. December 14, 2006. 2.6. **Uses**. Municipal, irrigation, recreation, fish and wildlife propagation, and replacement and augmentation of such uses. 2.7. **Place of Use**. The parks, golf courses, and greenbelts identified in the 06CW257 Decree, including Expo Park, Utah Park, Jewell Wetlands, City Center Park, Hutchinson Greenway, Centre Hills Golf Course, and Saddle Rock Golf Course. 2.8. **Table of Names, Sources, and Amounts**.

Structure	Source	Decreed Conditional Originally (06CW257)	Decreed Absolute (14CW3116)	Amount Remaining Conditional
Expo Park Pond No. 1 & Pump Station	Westerly Creek	1,815 gpm	1,537 gpm	278 gpm
Expo Park Pond No. 2	Westerly Creek	10 gpm	8 gpm	2 gpm
Expo Park Pond No. 3	Westerly Creek	5 gpm	3 gpm	2 gpm
Utah Park Pond & Pump Station	Westerly Creek	1,150 gpm	1,020 gpm	130 gpm
Jewell Wetlands Pond	Westerly Creek	5 gpm	2.6 gpm	2.4 gpm
City Center Park Pond	Tollgate Creek	10 gpm	4 gpm	6 gpm
Hutchinson Greenway Pond & Pump Station	Tollgate Creek	1,220 gpm	643 gpm	577 gpm
Centre Hills GC Pond No. 1 & Pump Station	Tollgate Creek	515 gpm	167 gpm	348 gpm
Centre Hills GC Pond No. 2	Tollgate Creek	10 gpm	3.3 gpm	6.7 gpm
Centre Hills GC Pond No. 3	Tollgate Creek	5 gpm	1.8 gpm	3.2 gpm
Centre Hills GC Pond No. 4	Tollgate Creek	5 gpm	2 gpm	3 gpm
Saddle Rock GC Well Permit No 61038-F	Piney Creek	150 gpm	0 gpm	150 gpm

3. DETAILED OUTLINE OF WHAT HAS BEEN DONE TOWARD COMPLETION OR FOR COMPLETION OF THE APPROPRIATIONS AND APPLICATION OF WATER TO BENEFICIAL USE AS CONDITIONALLY DECREED. The water rights that are the subject of this

application are part of Aurora's trans-basin municipal water supply system that is an integrated system of water rights and structures under C.R.S. § 37-92-301(4)(b). During the diligence period, Aurora performed the following work and made the following expenditures toward completion of the appropriations and application of the water rights decreed in the Original Decree to beneficial use (expenditure numbers are rounded to the nearest \$1,000).

3.1. Project Specific Efforts. During the diligence period, Aurora has done at least the following project specific work toward completion of the appropriations and application of the conditional water rights decreed in Case No. 06CW257 to beneficial use:

3.1.1. Aurora has actively improved and maintained the ponds and surrounding structures at Expo Park, Utah Park, Jewell Wetlands, City Center Park, Hutchinson Greenway, and Centre Hills Golf Course. Daily, weekly, and monthly maintenance occurs at all locations. Aurora has spent at least \$400,000 during the diligence period.

3.1.2. Pumping and evaporative depletions from the subject structures has been calculated and recorded, and such monthly accounting has been maintained and submitted to the Division 1 State Engineer's office.

3.1.3. The subject ponds and diversion structures are fully constructed, therefore little physical construction activity is required to perfect the subject conditional water rights. However, Aurora constantly monitors streamflow conditions and administrative conditions (i.e. river calls) to identify opportunities during which Aurora can divert and place to beneficial use additional amounts of water pursuant to the subject conditional water rights.

3.1.4. During the diligence period, Aurora spent approximately \$2,800 on legal activities directly related to the conditional water rights herein.

3.2. System-wide Efforts. During the diligence period, Aurora has accomplished at least the following systemwide efforts that will be used to operate or benefit the conditional rights.

3.2.1. South Platte River Basin.

3.2.1.1. *Spinney Mountain Reservoir.* Aurora expended substantial sums for facility upgrades during the diligence period, including internal outlet works inspections, applications of protective coatings on outlet pipes, assessment, design and extension of the storm drainage systems below the dam, installation of filter trench drains, measurement devices, and installation of heater jackets over valve operators.

3.2.1.2. *Metro Water Recovery Charges (f/k/a Metro Wastewater Reclamation District).* Aurora expended approximately \$157,092,000 during this diligence period for fees for wastewater treatment of its water at the Metro Water Recovery facility.

3.2.1.3. *Sand Creek Water Reuse Plant Improvements.* Aurora operates the Sand Creek Water Reuse Plant, a 5-million-gallon per day facility, which provides treated water used for irrigation throughout the City and for discharge into Sand Creek. Aurora expended approximately \$7,552,000 for improvements to and operating costs for the Sand Creek plant during the diligence period.

3.2.1.4. *Griswold Water Treatment Plant Renovations.* This facility treats a portion of the raw water before it is delivered to Aurora's customers. Approximately \$29,530,000 was spent by Aurora for improvements to this facility. This includes expenditures directly by Aurora for renovation of the facility.

3.2.1.5. *Wemlinger Water Treatment Plant Expansion.* Aurora spent approximately \$55,094,000 for expansion of the Wemlinger Water Treatment Plant.

3.2.1.6. *Improvements to Extend and Improve Water Service in and to Aurora.* Approximately \$155,210,000 was spent by Aurora for extension and upgrade of its water transmission system.

3.2.1.7. *Automated Meter Reading System.* Aurora spent approximately \$6,052,000 for updates to its automated utility reading system. This is needed for efficient operation of Aurora's water supply and delivery system.

3.2.1.8. *Improvements to Sanitary Sewer System.* Approximately \$61,155,000 was spent by Aurora for extension and upgrade of its sanitary sewer system necessary for wastewater treatment and reuse within the South Platte River Basin.

3.2.1.9. *Prairie Waters Project.* The Prairie Waters Project is a large comprehensive water supply, storage and treatment project in which return flows to the South Platte River from Aurora's water sources may be rediverted for subsequent reuse. To facilitate this project Aurora obtained various decrees in Case Nos. 06CW104, 03CW414, and 03CW415, Water Division 1. This project allows further reuse of much of the water decreed to Aurora. During the diligence period, Aurora obtained a decree in Case No. 15CW3064, finding reasonable diligence for the water rights originally decreed in Case No. 06CW104 (decreed December 1, 2017). On November 23, 2021 in Case No. 21CW3006, Aurora obtained a decree finding reasonable diligence for the Aurora-Everist No. 2 water rights originally decreed in Case No. 03CW414. On November 4, 2020, Aurora was granted a decree in Case No. 20CW3058 finding reasonable diligence for conditional storage rights for the Aquifer Recharge and Recovery Facility B (ARR-B) and the Tucson South Reservoir, originally decreed in Case No. 03CW414. On March 27, 2021, Aurora

filed an application in Case No. 21CW3028 seeking diligence on the conditional rights originally decreed in 03CW415. On May 28, 2021 in Case No. 21CW3077, Aurora filed an application for a finding of reasonable diligence for the Prairie Water Project InFill Wells originally decreed in 13CW3042, Water Division 1. Aurora has expended at least \$2,301,000 on several elements of the Prairie Waters Project during this diligence period.

3.2.1.10. *Lawn Irrigation Return Flows (LIRFs) Credits.* Aurora obtained a decree in Case No. 02CW341, Water Division 1, on September 25, 2008, quantifying LIRFs from its municipal system (and subsequent requantifications as required by the Decree in 02CW341), generated as a result of use of transmountain water rights, fully consumable in-basin water rights, decreed and permitted non-tributary sources and any other fully consumable water available to Aurora. Aurora also installed seventeen new monitoring wells and expends manpower to monitor these wells every three months. Water that is transported and used in Aurora's service area can be reused under the decree in Case No. 02CW341. During this diligence period, Aurora has expended significant sums for engineering and legal costs required to requantify the LIRFs adjudicated in Case No. 02CW341 available for reuse.

3.2.1.11. *Rampart Reservoir and Delivery System.* Approximately \$12,516,000 was spent by Aurora during this diligence period for improvements to the Rampart Reservoir delivery system. This reservoir is used to store water before it is transported through parallel 54" and 40" pipelines to Aurora. Rampart Reservoir is important for regulation of the flow through these parallel pipelines.

3.2.1.12. *Binney Water Purification Facility.* This state-of-the-art water purification and recycling plant owned and operated by Aurora treats water for use throughout the City. Approximately \$17,260,000 was spent by Aurora during the diligence period for improvements to this facility.

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

3.2.1.14. *Participation in Water Division 1 cases:* During the diligence period, Aurora participated in a number of Water Division 1 cases to protect the rights and interests of Aurora with regard to its water supply system.

3.2.2. Arkansas River Basin.

3.2.2.1. *Payment for Rocky Ford Ditch shares.* Aurora spent approximately \$395,000 during this diligence period for repayment of bonds and payments to note sellers, including principal and interest that were issued or refunded for purchase of Applicant's share of the Subject Rocky Ford Ditch Company shares.

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

3.2.2.3. *Pueblo Reservoir Storage.* During this diligence period, Aurora paid the Bureau of Reclamation approximately \$5,234,000 for storage use of Pueblo Reservoir, for long-term storage as well as for consultants and legal fees for the long-term storage contract.

3.2.2.4. *Assessments Paid for Use of Twin Lakes, Lake Henry/Lake Meredith, Rocky Ford Ditch.* During this diligence period, Aurora paid the following in annual assessments: approximately \$374,000 for Twin Lakes Company (necessary for storage); at least \$928,000 for the Colorado Canal/Lake Henry/Lake Meredith (necessary for storage); and approximately \$1,449,000 for the Rocky Ford Ditch for the shares attributable to the Subject Rocky Ford Ditch Water Right.

3.2.2.5. *Intergovernmental Agreement with SECWCD.* On October 3, 2003, Aurora entered into an Intergovernmental Agreement with the Southeastern Colorado Water Conservancy District ("SECWCD"), replacing an agreement between the parties dated December 7, 2001. Under this new IGA, Aurora and SECWCD agree to support proposed federal legislation relating to the Fryingspan-Arkansas Project to include, among other things, re-operations of the existing water storage facilities, studies for enlargements to Pueblo and Turquoise Reservoirs, and confirming the authority of the Bureau of Reclamation to enter into contracts with Aurora for use of the facilities including long-term contracts. Aurora's ability to use Fryingspan-Arkansas facilities is expanded under this IGA and Aurora is obligated

to make certain payments to SECWCD in consideration for the expanded use. Under this IGA, SECWCD also agrees not to oppose Aurora's attempts to contract with the Bureau of Reclamation for use of the Fryingpan-Arkansas Project facilities, to facilitate delivery of Aurora's water, and to settle opposition to each other's water court applications, including this case. During this diligence period, Aurora made payments of approximately \$913,000 to SECWCD under this IGA. 3.2.2.6. *Intergovernmental Agreement with LAVWCD*. Pursuant to an Intergovernmental Agreement with the Lower Arkansas Valley Water Conservation District ("LAVWCD"), Aurora paid approximately \$1,000,000 to LAVWCD for the identification and implementation of infrastructure improvements, research, and investigations designed to assist in the permitting or implementation of water leasing programs in the Lower Arkansas Valley, as well as remediation and restoration efforts in the Fountain Creek Corridor. 3.2.2.7. *Agreements for Use of the Holbrook System Facilities*. On March 1, 2005, Aurora entered into two agreements pertaining to the use of the diversion, conveyance and storage facilities of the Holbrook Mutual Irrigating Company ("Holbrook"). Aurora and Holbrook extended this agreement on February 2, 2010. These agreements implement a program to recapture and store yield from foregone diversions of senior water rights. Aurora completed structural modifications to the Holbrook system facilities and filed a Substitute Water Supply Plan necessary to implement the program. An Amended Agreement was entered into on April 21, 2016. Further, Aurora initiated a study to examine enlargement of the Holbrook Reservoir to further facilitate operations. During this diligence period, Aurora made payments of approximately \$401,000 to Holbrook under this agreement. 3.2.2.8. *Recovery of Yield ("ROY")*. On August 17, 2016, Aurora, along with Colorado Springs, the Pueblo Board of Water Works, the City of Fountain, and the Southeastern Colorado Water Conservancy District, obtained a decree in WD-2, Case No. 06CW120 adjudicating exchanges necessary as a result of the 2004 Regional Intergovernmental Agreement ("IGA") between the various water providers and the City of Pueblo, whereby the water providers agreed to allow certain of their senior flows to pass through Pueblo's RICD reaches on the condition those flows could be removed downstream and exchanged back upstream. In addition, the ROY participants, including Aurora, have made significant efforts to secure the Arkansas Gravel Pit Reservoir ("AGPR") or a comparable facility. Aurora entered into a purchase Option Agreement with LaFarge West, Inc. in 2003 for development of the LaFarge Rich Pit for use by Aurora as the AGPR storage facility upon completion of gravel mining/mineral extraction by LaFarge. This Agreement has been extended several times. The ROY participants have also made efforts to investigate and negotiate alternative storage facilities for the AGPR. Recent negotiations include with Stonewall Springs Ranch, Southwest Sod Farms, and the Pueblo Board of Waterworks. Aurora has expended approximately \$22,000 on these efforts during the diligence period. 3.2.2.9. *Revegetation*. Aurora has expended approximately \$1,955,000 during this diligence period for revegetation, including expenditures for expert revegetation classifications and reports, actual revegetation and weed control costs, as well as farm equipment purchases, office overhead and personnel costs, under Case No. 83CW18. Aurora also expended these sums for revegetation and continued farming of historically irrigated lands pursuant to the decree in Case No. 99CW169(A). On June 3, 2014, Aurora entered into an Intergovernmental Agreement with Otero County to clarify between the parties certain terms contained in the 99CW169(A) decree regarding revegetation. 3.2.2.10. *Participation in Water Division 2 cases*: During the diligence period, Aurora participated in a number of Water Division 2 cases to protect the rights and interests of Aurora with regard to its water supply system. 3.2.3. Colorado River Basin. 3.2.3.1. *Homestake Project*. Once water is transported over the Continental Divide through the Otero Pump Station and Homestake Pipeline, it is then transported to Spinney Mountain Reservoir in the South Platte Basin. During this diligence period, Aurora has spent approximately \$19,285,000 toward further development of the Homestake Project's conditional water rights. 3.2.3.2. During this diligence period, Aurora entered into an Agreement and Intergovernmental Agreement with Colorado River Water Conservation District, Basalt Water Conservancy District, Board of County Commissioners of Eagle County, Board of County Commissioners of Pitkin County, Grand Valley Water Users Association, Orchard Mesa Irrigation District, and the Ute Water Conservancy District, effective date August 1, 2018 (the "Settlement Agreement"). *Inter alia*, the Settlement Agreement addressed resolution of 09CW142, Water Division 2, amongst certain parties thereto, and is filed in the Court's file for Case No. 09CW142. As contemplated and limited by the terms of the

Settlement Agreement, Aurora filed an application in Case No. 19CW3159, Water Division 5, seeking judicial determination of appropriative rights of exchange by which 900 acre feet of water of the Twin Lakes Reservoir and Canal Company (“Twin Lakes”), available to Aurora via its share ownership and over which Aurora has maintained dominion and control in any one year will be moved as follows. Water from Grizzly Reservoir will be placed into Lincoln Gulch, a tributary of Lincoln Creek, or bypassed from the Twin Lakes system’s Roaring Fork River basin facilities into other tributaries of the Roaring Fork River, and then exchanged from the confluence of the Roaring Fork and Fryingpan Rivers upstream on the Fryingpan River to Ruedi Reservoir and an additional exchange, as a component subset of the 900 acre feet, up to 450 acre feet in any one year from Ruedi Reservoir upstream to Ivanhoe Reservoir located upon Ivanhoe Creek for subsequent movement into Water Division 2. 3.2.3.3. *Participation in Water Division 5 cases*: During the diligence period, Aurora participated in a number of Water Division 5 cases to protect the rights and interests of Aurora with regard to its water supply system. 3.2.4. Non-Basin Specific Efforts. 3.2.4.1. *Legal Protection Efforts*. Aurora spent approximately \$500,000 for legal services for participation in Water Division 1 cases to protect the rights and interests of Aurora with regard to its water supply system, including the subject water rights herein. 3.2.4.2. *Study of Aurora’s Water Needs*. Aurora spent approximately \$1,077,000 toward engineering and planning studies to assist in determining the City’s future water needs and a plan to meet those needs, including treatment and distribution studies, various conservation studies and developing its Non-Potable System Master Plan. This study will increase the overall efficiency of Aurora’s operations. 3.2.4.3. *Aurora Raw Water System Model*. Aurora spent additional sums for consultant fees to develop and support a computer model of Aurora’s raw water system. These costs are in addition to the modeling efforts included in the engineering and planning studies identified in paragraph 3.2.4.2, above. 3.3. **Other**. Aurora reserves the right to identify additional relevant efforts that may be later discovered or to make upward adjustments to amounts expended on certain projects. Aurora has an extensive water rights portfolio, an extensive and complex water supply, collection, treatment and reuse system, and an extensive number of agreements, contracts, leases, etc. related to its facilities and the use, reuse and storage of its water rights. It is involved in many legal actions related to the collection, treatment, reuse and protection of its water rights. Further, the management, protection, and operation of the water rights and the facilities system involves numerous City of Aurora departments and staff members throughout the state. Aurora made diligent efforts with regard to this application to determine and quantify all efforts made by the City toward completion of the appropriations and application of the water rights decreed in Case No. 06CW257 to beneficial use. However, it is reasonably possible that relevant efforts or expenditures may have been overlooked or need further upward adjustment. 4. **NAMES AND ADDRESSES OF OWNERS OR REPUTED OWNERS OF THE LAND UPON WHICH ANY NEW DIVERSION OR STORAGE STRUCTURE OR MODIFICATION TO ANY EXISTING DIVERSION OR STORAGE STRUCTURE OR EXISTING STORAGE POOL IS OR WILL BE CONSTRUCTED OR UPON WHICH WATER IS OR WILL BE STORED**. 4.1. All of the subject structures are existing structures owned by Aurora. (Application and Exhibit: 15 pages)

21CW3223 LOWER POUFRE AUGMENTATION COMPANY, NEW CACHE LA POUFRE IRRIGATING COMPANY AND THE CACHE LA POUFRE RESERVOIR COMPANY, 33040 Railroad Avenue, P.O. Box 104, Lucerne, CO 80646, (970) 352-0222. Please send all future correspondence and pleadings to Daniel K. Brown, Esq., and Whitney Phillips Coulter, Esq., Fischer, Brown Bartlett, Larsen & Irby, P.C., 1319 E. Prospect Road, Fort Collins, CO 80525. **APPLICATION TO ADD MEMBER WELLS IN CONSOLIDATED CASES 2004CW25/2006CW295 IN LARIMER AND WELD COUNTIES**. 2. Augmentation Plan: Applicant operates a plan for augmentation (“LPAC Plan”) decreed in Consolidated Case Nos. 2004CW25/2006CW295, Water Division No. 1, entered in this case on January 21, 2014 (“LPAC Decree”). Paragraph 24.1.1 of the LPAC Decree allows for the addition of Member Wells. 3. Wells to be added to the LPAC Decree: The structures that are augmented in the LPAC Plan are listed on Exhibit C to the LPAC Decree. Applicants propose to add the wells described below (“Miller Wells”) into the LPAC Decree as structures to be augmented.

Well name	Owner	Town	Range	Section	1/4 / 1/4	1/4	W(ft)	X(Ft)	T(gpd/ft)	Sy
Miller Well No. 1	Cogburn, David	6N	65W	24	SE	SE	10,468	1,316	98,386	0.2
Miller Well No. 2	Cogburn, David	6N	65W	24	SW	SE	12,027	2,102	98,671	0.2

The Miller Wells will be operated, and all out-of-priority depletions replaced, in accordance with the terms and conditions of the LPAC Decree. No decreed priorities are sought by this application. The Miller Wells may only operate under the LPAC Plan so long as they have valid well permits. 4. Names and Addresses of Owner of the Structure: The Miller Wells are owned by David Cogburn, 32485 Weld County Road 49, Greeley, Colorado. 5. Names and Addresses of Landowners: The land on which the Miller Wells exist is owned as follows: David Cogburn, 32485 Weld County Road 49, Greeley, Colorado. (3 pages).

21CW3224 JOSHUA AND ANGELA GARRETT, 25888 Richmond Hill Road, Conifer, CO. 80433, 720-483-7239 (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 WATER RIGHTS AND WATER STORAGE RIGHT in JEFFERSON COUNTY.** 2. Name of Water Right: Mayne Spring No. 1 a. Location of Point of Diversion: i. PLSS: NE1/4, NE1/4 of Section 2, 7S, 71W of the 6th PM ii. GPS coordinates: 1. Format: UTM 2. Zone: 13 3. Units: Meters 4. Datum: NAD 83 5. Setting: True North 6. Northing (Y): 4,369,679.45968 7. Easting (X): 474,289.78485 b. Source: Spring tributary to the North Fork of the South Platte River. c. Date of Appropriation: December 31, 1972 d. How appropriation was initiated: Improvement of spring, application of water to beneficial use. e. Date Water Applied to Beneficial Use: December 31, 1972 f. Amount claimed: .0112 c.f.s. (5 g.p.m), absolute. g. Use: Stock watering, fish and wildlife, recreation, storage in Mayne Pond. 3. Name of Water Right: Mayne Spring No. 2 a. Location of Point of Diversion: i. PLSS: NE1/4, NE1/4 of Section 2, 7S, 71W of the 6th PM ii. GPS coordinates: 1. Format: UTM 2. Zone: 13 3. Units: Meters 4. Datum: NAD 83 5. Setting: True North 6. Northing (Y): 4,369,592.69314 7. Easting (X): 474,402.07746 b. Source: Spring tributary to the North Fork of the South Platte River. c. Date of Appropriation: December 31, 1972 d. How appropriation was initiated: Improvement of spring, application of water to beneficial use. e. Date Water Applied to Beneficial Use: December 31, 1972 f. Amount claimed: .0112 c.f.s. (5 g.p.m), absolute. g. Use: Stock watering, fish and wildlife, recreation, storage in Mayne Pond. 4. Name of Water Right: Mayne Spring No. 3 a. Location of Point of Diversion: i. PLSS: NW1/4, NW1/4 of Section 1, 7S, 71W of the 6th PM ii. GPS coordinates: 1. Format: UTM 2. Zone: 13 3. Units: Meters 4. Datum: NAD 83 5. Setting: True North 6. Northing (Y): 4,369,476.60103 7. Easting (X): 474,488.43765 b. Source: Spring tributary to the North Fork of the South Platte River. c. Date of Appropriation: December 31, 1972 d. How appropriation was initiated: Improvement of spring, application of water to beneficial use. e. Date Water Applied to Beneficial Use: December 31, 1972 f. Amount claimed: .0112 c.f.s. (5 g.p.m), absolute. g. Use: Stock watering, fish and wildlife, recreation, storage in Mayne Pond. 5. Name of Water Right: Mayne Spring No. 4 a. Location of Point of Diversion: i. PLSS: NW1/4, NW1/4 of Section 1, 7S, 71W of the 6th PM ii. GPS coordinates: 1. Format: UTM 2. Zone: 13 3. Units: Meters 4. Datum: NAD 83 5. Setting: True North 6. Northing (Y): 4,369,671.38773 7. Easting (X): 474,507.53435 b. Source: Spring tributary to the North Fork of the South Platte River. c. Date of Appropriation: December 31, 1972 d. How appropriation was initiated: Improvement of spring, application of water to beneficial use. e. Date Water Applied to Beneficial Use: December 31, 1972 f. Amount claimed: .0112 c.f.s. (5 g.p.m), absolute. g. Use: Stock watering, fish and wildlife, recreation, storage in Mayne Pond. 6. Name of Water Right: Mayne Spring No. 5 a. Location of Point of Diversion: i. PLSS: NW1/4, NW1/4 of Section 1, 7S, 71W of the 6th PM ii. GPS coordinates: 1. Format: UTM 2. Zone: 13 3. Units: Meters 4. Datum: NAD 83 5. Setting: True North 6. Northing (Y): 4,369,731.95579 7. Easting (X): 474,535.41676 b. Source: Spring tributary to the North Fork of the South Platte River. c. Date of Appropriation: December 31, 1972 d. How appropriation was initiated: Improvement of spring, application of water to beneficial use. e. Date Water Applied to Beneficial Use:

December 31, 1972 f. Amount claimed: .0112 c.f.s. (5 g.p.m), absolute. g. Use: Stock watering, fish and wildlife, recreation, storage in Mayne Pond. 7. Name of Reservoir: Mayne Pond a. Location of Point of Diversion: i. PLSS: NW1/4, NW1/4 of Section 1, 7S, 71W of the 6th PM ii. GPS coordinates: 1. Format: UTM 2. Zone: 13 3. Units: Meters 4. Datum: NAD 83 5. Setting: True North 6. Northing (Y): 4,369,628.99468 7. Easting (X): 474,542.46078 b. Source: Springs and runoff tributary to the North Fork of the South Platte River. c. Date of Appropriation: December 31, 1972 d. How appropriation was initiated: Construction of Dam. e. Date Water Applied to Beneficial Use: f. Amount claimed: 9 acre feet g. Use: Stock watering, fish and wildlife, recreation. h. Surface Area at High Water Line: .6 acres i. Vertical Height of Dam: 7.5 feet j. Length of Dam: 81.4 feet k. Total Capacity of Reservoir: i. Active Storage: 9 acre feet ii. Dead Storage: 0 acre feet 8. Name and address of land where structures will be located: Structures are located on Applicant's land. See Exhibit "A," attached hereto.

21CW3225 APPLICATION FOR WATER STORAGE RIGHT OF ST. MICHAEL'S RESERVOIR, LLC, IN WELD COUNTY, COLORADO. APPLICATION FOR WATER STORAGE RIGHT. 1. Name, address, and phone number of applicant: St. Michael's Reservoir, LLC, c/o Art Gutteresen, Manager, 3695 65th Avenue, Greeley, CO 80634, (720) 917-9140, direct all pleadings to: Kevin J. Kinnear, Kinnear, LLC, 8181 Arista Place, Suite 100, Broomfield, CO 80021. 2. Background: St. Michael's Reservoir, f/k/a Erickson Reservoir, was originally constructed in 1906. Prior to November 12, 2002, the Reservoir was enlarged to its present capacity of 142.5 acre-feet. Applicant's predecessors in interest, Calvin Family Revocable Trust (substituted for Ashcroft Draw L.L.C.) filed an application for water storage right on March 31, 2000, as amended on May 30, 2003 in Case No. 00CW52. The Reservoir was decreed for its original amount, a refill of that amount, an enlargement, and a refill of the enlargement. As a result, on July 15, 2011, the Water Court entered a decree for a total of 142.5 acre-feet, conditional, with refill rights in the total amount of 142.5 acre-feet, conditional. In 2017, the new owner of the property and water rights did not file an application for a finding of reasonable diligence or to make the water rights absolute as a result of oversight. As a result, the conditional water rights were cancelled. Notwithstanding the foregoing, the water rights have been continuously stored and used consistent with the decree entered in Case No. 00CW52, and Applicant now seeks to re-confirm the water storage rights as decreed in Case No. 00CW52, with a new priority based on filing this application in 2021. 3. Application for Water Storage Rights: A. Name of Reservoir: St. Michael's Reservoir (f/k/a Erickson Reservoir). 1. Legal description of location of reservoir: the reservoir is located in the S 1/2 of the SW 1/4 of Section 21 of T.5N., R.66W. of the 6th P.M., Weld County, Colorado. The south abutment of the dam is located at a point approximately 400 feet north and 1,200 feet east of the southwest corner of said Section 21. A general location map associated with this Application is attached hereto as **Exhibit 1**, the location and design elements of the St. Michael's Reservoir is attached as **Exhibit 2**. 2. Source: runoff, flood, seepage, and irrigation waste water collected from a natural slough area originating from the west of applicant's property and from the land surrounding St. Michael's Reservoir, including Sections 20, 21, 28, and 29, T.5N., R.66W. 3. Dates of appropriation: November 28, 1906 for initial filling up to 58.87 acre-feet; March 31, 2000 for the original refill claim of 58.87 acre-feet; May 30, 2003 for the first enlargement of 83.63 acre-feet and May 30, 2003 for the first enlargement refill claim for 82.13 acre-feet. 4. How appropriation was initiated: For the original reservoir, then known as Erickson Reservoir, by forming the intent to appropriate, conducting a field survey, filing a map and statement with the State Engineer, constructing the Reservoir, and impounding and using the water. For the refill, first enlargement, and first enlargement refill, by forming the intent to appropriate, by conducting field surveys, constructing an enlarged dam, and impounding and using water. 5. Date water applied to beneficial use: For the original appropriation, 1906. For the refill, first enlargement, and first enlargement refill, July 15, 2011. 6. Uses: Recreation, piscatorial, wildlife conservation, irrigation stock watering, and augmentation, and Applicant specifically claims the right to fully consume the water stored for these uses. The irrigated area is identified as irrigable lands within Weld County Parcels 095921300003 and 095921000039, the two parcels comprising the property shown on **Exhibit 2** owned by Applicant's entity St. Michael's Reservoir Estate, LLC, approximately 83.34 acres. 7. Amount claimed: 142.5 acre-feet, absolute, plus the right to refill in the amount of 142.5 acre-feet, at a rate of 5.0 cfs. 8. Surface area

of high water line: 14.9 acres. A. Vertical height of dam from the natural surface of the ground: 16.8 feet; from outlet invert: 17.1 feet. B. Length of dam: approximately 1,570 feet. 9. Total capacity of reservoir in acre-feet: 142 acre-feet; Active capacity: 130.9 acre-feet; Dead storage: 11.6 acre-feet. Applicant will store water in St. Michael's Reservoir whenever it is in-priority. When there is a valid and administrable senior call for water downstream of St. Michael's Reservoir, Applicant will release water in an amount equal to inflows and any out of priority evaporation loss. The Reservoir has a staff gauge already installed adequate to measure the water level and volume in the Reservoir. The Reservoir has measuring devices installed adequate to measure inflows of water delivered into the Reservoir and to measure water withdrawn/released from the Reservoir for use. Applicant's engineers have developed a stage-storage table that was previously approved by the Division Engineer for Case No. 00CW52. Applicant maintains daily accounting on forms and submits monthly accounting reports to the Division 1 Engineer's office. 4. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Applicant is the owner of the land upon which the St. Michael's Reservoir is located. WHEREFORE, Applicant requests that the Court enter a decree approving the subject application for water storage right and confirming said water right. (7 pages total including exhibits.)

21CW3226 APPLICATION FOR WATER RIGHTS OF: DONALD BRIAN SWEANY and KARLA KAY SWEANY, APPLICANTS, IN THE SOUTH PLATTE RIVER OR ITS TRIBUTARIES IN LARIMER COUNTY. Attorneys for Applicants: Alan G. Hill, #11343 Ashley N. Pollock, #39795 HILL & POLLOCK, LLC 1528 Wazee Street Denver, Colorado 80202 303.993.4452 ahill@hillpollock.com apollock@hillpollock.com APPLICATION FOR ABSOLUTE WATER STORAGE RIGHT Name, mailing address, email address, and telephone number of applicant(s) (if there are multiple applicants and the space provided is not adequate, provide additional sheets as needed): Donald Brian Sweany c/o Hill & Pollock: 1528 Wazee St., Denver, CO 80202 c/o ahill@hillpollock.com via Hill & Pollock: 303.993.4452 Karla Kay Sweany c/o Hill & Pollock: 1528 Wazee St., Denver, CO 80202 c/o ahill@hillpollock.com via Hill & Pollock: 303.993.4452 Name of Reservoir: Sweany Pond Location of Structure Public Land Survey System (PLSS) (Required): Include the source of PLSS information, for example: GIS system such as CDSS MapViewer; field survey; scaled from USGS topographic map or other source. Legal Description: County Larimer SW 1/4 of the NW 1/4 Section 32 Township 12 N or S Range 70 E or W Principal Meridian 6th Point of diversion (Required): Complete either 1 or 2 below) Location information in UTM format (Preferred) UTM Zone must be 12 or 13; Units must be Meters; Datum must be NAD83; and Units must be set to true North. Include the source of the UTM coordinates, for example: GPS device; GIS System such as CDSS MapViewer; scaled from USGS topographic map; or other source. In areas having generally recognized street addresses, also include street address, and if applicable, the lot, block, and subdivision. Attach a legible 8 1/2 x 11 inch map to this application illustrating the location of the structure. UTM Coordinates Easting 477,521.302 Northing 4,535,440.472 Zone 12 Zone 13 Street Address: 193 Sunnyvale Drive, Livermore, CO 80536-7655 Source of UTM's (for example, hand-held Garmin GPS of located from aerial map, etc.): ArcGis Mapping Distance from Section Lines (if not providing a UTM coordinate above): Include perpendicular distances from section lines to the structure location. Include the source of PLSS information, for example: GIS system such as CDSS MapViewer; field survey; scaled from USGS topographic map; or other source. In areas having generally recognized street addresses, also include street address, and if applicable, the lot, block, and subdivision. Attach a legible 8 1/2 x 11 inch map to this application illustrating the location of the structure. Source (for example, unnamed tributary to North Clear Creek, tributary to Clear Creek, tributary to the South Platte River): South Branch Boxelder Creek, Tributary to Boxelder Creek, Tributary to the Cache la Poudre River, Tributary to the South Platte River If filled from a ditch: N/A Name(s) of ditch(es) used to fill reservoir and capacity in cubic feet of water per

second (cfs): N/A Location of Structure Public Land Survey System (PLSS) (Required): Include the source of PLSS information, for example: GIS system such as CDSS MapViewer; field survey; scaled from USGS topographic map; or other source: Point of diversion (Required): Complete either a. or b. below) Location information in UTM format (Preferred): UTM Zone must be 12 or 13; Units must be Meters; Datum must be NAD83; and Units must be set to true North. Include the source of the UTM coordinates, for example: GPS device; GIS System such as CDSS MapViewer; scaled from USGS topographic map; or other source. In areas having generally recognized street addresses, also include street address, and if applicable, the lot, block, and subdivision. Attach a legible 8 1/2 x 11 inch map to this application illustrating location of the structure. UTM Coordinates Easting 477,554.617 Northing 4,535,392.745 Zone 12 Zone 13 Street Address: 193 Sunnyvale Drive, Livermore, CO 80536-7655 Source of UTM's (for example, hand-held Garmin GPS or located from aerial map, etc.: ArcGis Mapping Distance from Section Lines (if not providing a UTM coordinate above): Include perpendicular distances from section lines to the structure location. Include the source of PLSS information, for example: GIS system such as CDSS MapViewer; field survey; scaled from USGS topographic map; or other source. In areas having generally recognized street addresses, also include street address, and if applicable, the lot, block, and subdivision. Attach a legible 8 1/2 x 11 inch map to this application illustrating the location of the structure. A. Date of appropriation: June 22, 2004 B. How appropriation was initiated: Construction and filling of pond. C. Date water was applied to beneficial use: June 22, 2004. Amount claimed: In acre feet (one acre foot is the amount of water required to cover an area of one acre to a depth of one foot, and is equal to approximately 325,900 gallons) Conditional N/A (acre feet) Absolute 1.8 (acre feet) If filled from a ditch, rate of diversion in cubic feet per second (cfs) (1 cfs = 448.8 gallons per minute (gpm)) for filling the reservoir: Conditional N/A (cfs gpm) Absolute N/A (cfs gpm) If claiming an absolute water right, application shall include supporting evidence that confirms the capacity of the reservoir and that applicant diverted water in priority and applied such water to the beneficial uses claimed in the amounts claimed. List All Uses or Proposed Uses: recreational, piscatorial, aesthetic, wildlife watering and fire protection. If irrigation, complete the following: Number of acres historically irrigated N/A ; proposed to be irrigated N/A . Does the Applicant intend to use this water right to supplement irrigation on an area of land already irrigated under another water right? yes no Legal description of irrigated acreage. Mark the location of the irrigated acreage on a USGS topographic map and attach to this application a legible 8 1/2 x 11 inch copy of the applicable portion of the map. N/A If non-irrigation, describe purpose fully. Mark location of use on a USGS topographic map and attach to this application a legible 8 1/2 x 11 inch copy of the applicable portion of the map. N/A. Surface area of high-water line: 0.4 (Square Feet Acres) Vertical height of dam in feet measured vertically from the elevation of the lowest point of the natural surface of the ground where that point occurs along the longitudinal centerline of the dam up to the crest of the emergency spillway of the dam: 12.5 (feet) Length of dam in feet: 230 (feet) Total capacity of reservoir in acre feet: 1.8 (acre feet) Active capacity: 1.8 acre-feet Dead storage: 0 acre-feet Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new or existing diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. The applicant must notify these persons that the applicant is applying for this water right and certify to the Court that the applicant has done so by no later than 14 days after filing this application. N/A. The pond is located on the Applicants' property on a stream. There is no off-site point of diversion. Remarks or any other pertinent information: None.

21CW3227 THE GROUNDWATER MANAGEMENT SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT, 3209 West 28th Street, Greeley, CO 80631. Please send correspondence and pleadings to: David P. Jones, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534; Phone: (970) 622-8181; Email: david@lcwaterlaw.com. **CONCERNING THE APPLICATION FOR FINDING OF REASONABLE**

DILIGENCE, IN WELD COUNTY. 2. Previous Decrees: Case Nos. 1994CW96, 2001CW018, 2007CW286, 2015CW3077; Water Division No. 1. 2.1. Name of Structure. 83rd Avenue Reservoir (“Reservoir”). 2.1.1. Legal Description of Reservoir. In the NE 1/4 of the SE 1/4 and the SE 1/4 of the NE 1/4 of Section 31, Township 6 North, Range 66 West of the 6th P.M., Weld County, Colorado, lying south of the Cache La Poudre River. 2.1.2. Legal Description of Diversion Points 2.1.2.1. The William R. Jones Ditch, the headgate of which is on the South side of the Cache La Poudre River in the NE 1/4 of the NW 1/4 of the SW 1/4, Section 36, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado. 2.1.2.2. From a pump adjacent to the Cache La Poudre River in the NE 1/4 of the SE 1/4 and the SE 1/4 of the NE 1/4 of Section 31, Township 6 North, Range 66 West of the 6th P.M., Weld County, Colorado, lying south of the Cache La Poudre River. 2.1.3. Source of Water. Cache La Poudre River and its tributaries. 2.1.4. Appropriation. May 17, 1994. 2.1.5. Amount. 164.2 acre-feet, absolute, 138.5 acre-feet, conditional; Jones Ditch diversion, 15.19 c.f.s., absolute, 14.81 c.f.s., conditional; pump diversion, 10 c.f.s., conditional. 2.1.6. Use. Augmentation, replacement, exchange, recreation, fish and wildlife uses. 3. Description of Project. The Reservoir is a gravel pit which has been excavated and made into a storage reservoir by the construction of a slurry wall around the perimeter of the pit. Water is delivered into the reservoir by means of the W.R. Jones Ditch. The proposed pump described in paragraph 2.1.2.2. has not yet been constructed. Water is delivered from the Reservoir by pump into the Cache La Poudre River. The Reservoir is part of Applicants’ integrated system. 4. Outline of Work Toward Completion of the Appropriation During the Diligence Period. 4.1. Applicant has diverted and stored water under the Reservoir water right during the diligence period but not in amounts exceeding previous diversions. Applicant has worked on and developed other aspects of its integrated system during the diligence period. The water right listed herein is part of Central’s integrated system of water rights. Applicant has operated and developed its integrated system during the diligence period, including its Plans for Augmentation decreed in Case Nos. 02CW335, and has retained legal counsel and engineering consultants to assist in such operation and development. Applicant has filed and prosecuted applications for the addition and removal of wells to and from its Plan. Applicant has acquired water rights represented by shares in various ditch companies and has prosecuted applications changing those water rights for use by Applicant in its Plans. Applicant has acquired various gravel pits and made capital improvements for storage of water. Applicant has appropriated new water rights and has leased water rights on a temporary basis for use in its Plans. Applicant has participated as an opposer in numerous water court applications to protect its water rights. Applicant has prosecuted water court applications to perfect its water rights as absolute and/or to maintain its conditionally decreed rights. Applicant and its parent district the Central Colorado Water Conservancy District have expended more than \$100,000,000 towards the operation, development and protection of the water rights decreed herein and its integrated system during the diligence period. 5. Claim for Finding of Reasonable Diligence. 5.1. Applicant seeks a finding that it has been reasonably diligent in the development of the conditional water right for the Reservoir and to continue the conditional portion of the right for an additional 6-year statutory period. The original format of this application is 4 pages in length.

21CW3228 THE CONSOLIDATED MUTUAL WATER COMPANY, 12700 West 27th Avenue, Lakewood, Colorado 80215, (303) 238-0451, through counsel Evan D. Ela and Joseph W. Norris, Cockrel Ela Glesne Greher & Ruhland, P.C., 390 Union Boulevard, Suite 400, Lakewood, Colorado 80215, (303) 986-1551, **APPLICATION FOR CONDITIONAL WATER STORAGE RIGHTS IN JEFFERSON COUNTY**. 1. Name, Address and Telephone Number of Applicant. The Consolidated Mutual Water Company 12700 West 27th Avenue Lakewood, CO 80215 (303) 238-0451. 2. Purpose of the Application. The original water rights decree for Welton Reservoir was issued on October 16, 1998 in Case No. 96CW534. Applicant has undertaken numerous efforts to study the possibility of enlarging Welton Reservoir by raising the elevation of the spillway and dam crest at Fortune Dam. This Application is to appropriate and confirm by decree a conditional water storage right for that amount of water Applicant can and will store in Welton Reservoir over and above the original appropriation of 10,000 acre-feet. 3. Name of Conditional Water Storage Right. Welton Reservoir First Enlargement. (a) Name of Reservoir: Welton Reservoir (*f.k.a.* Fortune Reservoir). (b) Location of Reservoir: The South 1/2 of Section 24 and the North

1/2 of Section 25, Township 2 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. The outlet of the reservoir is located at the South 1/4 corner of Section 24, Township 2 South, Range 70 West of the 6th P.M. (c) Source: Diversions from Clear Creek at the Agricultural Ditch and conveyance by pipeline; surface runoff from the watershed containing Welton Reservoir. (d) Location of Clear Creek Point of Diversion: The point of diversion from Clear Creek is through the Agricultural Ditch, the headgate of which is located on the south bank of Clear Creek in Southwest 1/4 of Section 27, Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. (e) Date of Appropriation: December 28, 2021. The appropriation was initiated by the filing of this Application in the District Court, Water Division 1, and publication of the Application in Water Court Resume of cases for December, 2021. (f) Amount: 1,009 acre feet, CONDITIONAL, with the right to refill continuously, not to exceed 1,009 acre feet of refill in any one water year accounting period. The diversion rate for filling the reservoir shall not exceed 50 cfs from all sources. (g) Beneficial Uses: Municipal, irrigation, domestic, mechanical, commercial, industrial, recreation, fish and wildlife, augmentation and replacement and any other use necessary, desirable, or incidental to the operation of The Consolidated Mutual Water Company's water system, reuse, successive use, and disposition. (h) Surface Area at High Water Line: Decreed surface area of the existing high water line is approximately 163 acres; enlargement may increase the surface area of the high water line to approximately 176 acres. (i) Vertical Height of Dam: Vertical height of the existing dam is approximately 113 feet; enlargement will increase the vertical height of the dam approximately 2.3 feet. (j) Length of Dam: Length of the existing dam is approximately 5,026 feet; enlargement is not anticipated to significantly change the length of the dam. (k) Total Capacity of Welton Reservoir: Decreed existing capacity is approximately 10,000 acre feet; enlargement will increase the capacity of Welton Reservoir to approximately 11,009 acre feet. 4. Name(s) and address(es) of owner(s) or reputed owner(s) of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored. Existing Welton Reservoir, and the additional land area occupied by the proposed enlargement, is upon land owned by the Applicant. (4 pages)

21CW3229 EAST LARIMER COUNTY WATER DISTRICT (“ELCO”); 232 South Link Lane, Fort Collins, CO 80524; Telephone: (970) 493-2044. Please send correspondence and pleadings to: Bradley C. Grasmick and Ryan M. Donovan, Lawrence Custer Grasmick Jones & Donovan, LLP; 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534; Telephone: (970) 622-8181; Email: brad@lcwaterlaw.com; ryan@lcwaterlaw.com. **CONCERNING THE APPLICATION FOR CHANGE OF WATER RIGHTS, ALTERNATE POINTS OF DIVERSION, ALTERNATE PLACES OF STORAGE AND EXCHANGE, IN LARIMER AND WELD COUNTIES.** 2. Water rights to be changed. 9.5 shares of The Water Supply and Storage Company ("WSSC"), hereinafter the “Shares.” ELCO is not changing its pro-rata entitlement to the Jackson Ditch Company shares owned by WSSC in this Application. 3. Previous decrees. 3.1. The Decreed Water Rights of WSSC are as follows:

Name	Amount	Source	Location Sec Twn Rge	Appropriation Date	Adjudication Date	Judicial Proceeding
Direct-Flow (Dist. 3)						
Larimer County Canal	10.76 cfs	CLP ¹	SW SE SW 13-8N- 70W	1862/03/01	1882/04/11	Case 320 Transfer (1423 TT)

¹ Cache la Poudre River

Name	Amount	Source	Location Sec Twn Rge	Appropriation Date	Adjudication Date	Judicial Proceeding
Larimer County Canal	13.89 cfs	CLP	SW SE SW 13-8N- 70W	1864/09/15	1882/04/11	Case 320 Original (1423 TT)
Larimer County Canal	2.00 cfs	CLP	SW SE SW 13-8N- 70W	1868/03/15	1882/04/11	Case 320 Original (2406 TT)
Larimer County Canal	2.67 cfs	CLP	SW SE SW 13-8N- 70W	1868/03/15	1882/04/11	Case 320 Original (2818 TT)
Larimer County Canal	4.00 cfs	CLP	SW SE SW 13-8N- 70W	1873/03/20	1882/04/11	Case 320 Original (2406 TT)
Larimer County Canal (Henry Smith)	7.23 cfs	CLP	SW SE SW 13-8N- 70W	1878/04/01	1882/04/11	Case 320 Original
Larimer County Canal	463.00 cfs	CLP	SW SE SW 13-8N- 70W	1881/04/25	1882/04/11	Case 320 Original
Larimer County Canal	246.45 cfs	CLP	SW SE SW 13-8N- 70W	1914/09/28	1945/12/18	Case 5362 (84CW204) Supp.
Storage (Dist. 3)						
Chambers Lake Reservoir	3080.0 af	Joe Wright Crk, Fall River Crk, Trap Crk	NE NE SE 6-7N- 75W	1882/07/12	1886/10/12	Case 320 Original
WSSC Res. No. 2,3	689.0 af	CLP	NE SE SW 14-8N- 69W	1882/10/01	1904/12/09	Case 1591 Original
WSSC Res. No. 4	574.0 af	WSSC Res No. 2,3	SE NE SW 23- 8N-69W	1882/10/01	1904/12/09	Case 1591 Original
WSSC Res. No. 1 (Rocky Ridge)	4,726.0 af	CLP	SW SE SW 11-8N- 69W	1891/09/01	1904/12/09	Case 1591 Original
WSSC Res. No. 5	4,037.0 af	CLP	SW SE NW	1891/09/01	1904/12/09	Case 1591 Original

Name	Amount	Source	Location Sec Twn Rge	Appropriation Date	Adjudication Date	Judicial Proceeding
(Long Pond)			31-8N- 68W			
Lindenmeier Lake	608.0 af	Long Pond Res.	SW NW NE 6-7N- 68W	1892/02/16	1904/12/09	Case 1591 Original
WSSC Res. No. 4	310.0 af	Long Pond Res.	23-8N- 69W	1892/02/16	1904/12/09	Case 1591 (W-7821- 74) Original
WSSC Res. No. 4	422.0 af	WSSC Res. #2 & #3	SE NE SW 23-8N- 69W	1900/12/12	1904/12/09	Case 1591 Original
Black Hollow Res.	6,428.0 af	CLP	SE SE SE 34-8N- 67W	1906/02/20	1922/04/22	Case 2031 Supp.
Chambers Lake Reservoir	3,577.0 af	Joe Wright Crk. Fall River Crk. & Trap Creek	NE NE SE 6-7N- 75W	1910/05/28	1922/04/22	Case 2031 Supp.
Kliver Res.	1,562.0 af	CLP	SW NE NW 23-8N- 69W	1911/05/01	1945/12/18	Case 5362 Supp.
Black Hollow Res.	2,158.0 af	CLP	SE SE SE 34-8N- 67W	1918/10/05	1945/12/18	Case 5362 Supp.
Long Draw Res.	4,201.0 af	Long Draw Crk.	NE NW SE 11-6N- 75W	1922/06/05	1945/12/18	Case 5362 Supp.

Chambers Lake Reservoir	2,197.0 af	Joe Wright Crk. Fall River Crk. & Trap Creek	NE NE SE 6-7N- 75W	1922/12/03	1945/12/18	Case 5362 Supp.
WSSC Res. No. 2, 3	3,615.0 af	CLP	NE SE SW 14-8N- 69W	1943/10/04	1953/09/10	Case 11217 Supp.

WSSC Res. No. 2, 3	445.9 af	CLP	NE SE SW 14-8N-69W	1943/10/04	1953/09/10	Case 11217 (W-112-74) Supp.
WSSC Res. No. 2, 3	138.0 af	CLP	NE SE SW 14-8N-69W	1943/10/04	1977/12/31	W-112-77 Supp.
Long Draw Res.	6,600.0 af	CLP	NE NW SE 11-6N-75W	1965/08/31	1977/12/31	W-9322-78 (83CW126) Supp.
Trap Lake II	3,800.0 af	Trap Creek	NW NW SW 21-7N-75W	1982/06/16	1982/12/31	82CW289 Supp. – Cond.

Transbasin

Chambers Lake Reservoir	11,478.0 af	Big Laramie River	6-7N-75W	1891/08/07	1896/10/30	Case 1247 Original
Laramie River Ditch (Skyline Ditch) ²	300.00 cfs	West Branch Laramie River	NE NE SW 14-8N-76W	1891/08/07	1896/10/30	Case 1247 84CW204 Supp.
Cameron Pass Ditch	10.0 cfs	Michigan River	SE 2-6N-76W	1882/07/30	1902/04/23	Case 1519 Original
Cameron Pass Ditch	18.0 cfs	Michigan River	NW SE 2-7N-76W	1898/07/07	1902/04/23	Case 1519 Original

Grand River Ditch Alternate Point	524.6 cfs	Colorado River	NE SW NW 21-6N-75W NW NE NW 28-5N-76W NW NE SE 29-6N-75W	1890/09/01	1906/08/11	Case 112 Original
Laramie River Tunnel ²	300.0 cfs	Big Laramie River	NE SW 7-8N-75W	1902/08/25	1914/02/20	Case 2725 Case 5993 84CW204 Supp.

² Indicates partial ownership

Rawah Ditch ²	225.0 cfs	Rawah Creek	NE NE SW 32-9N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Rawah and Lower Supply Ditch ²	275.0 cfs	Rawah Creek	SE SE SW 14-9N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
McIntyre Ditch ²	40.0 cfs	McIntyre Creek	SE NE NE 31-9N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 1 ²	1050 af	Rawah Creek	SE 7-8N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 2 ²	1,400.0 af	Rawah Creek	SW 5-8N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993
Link Lake No. 3 ²	525.0 af	Rawah Creek	NW 5-8N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993
Link Lake No. 4 ²	592.0 af	Rawah Creek	SW 32-9N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 5 ²	700.0 af	Rawah Creek	NE 5-8N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993

Link Lake No. 6 ²	300.0 af	Rawah Creek	SW 32-9N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993
Link Lake No. 7 ²	440.0 af	Rawah Creek	NE 5-8N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993
Link Lake No. 8 ²	2,000.0 af	Rawah Creek	SW 4-8N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 9 ²	574.0 af	Rawah Creek	NE 6-8N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 10 ²	425.0 af	McIntyre Creek	NE 31-9N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 11 ²	1,148.0 af	McIntyre Creek	SW 31-9N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 12 ²	138.0 af	Rawah Creek	NW 4-8N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.

Link Lake No. 13 ²	597.0 af	Rawah Creek	NE 29-9N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 14 ²	597.0 af	Spring Creek	NE 29-9N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Laramie Lake	340.0 af	Drainage	SE NW 32-8N-75W	1890/07/01	1944/09/11	Case 5993 Supp.
Lost Lake	288.0 af	Drainage	SW SE 31-8N-75W	1890/07/02	1944/09/11	Case 5993 Supp.
Lily Lake	178.0 af	Drainage	SE NW 29-8N-78W	1912/07/01	1944/09/11	Case 5993 Supp.
<u>Seepage</u>						
Lind Reservoir ²	54.9 af	Seepage	SE NE SE 35-8N-68W	1881/04/21	1972/12/31	W-1748 W-1877 Supp.
WSSC Seepage A	2.0 cfs	Seepage	NE NE NW 20-8N-69W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage B	2.0 cfs	Seepage	SE SE SE 17-8N-69W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage 1	5.0 cfs	Seepage	SW NW SW 4-8N-69W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage 2	12.0 cfs	Seepage	SW NW NE 3-8N-69W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage 2a	4.0 cfs	Seepage	NW SW SE 17-8N-68W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage 2b	2.0 cfs	Seepage	NW SW SE 17-8N-68W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage 3	20.0 cfs	Seepage	NE SW NW 14-8N-68W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage 4	1.0 cfs	Seepage	NE NW SW 14-8N-68W	1881/04/21	1972/12/31	W-1877 Supp.

WSSC Seepage 6	2.0 cfs	Seepage	NW NW SW 31-8N- 67W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage 7	2.0 cfs	Seepage	NW SW SE 6-7N- 67W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage 7a	0.1 cfs	Seepage	SW NE SW 8-7N- 67W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage 7b	0.3 cfs	Seepage	SW SW SE 8-7N- 67W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage 7c	2.0 cfs	Seepage	NW NW SW 13-7N- 67W	1960/06/01	1972/12/31	W-1877 Supp.
WSSC Seepage 8	0.62 cfs	Seepage	NE SE SE 5-7N- 66W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage 9	1.0 cfs	Seepage	SE NE SE 5-7N- 66W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage 10	0.9 cfs	Seepage	SW NW SW 4-7N- 66W	1881/04/21	1972/12/31	W-1877 Supp.

4. Historical use. The Shares were historically used for irrigation on the following farms (see **Exhibit A**):

4.1. Boxberger Farm (3.0 Shares). Located in the SW 1/4 of Section 35 and the SE 1/2 of Section 34, Township 8 North, Range 68 West of the 6th P.M., Larimer County Colorado.

4.2. Heinze Farm (0.5 Shares). Located in the E 1/2 of the SW 1/4 of Section 17, Township 7 North, Range 66 West of the 6th P.M., Weld County Colorado.

4.3. Peterson Farm (0.5 Shares). Located in the E 1/2 of the SW 1/4 of Section 34, Township 8 North, Range 66 West of the 6th P.M., Weld County Colorado.

4.4. Systemwide (5.5 Shares). The historical use of the remaining 5.5 Shares is attributable to irrigation on more than one farm throughout the WSSC system, and the historical use analysis for these 5.5 Shares includes a system-wide water budget analysis.

5. Proposed changes. 5.1. Change in Point of Diversion. In addition to diverting at the currently decreed point of diversion, Applicant seeks approval to divert its proportional interest in the Shares at the following alternate points of diversion (APODs), subject to approval of the owners of the structures for use of the structures:

5.1.1. Munroe Gravity Canal (a.k.a. North Poudre Supply Canal), the headgate of which located on the east bank of the Cache La Poudre River in the SW1/4, NE1/4 of Section 5, Township 8 North, Range 70 West, of the 6th P.M., Larimer County, Colorado at a point whence the Southeast corner of Section 5 bears South 37°27'30" East 3,647.5 feet.

5.1.2. New Mercer Ditch, (Corrected) PLSS Legal Description decreed in Case No. 17CW3199. The surveyed point of diversion is in the NW 1/4 of Section 32, Township 8 North, Range 69 West of the 6th P.M., Larimer County, Colorado, 17 feet from the North Section line and 237 feet from the West Section Line.

5.1.3. Larimer County Canal

No. 2, (Corrected) PLSS Legal Description decreed in Case No. 17CW3198. The surveyed point of diversion is in the NW 1/4 of Section 32, Township 8 North, Range 69 West of the 6th P.M., Larimer County, Colorado, 17 feet from the North Section line and 237 feet from the West Section Line. 5.1.4. Overland Trail Diversion Structure, with a point of diversion located on the South side of the Cache la Poudre River at a point 2,400 feet West and 1,500 feet North of the Southeast corner of Section 33, Township 8 North, Range 69 West of the 6th P.M., Larimer County, Colorado. 5.1.5. The Arthur Ditch a/k/a the Arthur Irrigation Company Headgate, which is located on the south bank of the Cache la Poudre River in the SW/4 of Section 34, Township 8 North, Range 69 West of the 6th P.M., Larimer County, Colorado. 5.1.6. North Poudre No. 16 (a/k/a Halligan Reservoir), as the same may be enlarged, which is located on the North Fork of the Cache la Poudre River, upon portions of Sections 29, 32, 33 and 34, Township 11 North, Range 71 West of the 6th P.M., Larimer County, Colorado. 5.1.7. River Bluffs Reservoir Inlet, subject of the decree entered on February 21, 2021, in Case No. 19CW3059, which will be a North Inlet Pipe from the Cache la Poudre River in the SE 1/4 of the NE 1/4, or the NE 1/4 of the SE 1/4, of Section 11, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado. See **Exhibit B** and **Exhibit C** for a map depicting the locations above. 5.2. Change to include storage. The Shares may be stored prior to subsequent beneficial use in addition to the existing direct flow use. The Shares may be stored in any reservoir to which ELCO currently possess or may in the future acquire storage rights, including but not limited to: 5.2.1. Chambers Lake, located in portions of Sections 6 and 7, Township 7 North, Range 75 West, 6th P.M., and Section 31, Township 8 North, Range 75 West, 6th P.M., Larimer County. 5.2.2. Long Draw Reservoir, located in portions of Sections 10, 11, and 15, Township 6 North, Range 75 West, 6th P.M., Larimer County. 5.2.3. Black Hollow Reservoir, located in portions of Section 34, Township 8 North, Range 67 West, 6th P.M., and Section 3, Township 7 North, Range 67 West, 6th P.M., Weld County. 5.2.4. Curtis Lake, located in portions of Sections 16 and 17, Township 8 North, Range 69 West, 6th P.M., Larimer County. 5.2.5. Kluver Reservoir, located in portions of Sections 14, 15, 22, and 23, Township 8 North, Range 69 West, 6th P.M., Larimer County. 5.2.6. Lindenmeier Lake, located in portions of Section 31, Township 8 North, Range 68 West, 6th P.M., and Section 6, Township 7 North, Range 68, West, 6th P.M., Larimer County. 5.2.7. Richards Lake, located in portions of Section 30, Township 8 North, Range 68 West, 6th P.M., and Section 25, Township 8 North, Range 69, West, 6th P.M., Larimer County. 5.2.8. Water Supply and Storage Reservoir No. 1 (a.k.a. Rocky Ridge Reservoir), located in portions of Sections 10, 11, and 14, Township 8 North, Range 69 West, 6th P.M., Larimer County. 5.2.9. Water Supply and Storage Reservoir No. 3, located in portions of Sections 10, 11, 14, and 15, Township 8 North, Range 69 West, 6th P.M., Larimer County. 5.2.10. Water Supply and Storage Reservoir No. 4, located in portions of Sections 14 and 23, Township 8 North, Range 69 West, 6th P.M., Larimer County. 5.2.11. Water Supply and Storage Reservoir No. 5 (a.k.a. Long Pond), located in portions of Sections 25 and 36, Township 8 North, Range 69 West, 6th P.M., and Sections 30 and 31, Township 8 North, Range 68, West, 6th P.M., Larimer County. 5.2.12. The Overland Trail Reservoirs, subject of the decree entered on December 6, 2013 in Case No. 00CW251, which will be a series of hydraulically connected, lined gravel pits located in parts of the SE 1/4 of Section 32, the S 1/2 of Section 33, Township 8 North, Range 69 West, the N 1/2 of Section 4, and the E 1/2 of the NW 1/4, the SW 1/4 of the NE 1/4, and the NW 1/4 of the SE 1/4 of Section 3, Township 7 North, Range 69 West of the 6th P.M., Larimer County, Colorado. Water from the Shares may also be exchanged after storage in the Overland Trail Reservoirs pursuant to the exchange decreed in Case No. 00CW251. 5.2.13. Horsetooth Reservoir, located upon all or portions of Sections 5, 6 and 8, Township 6 North, Range 69 West, 6th P.M., and of Sections 6, 7, 18, 19, 20, 29, 30, 31 and 32, Township 7 North, Range 69 West, 6th P.M., and the SE 1/4 of Section 1, Township 7 North,

Range 70 West of the 6th P.M., Larimer County, Colorado. 5.2.14. North Poudre No. 16 (a/k/a Halligan Reservoir), as the same may be enlarged, which is located on the North Fork of the Cache la Poudre River, upon portions of Sections 29, 33 and 34, Township 11 North, Range 71 West, Larimer County, Colorado. 5.2.15. River Bluffs Reservoir, subject of the decree entered on February 21, 2021 in Case No. 19CW3059, which will be located in the N 1/2 of Section 13, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado. (Collectively, the "Reservoirs") All Reservoirs identified in ¶5.2.1 through ¶5.2.15 above, are located in Larimer County, Colorado or Weld County, Colorado. Other than Halligan Reservoir, ELCO either owns the Reservoirs or has agreements to store water in the Reservoirs. ELCO will not store the Shares in Halligan Reservoir unless it first obtains the right to use that structure from the appropriate persons or entities. ELCO reserves the right to carry over any stored water from year to year in the Reservoirs. See **Exhibit B** and **Exhibit C** for a map depicting the locations above. 5.3. Change in use. ELCO seeks to add the following uses to the previously decreed irrigation use for the Shares: all water district uses, either directly or following storage, including but not limited to irrigation, domestic, municipal, mechanical, industrial, commercial, manufacturing, fire protection, sewage treatment, watering of parks, lawns and grounds, recreation, fish culture, maintenance and preservation of wildlife, exchange, augmentation, replacement, adjustment and regulation of ELCO water system. ELCO claims the right to use, consume totally, reuse, make a succession of uses, and dispose of the consumable portion and transmountain portion of the Shares. 5.4. Change in place of use. The new uses of the Shares will be made by ELCO within its service area as the same may exist now or from time to time may be expanded to serve proximate areas and outside the same pursuant to agreements between ELCO and others who take delivery of water from ELCO's water system. 5.5. Exchanges. Applicant appropriated by Board Resolution on December 21, 2021, and seeks adjudication of the conditional exchanges described herein, subject to approval of the owners of the structures for use of the structures. The exchange reaches will be in the Cache La Poudre River and its tributaries between each of the points described in 5.5.1 and each of the points described in 5.5.2. An exchange matrix is attached hereto as **Exhibit D**. 5.5.1. Exchange From Locations. Applicant will release all or a portion of the shares for exchange at the places at the maximum rates of flow shown herein. Applicant may exchange from any of these locations individually or in combination to the Exchange To locations described in paragraph 5.5.2. 5.5.1.1. Chambers Lake, described in ¶5.2.1. 100 c.f.s. 5.5.1.2. Long Draw Reservoir, described in ¶5.2.2. 100 c.f.s. 5.5.1.3. Grand River Ditch, located in the SW 1/4 of the NW 1/4 of Section 21 Township 6 North, Range 75 West, 6th P.M., Grand County. 8.31 c.f.s. 5.5.1.4. Laramie-Poudre Tunnel, located in the NE 1/4 of the SW 1/4 of Section 7, Township 8 North, Range 75 West, 6th P.M., Larimer County. 4.09 c.f.s. 5.5.1.5. Laramie River Ditch (Skyline Ditch), located in the NE 1/4 of the SW 1/4 of Section 14, Township 8 North, Range 76 West, 6th P.M., Larimer County. 4.09 c.f.s. 5.5.1.6. Cameron Pass Ditch, located in the NW 1/4 of the SE 1/4 of Section 2, Township 6 North, Range 76 West, 6th P.M., Jackson County. 0.44 c.f.s. See **Exhibit B** for a map depicting the locations above. 5.5.2. Exchange To Locations. Applicant will divert water under the Exchanges at the places and rates of flow shown herein. 5.5.2.1. Chambers Lake, described in ¶5.2.1. Maximum Rate of Exchange from Long Draw Reservoir of 100 c.f.s. 5.5.2.2. Long Draw Reservoir, described in ¶5.2.2. Maximum Rate of Exchange from Chambers Lake of 100 c.f.s. 6. Diversions. ELCO will utilize the ditch wide determinations for WSSC as found in the Decree entered in Case No. 87CW332 and as was followed in subsequent WSSC decrees including ELCO's decrees in Case Nos. 03CW422 and 18CW3076. ELCO proposes to utilize the limits set forth in the 03CW422 and 18CW3076 decrees as the same may be updated to reflect river diversions since entry of those decrees. ELCO proposes to limit its future diversions at the APOD's APOS and/or its deliveries under the WSSC system to its pro-rata entitlement under the WSSC

water rights, excluding deliveries of Colorado Big Thompson Project Water (CBT) and Jackson Ditch Company water (JDC) owned by WSSC. Future diversions at the alternate points of diversion and alternate places of storage and deliveries within the WSSC system for the Shares shall be limited to an annual average of 82.2 acre-feet per year over any running 68-year period. 7. Dry up. ELCO has Dry-Up on approximately 194.55 total acres which have been identified as removed from irrigation under the WSSC System and shall be attributable to the Shares. ELCO intends to follow the dry up protocol as decreed in Case Nos. 03CW422 and 18CW3076. 8. Historical return flows. ELCO will replace historical return flows from the non-trans mountain diversions attributable to the Shares in time, location, and amount as necessary to prevent injury to other vested and conditional water rights senior to the date of this application with any water rights it has which are physically and legally available to ELCO. ELCO will replace return flows consistent with the methodology as decreed in Case Nos. 03CW422 and 18CW3076. The lands historically irrigated by the Shares are located in Sectors 1-5. The distribution of the lands irrigated with the Shares within Sectors 1-5 is representative of all of the land irrigated by the WSSC system in these five sectors. Because replacement obligations will be established for specific "sectors" or geographic areas of the WSSC system, and because ELCO is applying to transfer in this Application a representative sample of the Shares from their respective sectors, the replacement obligations established and decreed as a result of this Application will also constitute, as a rebuttable presumption, ELCO's replacement obligations with respect to these Shares. The return flows are hereby reappropriated, up to 180 af, by ELCO for diversion and use as previously stated in this application when those return flows are in priority. Name and Address of Owners of Structures or Land are as follows:

OWNER/LANDOWNER NAME AND ADDRESS	STRUCTURE
Northern Colorado Water Conservancy District 220 Water Avenue, Berthoud, CO 80513	Munroe Gravity Canal, Horsetooth Reservoir
North Poudre Irrigation Company P.O. Box 100, Wellington, CO 80549	Munroe Gravity Canal
United States Dept. of Interior Bureau of Reclamation Eastern Colorado Area Office 11056 W. County Road 18E Loveland, CO 80537-9711 - OR - P.O. Box 1190 Fort Collins, CO 80522	Horsetooth Reservoir
North Poudre Irrigation Company P.O. Box 100, Wellington, CO 80549 State of Colorado, Division of Wildlife 6060 Broadway Avenue, Denver, CO 80216 United States of America Bureau of Land Management General Delivery, Washington, DC 20090 Landowners' Association for Phantom Canyon Ranches, c/o Sandy Beardmore 1738 Bonny Drive, Loveland, CO 80538	North Poudre #16 a/k/a Halligan Reservoir

<p>Free Enterprises, Inc., c/o Lee Stark 1803 Garfield Avenue Loveland, CO 80537</p> <p>City of Fort Collins P.O. Box 580 Fort Collins, CO 80522</p> <p>The Gary C. and Mary J. Packard Revocable Trust 865 Three Corner Gate Road Livermore, CO 80536</p> <p>Meadow Creek Cabin Association, LLC c/o Sandy Beardmore 1738 Bonny Drive, Loveland, CO 80538</p>	
<p>New Mercer Ditch Company c/o Melissa Buick, Secretary 207 Windflower Way Severance, CO 80550</p> <p>Harry G and Michelle R Nequette 4009 Green Ridge Drive Laporte, CO 80535-9351</p> <p>James S Brinks Trust PO BOX 710 Laporte, CO 80535</p>	New Mercer Ditch
<p>Larimer County No. 2 Irrigation Co. c/o Melissa Buick, Secretary 207 Windflower Way Severance, CO 80550</p> <p>Harry G and Michelle R Nequette 4009 Green Ridge Drive Laporte, CO 80535-9351</p> <p>James S Brinks Trust PO BOX 710, Laporte, CO 80535</p>	Larimer County Canal No. 2
<p>Western Mobile Northern, Inc. P.O. Box 8040 Ft. Wayne, IN 46898-8040</p> <p>William O and Paulette M Seaworth 2305 N Taft Hill Rd. Ft. Collins, CO 80524</p> <p>KCH Riverview Trust Dated October 10, 2019 1429 Taft Hill Road Fort Collins, CO 80521</p>	Overland Trail Diversion Structure, Overland Trail Reservoirs

<p>City of Greeley 1100 10th Street, 3rd Floor Greeley, CO 80631</p> <p>Fort Collins – Loveland Water District 5150 Snead Drive Fort Collins, CO 80525</p> <p>North Weld County Water District 32825 WCR 39, P.O. Box 56 Lucerne, CO 80646</p> <p>East Larimer County Water District, 232 South Link Lane, Fort Collins, CO 80524</p>	
<p>Water Supply and Storage Company P.O. Box 1584, Fort Collins, CO 80522</p>	<p>Chambers Lake, Long Draw Reservoir, Black Hollow Reservoir, Curtis Lake, Kluver Reservoir, Lindenmeier Lake, Richards Lake, WSSC Reservoir No. 1, WSSC Reservoir No. 3, WSSC Reservoir No. 4, WSSC Reservoir No. 5, Grand River Ditch, Laramie-Poudre Tunnel, Skyline Ditch, Cameron Pass Ditch</p>
<p>United States of America Arapaho/Roosevelt National Forest 2150 Centre Ave E Ft. Collins, CO 80526</p>	<p>Chambers Lake, Laramie-Poudre Tunnel, Skyline Ditch, Cameron Pass Ditch</p>
<p>United States of America USDI, National Park Service – RMNP PO BOX 25287 Denver, CO 80225-0287</p>	<p>Long Draw Reservoir, Grand River Ditch</p>
<p>Burd Ranch LLC c/o Richard E. Burd 1190 Grayhawk Road Eaton, CO 80615-9009</p> <p>Diana Frances Varra and Thomas Edward Varra 9080 County Road 102 Nunn, CO 80648-9711</p>	<p>Black Hollow Reservoir</p>
<p>Lindenwood Homeowners' Association, Inc. 22 Forest Hills Ln Ft. Collins, CO 80524</p> <p>Lindenmeier Homeowners' Association 3424 Stanford Road Fort Collins, CO 80525</p>	<p>Lindenmeier Lake</p>

<p>Martin Marietta Materials, Inc. 1800 N Taft Hill Road Ft. Collins, CO 80521</p> <p>Martin Marietta Materials, Inc. P.O. Box 8040 Fort Wayne, IN 46898-8040</p>	<p>Overland Trail Reservoirs</p>
<p>Arthur Irrigation Company c/o Melissa Buick, Secretary 207 Windflower Way Severance, CO 80550</p> <p>Martin Marietta Materials, Inc. 1800 N Taft Hill Road Ft. Collins, CO 80521</p> <p>Martin Marietta Materials, Inc. P.O. Box 8040 Fort Wayne, IN 46898-8040</p>	<p>The Arthur Ditch a/k/a Arthur Irrigation Company Headgate</p>
<p>River Bluffs Ventures, LLC 1927 Wilmington Drive, Suite 101 Fort Collins, CO 80528</p> <p>Steamboat Partners Investments, LLC 1927 Wilmington Drive, Unit 101 Fort Collins, CO 80528</p> <p>John D. and Brenda K. Graves 6324 South County Rd 3 Fort Collins, CO 80528</p>	<p>River Bluffs Reservoir</p>

The original format of this application is 18 pages in length plus 4 exhibits.

21CW3230 ORPHAN WELLS OF WIGGINS, LLC (“OWW”), P.O. Box 37, Wiggins, CO 80654, 970-483-7838. **APPLICATION TO ADD WELLS TO PLAN FOR AUGMETATION OF ORPHAN WELLS OF WIGGINS, LLC, IN MORGAN COUNTY** Ryan Donovan and Rebecca Spence, Lawrence Custer Grasmick Jones & Donovan, LLP 5245 Ronald Reagan Blvd, Ste 1, Johnstown, CO 80534 (970)622-8181 ryan@lcwaterlaw.com; rebecca@lcwaterlaw.com 2. Summary of Application: OWW operates an augmentation plan decreed in Case No. 15CW3182 (referred to in this Application as the “15CW3182 Decree” or “OWW Augmentation Plan”). OWW seeks to add three wells (“Wells”) to the OWW Augmentation Plan pursuant to Paragraph 16 of the 15CW3182 Decree. 3. Description of Wells to be added to OWW Augmentation Plan: 3.1. Cornerstone Well (Beauprez Well 2-14183). 3.1.1. Permit No.: 14183-R-R. 3.1.2. WDID: 0105648. 3.1.2. Related Decree(s): W-0958 (listed as Beauprez Well No. 2-697 in the decree entered in Case No. W-0958). 3.1.3. Decreed Location: NE 1/4 of NE 1/4 of Section 2, Township 3 North, Range 60 West of the 6th P.M. in Morgan County, Colorado. 3.1.4. Date of Appropriation: 5/31/1939. 3.1.5. Source of Water: Groundwater tributary to the South Platte River. 3.1.6. Amount: 2.28 c.f.s. 3.1.7. Decreed Use: Irrigation. 3.1.8. Place of Use: 160 acres in the NE1/4 of Section 2, Township 3 North, Range 60 West of the 6th P.M. and 160 acres in the SE1/4 of Section 35, Township 4 North, Range 60 West of the 6th P.M. all in Morgan County Colorado. 3.2. Kaufman Well (Bruntz Well No. 11680-R). 3.2.1. Permit No.: 11680-R-R. 3.2.2. WDID: 0105874. 3.2.2. Related Decree(s): W-8178-

76. 3.2.3. Decreed Location: SE1/4 of the NW1/4 of Section 26, Township 4 North, Range 60 West of the 6th P.M. in Morgan County Colorado at a point 1,338 feet South and 1,338 feet East of the NW Corner of said Section 26. 3.2.4. Date of Appropriation: 6/30/1946. 3.2.5. Source of Water: Groundwater tributary to the South Platte River. 3.2.6. Amount: 2.674 c.f.s. 3.2.7. Decreed Use: Irrigation. 3.2.8. Place of Use: 150 acres in the NW1/4 of Section 26, Township 4 North, Range 60 West of the 6th P.M. in Morgan County, Colorado. 3.3. Pope Well (Pope Well 1-6321). 3.3.1. Permit No.: 6321-R. 3.3.2. WDID: 0108013. 3.3.2. Related Decree(s): W-1426, 81CW0042. 3.3.3. Decreed Location: SW1/4 of the SW1/4 of Section 27, Township 4 North, Range 60 West of the 6th P.M. in Morgan County Colorado at a point 1,338 feet South and 1,338 feet East of the NW Corner of said Section 26. 3.3.4. Date of Appropriation: 7/10/1938. 3.3.5. Source of Water: Groundwater tributary to the South Platte River. 3.3.6. Amount: 3.186 c.f.s. 3.3.7. Decreed Use: Irrigation. 3.3.8. Places of Use: 3.3.8.1. W-1426: Approximately 240 acres in the NW1/4 and W1/2 of the SW1/4 in Section 27, Township 4 North, Range 60 West of the 6th P.M. in Morgan County, Colorado. 3.3.8.2. 81CW0042: 80 acres in the E1/2SW1/4 in Section 27, Township 4 North, Range 60 West of the 6th P.M. in Morgan County, Colorado. 4. Proposed Terms and Conditions regarding the addition of the Wells to the OWW Augmentation Plan: 4.1. Replacement of Depletions from the Wells: Depletions from the Wells will be calculated daily and will occur to the South Platte River in the reaches described in the 15CW3182 Decree as follows: Cornerstone Well – Reaches 2 and 3; Kaufman Well – Reaches 2 and 3; and Pope Well – Reaches 1, 2, and 3. OWW will replace all out-of-priority depletions on a daily basis in accordance with the requirements of the 15CW3182 Decree. 4.2. Consumptive Use: Sprinkler irrigation will be considered 80% consumptive, flood irrigation will be considered 60% consumptive, and drip irrigation will be considered 100% consumptive. 4.3. Timing of Depletions: The timing of depletions from operating the Wells is proposed to be calculated according to the same methodology for the other wells included in the OWW Augmentation Plan. 4.4. Augmentation sources included in the 15CW3182 Decree will be used to replace out-of-priority depletions to the South Platte River from the use of the Wells, including out-of-priority post-pumping depletions, to the extent necessary to prevent injury to other water rights. The OWW Augmentation Plan will replace out-of-priority depletions from past pumping by the Wells that are not to be replaced pursuant to another plan for augmentation. Replacement of out-of-priority depletions is proposed to be made according to the terms and conditions and at locations approved in the 15CW3182 Decree. Pumping will be limited so depletions do not exceed the available augmentation supply. OWW proposes to measure the amount of water produced from the Wells for irrigation pursuant to the OWW Augmentation Plan. 4.5. The addition of the Wells as augmented structures under the OWW Augmentation Plan will not cause any injurious effect to the owner or user of any vested water rights or decreed conditional water rights. 4.6. Accounting: Accounting for the operation of the Wells shall be in accordance with the terms of the 15CW3182 Decree and shall be incorporated into the accounting forms used for the OWW Augmentation Plan. 5. Names and Addresses of Owners of Lands on Which Structures are located: 5.1. Cornerstone Farms, LLC, 4647 County Road Q, Wiggins, CO 80654. 5.2. Lance and Barbara Kauffman, 3998 County Road U, Wiggins, CO 80654. 5.3. Susan Pope, 3097 County Road T, Wiggins, CO 80654. This Application consists of 6 pages.

21CW3231 COLORADO DIVISION OF PARKS AND WILDLIFE AND THE PARKS AND WILDLIFE COMMISSION, 6060 Broadway, Denver, CO 80216 (Please address all correspondence and inquiries regarding this matter to Elizabeth Joyce 720-508-6761 and Tarn Udall 720-508-6266, Office of the Attorney General, 1300 Broadway, 7th Floor, Denver, CO 80203.) **APPLICATION FOR CONDITIONAL WATER RIGHT IN LARIMER COUNTY, COLORADO.** **1. Name, mailing address, e-mail address, and telephone number of Applicant:** Colorado Division of Parks and Wildlife (“CPW”), Attn: Ed Perkins, Water Rights Administrator, 6060 Broadway, Denver, Colorado 80216, 303-291-7466; ed.perkins@state.co.us. **2. Claim for Surface Water Right:** A. Name of Structures: Elliot Diversion 1. B. Location of Structure: i. Legal Description: In the SW 1/4 of Section 17, Township 10 North, Range 71 West of the 6th P.M. in Larimer County, located 1,546 ft from the West section line and

1,005 ft from the South Section line. Estimated from mapping software. ii. UTM Coordinates: Easting 468102.99, Northing 4520010.08, Zone 13. C. Source: Middle Fork Rabbit Creek, tributary to the Poudre River. D. Appropriation Date: December 29, 2021. i. How appropriation initiated: Staff investigations to determine location of diversion point and acreage to be irrigated to benefit wildlife, formation of intent to appropriate water, and the filing of this Application. ii. Date applied to beneficial use: N/A. E. Amount: 5 cfs, CONDITIONAL. F. Uses: irrigation; creation and maintenance of wildlife habitat on irrigated land. i. Description of Irrigation: a. Proposed to be irrigated: approximately 40 acres. b. Legal description of irrigated acreage: Irrigation will occur in the south 1/2 of Section 17 and the north 1/2 of Section 20, Township 10 North, Range 71 West of the 6th P.M. in Larimer County, as approximately shown on **Exhibit A**. 3. **Name of owners of land upon which structures are located**: Applicant. WHEREFORE, CPW respectfully requests this Court enter a decree adjudicating the water right as described herein, and for such other relief as this Court deems just and proper. Application is 2 pages.

21CW3232 APPLICATION FOR APPROVAL OF ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINT OF DIVERSION PURSUANT TO § 37-92-305(3.6), C.R.S. IN WELD COUNTY. 1. Name, mailing address, email address, and telephone number of Applicant: Magness Land Holdings, LLC, Attn: Matt Gallaher, 4643 S. Ulster Street, Suite 1400, Denver, CO 80237, c/o William H. Caile, Esq., Hayley K. Siltanen, Esq., Holland & Hart LLP, 555 17th St., Ste. 3200, Denver, CO 80202-3921, (303) 295-8000, whcaile@hollandhart.com, hksiltanen@hollandhart.com. 2. Decreed water right for which correction is sought: Hansen Well No. 8953-F. a. Previous decree(s): i. Original decree: dated April 9, 1973 in Case No. W-2112, Water Division 1. ii. Subsequent decree(s): none. b. Legal description of structure as described in most recent decree that adjudicated the location: located in the SE1/4 of the SE1/4, Section 25, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado, at a point 380' N and 20' W of the SE section corner, said Section 25. The decreed location is shown on the map attached to the Application as Exhibit A. c. Decreed source: Groundwater. d. Appropriation date: June 29, 1958. e. Decreed amount: 2.22 c.f.s., absolute. f. Use: Irrigation of 305 acres located in the S1/2 of Sec. 25, T. 3 N., R. 67 W. of the 6th P.M., Weld County, Colorado. 3. Detailed description of proposed correction to an established but erroneously described point of diversion: a. Complete statement of correction to an established but erroneously described point of diversion, including whether it is erroneously described. See §§ 37-92-305(3.6)(a) & (b), C.R.S.: This Application seeks to correct the erroneous legal description for Hansen Well No. 8953-F set forth in the decree entered in Case No. W-2112 to match the actual location of the well since it was constructed in 1958. To the best of Applicant's knowledge, the well has not been moved since its original construction. b. Legal description of the corrected point of diversion: located in the SE1/4 of the SE1/4, Section 25, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado, at a point 875' N and 20' W of the SE section corner, said Section 25. The corrected point of diversion is shown on the map attached to the Application as Exhibit A. 4. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Applicant. [5 pages incl. exhibit]

21CW3233 APPLICATION TO AMEND EXISTING DECREE in ARAPAHOE COUNTY, COLORADO 1. Name, Address and Telephone Number of Applicant. Tracy Ellis, P.O. Box 71, Watkins, CO 80137, (720) 383-2619. Please direct all pleadings to: Alan E. Curtis, Virginia M. Sciabbarrasi, White & Jankowski LLC. 1333 West 120th Avenue, Suite 302, Westminster, CO 80234, (303) 595-9441, alanc@white-jankowski.com, virginias@white-jankowski.com. 2. Subject Property. Approximately 19.35 acres of land being Lot 1, Block 2, Fritzlers Subdivision, Filing 1, and generally located in the NW¼ of Section 20, T4S, R64W of the 6th P.M., as shown on Attachment A (Subject Property). Applicant is the sole owner of the Subject Property. 3. Decree for Which Amendment is Sought. The November 17, 2004 Decree in Case No. 2003CW180, Water Division 1 (Case No. 03CW180), which adjudicated groundwater in the Denver, Upper Arapahoe, Lower Arapahoe, and Laramie-Fox Hills aquifers underlying the Subject

Property (03CW180 Decree). No objections were filed to the application in Case No. 03CW180. Following entry of the 03CW180 Decree, Kenneth and Joann Ellis passed away. Tracy Ellis (Ms. Ellis) is the only remaining original applicant. 4. Jurisdiction. The Court has subject matter jurisdiction over the application under C.R.S. §§ 37-90-137(6) and 37-92-203(1). 5. Requested Change to 03CW180 Decree. Ms. Ellis requests that determinations regarding 6.1 acre-feet of not nontributary Denver Aquifer groundwater (Denver Aquifer Groundwater) be vacated from the 03CW181 Decree so she can withdraw the Denver Aquifer Groundwater under a well permit or well permits issued by the State Engineer. The right to use not nontributary groundwater can be vested either through a well permit or through Water Court adjudication. *See Bayou Land Co. v. Talley*, 924 P.2d 136, 149 (Colo. 1996). No other changes to the 03CW180 Decree are requested. 6. Request for Approval of Amendment. Ms. Ellis requests the Court: (i) approve the requested amendment to the 03CW180 Decree; (ii) find Ms. Ellis has complied with C.R.S. § 37-90-137(4); (iii) find the requested amendment to the 03CW180 Decree will not result in material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right; and (iv) grant such other and further relief as is appropriate. (3 pages, 1 Exhibit)

21CW3234 ARAPAHOE COUNTY WATER AND WASTEWATER AUTHORITY (“ACWWA”); c/o Steven Witter, General Manager; 13031 East Caley Avenue Centennial, Colorado 80111; Telephone: (303) 790-4830. **UNITED WATER AND SANITATION DISTRICT (“UNITED”);** c/o Robert A. Lembke, President; 8301 East Prentice Avenue, Suite 100; Greenwood Village, Colorado 80111; Telephone: (303) 773-1005. The above-listed parties shall be collectively referred to as the “Applicants.” **APPLICATION TO ADD RECHARGE POND TO ACWWA BEEBE DRAW RECHARGE PROJECT in ADAMS, ARAPAHOE, DENVER, LARIMER, MORGAN, AND WELD COUNTIES.**

Please send all pleadings and correspondence to: Brian M. Nazareus, Esq., Sheela S. Stack, Esq., William D. Wombacher, Esq., Stacy L. Brownhill, Esq., NAZAREUS STACK & WOMBACHER, LLC, 5299 DTC Blvd, Suite 610, Greenwood Village, Colorado 80111, (Attorneys for ACWWA). Tod J. Smith, Esq., LAW OFFICE OF TOD J. SMITH, LLC 5777 Central Avenue, Suite 228, Boulder, CO 80301 (Attorney for United).

2. Introduction. ACWWA operates a recharge project in the Beebe Draw decreed in Case No. 10CW306 (“306 Decree”) to recharge water into the Beebe Draw groundwater alluvium through various canals and recharge ponds. By this Application, ACWWA seeks approval to add one new recharge facility, the A2 Pond, to the ACWWA Beebe Draw Recharge Project under the 306 Decree (“ACWWA Beebe Draw Recharge Project”). **3. Claim to Add New Recharge Pond to the ACWWA Beebe Draw Recharge Project.** 3.1. The location of the new recharge pond: The A2 Pond is located northeast of the intersection of State Highway 7 and US Highway 76, in the SE 1/4 of the NW 1/4 of Section 1, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado. 3.2. The total capacity of the A2 Pond: 10.57 acre-feet. 3.3. A copy of a diagram depicting the location and design of the A2 Pond: *See Exhibit A*. 3.4. The maximum number of surface acres associated with delivery of water into the A2 Pond: 1.75 acres. 3.5. The relationship between the depth of the water in the A2 Pond, the water surface area, and the volume of water in the A2 Pond (stage-area-capacity curve): *See Figure 1 and Table 1*. 3.6. The A2 Recharge Pond does not intercept groundwater: The clay layer will be removed from the A2 Pond and will be replaced with gravel, as described above, so that the recharged water will permeate into the aquifer. However, groundwater will not be “intercepted” by the Pond. Groundwater will remain below the bottom of the Pond and does not enter or fill the Pond, thereby exposing it to the atmosphere. As a result, the operation of the Pond does not induce any measurable depletion from the natural groundwater, and there will not be any increase in consumptive use of groundwater due to evaporation from the water table. 3.7. The URF values which Applicants proposes to use to determine the amount and timing of increased or new accretions to the South Platte River or a tributary or drain to river: The timing of the recharge accretions from the A2 Pond to the Beebe Draw and the South Platte River shall be calculated using the URFs for the A2 Pond in **Exhibit B**. 3.8. Sources: ACWWA will deliver the sources of water identified in **Exhibit C** for recharge in the A2 Pond. 4. Name and Address of the Fee Owner of the Land on which the A2 Pond is Located. Co-Applicant United is the fee owner of the land on which the A2 Pond is located. (5 pages, 3 exhibits, 1 table, 1 figure).

21CW3235 (1991CW125 AND 2010CW133); CITY OF CENTRAL, COLORADO, c/o Daniel Miera, City Manager, 141 Nevada Street, Central City, CO 80427, (303) 582-5251. Please direct all pleadings to Andrea L. Benson, Esq. and Gilbert Y. Marchand, Jr., Esq., Alperstein & Covell, P.C., 1391 Speer Blvd., Suite 730, Denver, CO 80204, Phone: (303) 894-8191, Fax: (303) 861-0420, emails: alb@alpersteincovell.com and gym@alpersteincovell.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE WATER RIGHT ABSOLUTE IN GILPIN, CLEAR CREEK, JEFFERSON, ADAMS, AND WELD COUNTIES**. Names of Structures: Central City Pipeline, North Clear Creek Pumping Pipeline and Chase Gulch Reservoir and Enlargement. Previous Decrees: Case No. 91CW125, Water Division 1, by decree dated May 20, 2004: Description of Water Rights: Central City Pipeline (Existing) Legal description of points of diversion: The Central City Pipeline begins in Section 30, Township 2 South, Range 73 West, and traverses generally in a Southeasterly direction to the applicant's water treatment facility. Water is diverted into the pipeline at the following points of diversion: Miner's Gulch diversion facility located in the SE 1/4 of the SW 1/4 of Section 30, Township 2 South, Range 72 West of the 6th P.M., Gilpin County, Colorado, at a point approximately 1,700 feet from the West section line and 400 feet from the South section line of said Section 30. Broomfield Gulch diversion facility located in the NE 1/4 of the NE 1/4 of Section 31, Township 2 South, Range 73 West of the 6th P.M., Gilpin County, Colorado, at a point approximately 200 feet from the East section line and 60 feet from the North section line of said Section 31. Peck's Gulch diversion facility located in the NE 1/4 of the NW 1/4 of Section 5, Township 3 South, Range 73 West of the 6th P.M., Gilpin County, Colorado at a point approximately 2,100 feet from the West section line and 100 feet from the North section line of said Section 5. Source: The diversion facilities are located on Miner's Gulch, Broomfield Gulch and Peck's Gulch, respectively each of which is a tributary of North Clear Creek. Date of appropriation: December 31, 1991. Amounts decreed:

Point of Diversion	Amounts Decreed Absolute (c.f.s.)	Amounts Decreed Conditional (c.f.s.)	Total Amounts Decreed (c.f.s.)
Miner's Gulch	2.98	0.12	3.1
Peck's Gulch	0	3.1	3.1
Broomfield Gulch	0.445	0	0.445

North Clear Creek Pumping Pipeline (Proposed). Legal description: North Clear Creek Pumping Pipeline is to be located on the North bank of North Clear Creek at a point in the NW 1/4 of the SE 1/4 of Section 34, Township 2 South, Range 73 West of the 6th P.M., Gilpin County, Colorado at a point approximately 1,650 feet from the East section line and 1,630 feet from the South section line of said Section 34. Source: North Clear Creek a tributary to Clear Creek. Date of appropriation: December 31, 1991. Amount decreed: 10 cubic feet per second, **CONDITIONAL**. Chase Gulch Reservoir, Enlargement and Refills. Legal description of reservoir: Chase Gulch Reservoir is an existing reservoir located in the S 1/2 of the NW 1/4 and the N 1/2 of the SW 1/4 of Section 2 and the SE 1/4 of the NE 1/4 of Section 3, Township 3 South, Range 73 West of the 6th P.M., Gilpin County, Colorado with the dam axis intersecting Chase Gulch at a point approximately 2,200 feet from the West section line and 2,590 feet from the South section line of said Section 2. Source of water: The reservoir is an on-stream facility that intercepts the water tributary to Chase Gulch, a tributary of North Clear Creek. Water has also been stored in the reservoir through the Central City Pipeline from the sources and through the facilities described in paragraph 12 (A), above. In the future, applicant also plans to store water in the reservoir from North Clear Creek through the North Clear Creek Pumping Pipeline described in paragraph 12(B), above. Dates of appropriation: December 31, 1991 and December 31, 1992, as set out in Table 2, below. Amounts decreed:

Table 2. Amounts Deceered in Case No. 91CW125				
Name	Appropriation Date	Amounts Deceered Absolute (acre-feet)	Amounts Deceered Conditional (acre-feet)	Total Amounts Deceered (acre-feet)
Chase Gulch Reservoir	December 31, 1991	259	71	330
Chase Gulch Reservoir Refill	December 31, 1991	0	330	330
Chase Gulch Reservoir Enlargement	December 31, 1992	0	787	787
Chase Gulch Reservoir Enlargement Refill	December 31, 1992	0	787	787

Administration: The applicant is limited to storage in Chase Gulch Reservoir under the decree in Case No. 91CW125 and the decree in Case No. 96CW1032 to one fill and one refill from all North Clear Creek basin sources. Any amounts stored under the priorities awarded in Case No. 91CW125, as summarized in Table 2 above, shall be offset against the amounts stored in the same water year pursuant to the fill and refill priority for Chase Gulch Reservoir from the sources decreed in Case No. 96CW1032. Capacity: 1,117 acre-feet, no dead storage. Surface area of high water line: Approximately 34.9 acres. Maximum height of dam in feet: 103.5 feet. Length of dam in feet: 669 feet. Use of the water: The water rights decreed to all of the foregoing structures will be used for all municipal purposes, including domestic, industrial, commercial, fire protection, irrigation, stock watering, recreation, piscatorial and wildlife conservation within the present and future service area of the applicant. The water will also be used for exchange purposes, for replacement of diversions and/or depletions resulting from the use of water from other sources and other priorities from the same source and for augmentation purposes. The Water Court has decreed that applicant has the right to use and reuse to extinction, including use by augmentation and exchange in its plan for augmentation and exchange in Case No. 92CW168, all water lawfully diverted or impounded under the priorities adjudicated in Case No. 91CW125. Provide a detailed outline of what has been done toward completion or for completion of the appropriation as conditionally decreed, including expenditures, during the previous diligence period. Pursuant to Paragraph 37 of the Decree entered in 91CW125 and paragraph of the Decree entered in 10CW133, the Subject Water Rights are part of the City's integrated water supply system being planned and developed by the City. 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, the City has continued to improve, operate and maintain its water distribution system, of which the Subject Water rights are or will be a part. The City has spent \$3,678,000.00 in ongoing maintenance, operations, and capital repairs during the last diligence period in order to enable it to more efficiently and effectively provide water service to its existing and future customers. Those improvements include the design and construction of new diversion structures located at Peck's Gulch and Miners Gulch, and new measurement structures (meters) on Peck's Gulch, Miners Gulch, and Broomfield Gulch, described above. The City has also recently purchased new and improved meters that will be installed on these same structures in 2022. The City has also engaged an engineer for work on design, cost estimating, and grant sourcing for replacement of the Central City Pipeline structure in 2022, also described above. During the last diligence period, the City has defended its water rights against applications filed by others in cases where the City has determined that injury to its water rights could occur in the absence of appropriate terms and conditions. The City has also filed its own water court applications to maintain diligence or perfect conditional water rights and for administration of its existing water rights, all of which are part of the City's integrated water system, including the water rights awarded diligence in

Case Nos. 2016CW3114 (decreed May 4, 2017), 2019CW3102 (decreed November 25, 2019), and 2020CW3108 (decreed June 21, 2021). The City has expended approximately \$37,390.00 in attorney fees and costs as Applicant and/or Opposer in these water court applications. The City has spent \$424,738.00 in engineering fees related to the water court cases described above, and water rights accounting and other water resources related issues, including but not limited to responding to comments from the Division Engineer on its current accounting for water rights owned by the City that are part of its integrated water supply system. Claim to Make Absolute: During the last diligence period, the City has diverted the Peck's Gulch water right in priority and placed it to beneficial use as follows: Peck's Gulch (described above in paragraph 4(a) above). Date: Various dates, including specifically May 30, 2021. Amount: 3.1 cfs. The actual diversion rate on May 30, 2021 was 2290.4 GPM (5.1 cfs), but Peck's Gulch is decreed for a maximum of 3.1 cfs. On May 30, 2021, there was no call on Clear Creek or the South Platte and therefore the diversions were made in-priority under free river conditions. The City's Peck's Gulch data log reflecting the diversions on May 30, 2021, is attached as Exhibit A and a photo of the meter on that day is attached as Exhibit B. A copy of the Division of Water Resources' call data for that time period is attached as Exhibit C. Name 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: Applicant. WHEREFORE, Applicant City of Central, having demonstrated that it has diverted the Peck's Gulch water right in priority and placed it to beneficial use seeks an absolute decree in the amount of 3.1 cfs for said water right; and the City having demonstrated that it has steadily applied effort to complete the appropriation of the remaining conditional water rights in a reasonably expedient and efficient manner under all the facts and circumstances, respectfully requests this Court to find that it has exercised reasonable diligence in putting to beneficial use the conditional water rights, and to continue the conditional decree for another six years, or such period as may otherwise be permitted by law.

21CW3236, CITY OF BOULDER ("Boulder"), c/o Kim Hutton, P.E., Water Resources Manager, P.O. Box 791, Boulder, Colorado 80306-0791, Telephone: (303) 441-3200, email: huttonk@bouldercolorado.gov. Attorneys: Jessica L. Pault-Atiase, CITY OF BOULDER, COLORADO, OFFICE OF THE CITY ATTORNEY, P. O. Box 791, Boulder, Colorado 80306-0791, Telephone: (303) 441-3020, email: pault-atiasej@bouldercolorado.gov and Douglas M. Sinor, Esq., TROUT RALEY, 1120 Lincoln Street, Suite 1600, Denver, Colorado 80203, Telephone: (303) 861-1963, email: dsinor@troutlaw.com. **APPLICATION FOR APPROVAL OF CONDITIONAL WATER STORAGE RIGHTS AND CONDITIONAL APPROPRIATIVE RIGHTS OF SUBSTITUTION AND EXCHANGE, IN BOULDER COUNTY, COLORADO.** 1. Name, Mailing Address, Email Address and Telephone Number of Applicant: As above. 2. Introduction: By this application ("Application"), Boulder seeks approval of conditional water storage rights for Lake A, Goose Lake, Green Lakes Reservoir No. 1 and Green Lakes Reservoir No. 3, all on-stream high mountain reservoirs located within the City of Boulder municipal watershed. The conditional water storage rights claimed in this Application are in addition to existing decreed water storage rights for these high mountain reservoirs and will allow Boulder to store fully consumable municipal water in amounts consistent with the total capacity of each reservoir. For Lake Albion, Boulder plans to enlarge the total capacity of the reservoir as part of required dam safety improvements, and the conditional water storage right for municipal purposes claimed in this Application is based on the planned enlargement and raised height of the dam. For Goose Lake, Green Lakes Reservoir No. 1 and Green Lakes Reservoir No. 3, the existing decrees are for agricultural and municipal purposes in amounts less than the total capacity of each reservoir and the conditional water storage rights will allow Boulder to make full use of the total reservoir capacities for fully consumable municipal purposes. When electing to fill under the claimed conditional water storage rights, Boulder will paper-fill the senior right for each reservoir in the amount equal to such diversions to the extent the senior right has not been fully exercised that water year. In this Application, Boulder also seeks approval for conditional appropriative rights of substitution and exchange, whereby fully consumable water attributable to the conditional water storage rights made available at the Boulder Water Resources Recovery Facility Outfall or Release

Structures Nos. 1 through 6, will be exchanged back up Boulder Creek and its tributaries for diversion to storage or direct use by Boulder. Boulder does not seek to include municipal return flows from outdoor uses of the conditional water storage rights as sources of substitute water supply for the conditional appropriative rights of substitution and exchange claimed in this Application but expressly reserves its rights to use such water and seek exchange rights of return flows from outdoor uses in one or more future water court applications or administrative proceedings to approve the same for temporary use.

3. Description of Conditional Water Storage Rights:

a. Name of Reservoir: Lake Albion Enlargement

i. Legal Description: Lake Albion is located in Section 18, Township 1 North, Range 73 West, 6th P.M., Boulder County, as depicted on the map attached hereto as **Exhibit A**.

ii. Source: Albion Creek, a tributary to North Boulder Creek.

iii. Date of Appropriation: December 30, 2021, on which date there was a concurrence of intent to appropriate and overt acts in furtherance of such intent, including, without limitation, the filing date of this Application.

iv. Amount: 300 acre-feet, new conditional enlargement.

v. Structure Details:

1. Surface Area of High Water Line: The exact parameters of the enlarged reservoir will not be known until final design and construction is complete, but the current surface area of Lake Albion is approximately 36 acres.

2. Vertical Height of Main Enlarged Dam: The exact parameters of the enlarged reservoir will not be known until final design and construction is complete, but the current height of the dam is 36 feet.

3. Length of Dam: 780 feet.

vi. Total Capacity of Reservoir in Acre-Feet: The exact parameters of the enlarged storage structure will not be known until final design and construction is completed. The current capacity of Lake Albion is 1,111 acre feet.

b. Name of Reservoir: Goose Lake Reservoir

i. Legal Description: Goose Lake is located in Sections 19 and 30, Township 1 North, Range 73 West, 6th P.M., as depicted on the map attached hereto as **Exhibit A**.

ii. Source: South branch of North Boulder Creek.

iii. Date of Appropriation: December 30, 2021, on which date there was a concurrence of intent to appropriate and overt acts in furtherance of such intent, including, without limitation, the filing date of this Application.

iv. Amount: 198.5 acre-feet, conditional.

v. Structure Details:

1. Surface Area of High Water Line: Approximately 46 acres.

2. Vertical Height of Main Enlarged Dam: 31.7 feet.

3. Length of Dam: 425 feet.

vi. Total Capacity of Reservoir in Acre-Feet: 1,036 acre feet.

c. Name of Reservoir: Green Lakes Reservoir No. 1

i. Legal Description: Green Lakes Reservoir No. 1 is located in Section 18, Township 1 North, Range 73 West, 6th P.M., as depicted on the map attached hereto as **Exhibit A**.

ii. Source: Albion Creek, a tributary to North Boulder Creek.

iii. Date of Appropriation: December 30, 2021, on which date there was a concurrence of intent to appropriate and overt acts in furtherance of such intent, including, without limitation, the filing date of this Application.

iv. Amount: 183.3 acre-feet, conditional.

v. Structure Details:

1. Surface Area of High Water Line: Approximately 12 acres.

2. Vertical Height of Main Enlarged Dam: 24 feet.

3. Length of Dam: 270 feet.

vi. Total Capacity of Reservoir in Acre-Feet: 197.3 acre feet.

d. Name of Reservoir: Green Lakes Reservoir No. 3

i. Legal Description: Green Lakes Reservoir No. 3 is located in Section 18, Township 1 North, Range 73 West, 6th P.M., as depicted on the map attached hereto as **Exhibit A**.

ii. Source: Albion Creek, a tributary to North Boulder Creek.

iii. Date of Appropriation: December 30, 2021, on which date there was a concurrence of intent to appropriate and overt acts in furtherance of such intent, including, without limitation, the filing date of this Application.

iv. Amount: 336.2 acre-feet, conditional.

v. Structure Details:

1. Surface Area of High Water Line: Approximately 20 acres.

2. Vertical Height of Main Enlarged Dam: 28 feet.

3. Length of Dam: 315 feet.

vi. Total Capacity of Reservoir in Acre-Feet: 336.2 acre feet.

e. Uses: All municipal purposes, including, without limitation, domestic, storage, irrigation, commercial, industrial, power generation, fire protection, recreation, fish and wildlife preservation and propagation, exchange, substitution, augmentation, replacement and recharge, within the Boulder service area and outside the Boulder service area for such extra-territorial customers as Boulder may serve from time to time pursuant to City Charter and contracts.

i. Reuse and Successive Use: Boulder claims the right to make a fully consumptive first use of the water and to use, reuse and successively use and dispose of the water to extinction for the purposes described in this Application. Boulder has a specific plan and intent to divert, store or otherwise capture, possess and control a specific quantity of water for the specific beneficial uses described above, including reuse and successive use by exchange as claimed in this Application. Boulder will quantify return flows from municipal indoor use of the conditional water storage rights using the methodology decreed for Boulder in Case No. 15CW3047, District Court, Water Division 1, October 18,

2016. 4. Description of Conditional Substitutions and Exchanges: Pursuant to Sections 37-80-120, 37-83-104 and 37-92-302(1)(a), C.R.S., Boulder seeks adjudication of appropriative rights of substitution and exchange on Boulder Creek, South Boulder Creek, Middle Boulder Creek, and North Boulder Creek, whereby Boulder’s fully consumable water supplies attributable to the conditional water storage rights claimed herein will be delivered to Boulder Creek at the location of the Boulder Water Resources Recovery Facility Outfall or at the locations of Release Structures Nos. 1 through 6 to supply downstream appropriators, and an equivalent amount of water will be diverted from 1) South Boulder Creek into the Environmental Pool of an enlarged Gross Reservoir; 2) Middle Boulder Creek and its tributaries at Barker Meadow Reservoir, Boulder City Pipeline #3, and/or Skyscraper Reservoir; and 3) North Boulder Creek and its tributaries at Lakewood Pipeline, Silver Lake Pipeline, Silver Lake Reservoir, Island Lake, Goose Lake, Lake Albion, Green Lakes Reservoir No. 1, Green Lakes Reservoir No. 2, Green Lakes Reservoir No. 3, Green Lakes Reservoir No. 4 and/or Green Lakes Reservoir No. 5, for direct use or for storage for subsequent use by Boulder for the uses described below. a. Exchange Reaches: The lower termini of all exchanges are the Boulder Water Resources Recovery Facility Outfall and Release Structure No. 6 on Boulder Creek, as described more particularly below. i. South Boulder Creek Exchange. The upper terminus of the substitution and exchange reach on Boulder Creek/South Boulder Creek is the Environmental Pool of Gross Reservoir, as it will be enlarged. ii. Middle Boulder Creek Exchange. The upper termini of the substitution and exchange reach on Boulder Creek/Middle Boulder Creek is Skyscraper Reservoir. iii. North Boulder Creek Exchange. The upper termini of the substitution and exchange reach on Boulder Creek/North Boulder Creek are Goose Lake and Green Lakes Reservoir No. 5. iv. The individual exchange locations are described in more detail below. b. Exchange-From Locations (all in Boulder County, Colorado): i. Boulder Water Resources Recovery Facility Outfall: The Boulder Water Resources Recovery Facility (also known as the WRRF and Wastewater Treatment Facility) Outfall is located at or near the intersection of Boulder Creek and 75th Street, in the SW1/4 SW1/4 NE1/4, Section 13, Township 1 North, Range 70 West of the 6th P.M., at a point located approximately 2,500 feet from the north section line and 2,340 feet from the east section line of said Section 13. ii. Release Structures Nos. 1 through 6: Boulder will store and subsequently release water from Wittemyer Ponds or other reservoir(s) in lower Boulder Creek to Release Structures Nos.1 through 6 for delivery to Boulder Creek. The proposed locations for Release Structures Nos. 1 through 6 were decreed in Case No. 2016CW3160 and are described below.

<i>Release Structures</i>	LAT/LONG		UTM zone 13N	
	<i>x_coord</i>	<i>y_coord</i>	<i>Easting</i>	<i>Northing</i>
1	-105.0651006	40.0771491	494449.2934	4436322.102
2	-105.064295	40.077976	494518.0459	4436413.829
3	-105.0636228	40.079028	494575.4461	4436530.556
4	-105.0627924	40.0798545	494646.3112	4436622.235
5	-105.0577251	40.0868667	495078.8557	4437400.237
6	-105.0560561	40.0914679	495221.459	4437910.851

c. Exchange-To Location South Boulder Creek: i. Gross Reservoir Environmental Pool: Gross Reservoir is an on-stream reservoir that is proposed to be enlarged. The dam of Gross Reservoir is located in Tracts 48 and 49, Township 1 South, Range 71 West of the 6th Principal Meridian (where the north half (N1/2) of the southeast quarter (SE1/4) of Section 20 of Township 1 South, Range 71 West of the 6th Principal Meridian would be located by ordinary survey practices) and creates a reservoir covering parts of Tracts 47, 48, 49, 44, 45, 63, 107, 108, 109 and 110, the south half (S1/2) of the south half (S1/2) of Section 18, Section 19, Section 30, the south half (S1/2) of the northeast quarter (NE1/4) of Section 25 and the east half (E1/2) of the southeast quarter (SE1/4) of Section 24, all in Township 1 South, Range 71 West of the 6th Principal Meridian in Boulder County, Colorado. d. Exchange-To Locations Middle Boulder Creek (all in Boulder County, Colorado): i. Boulder City Pipeline #3: The pipeline intake from Barker Reservoir, located

at a point whence the northwest corner of Section 17, Township 1 South, Range 72 West, 6th P.M., bears North 16°04' West a distance of 1920± feet. ii. Barker Meadow Reservoir: Barker Meadow Reservoir is located on the mainstem of Middle Boulder Creek in the W 1/2 of Section 17 and in Section 18, Township 1 South, Range 72 West, of the 6th P.M. and in the E 1/2 of Section 13, Township 1 South, Range 73 West, of the 6th P.M. iii. Skyscraper Reservoir: Skyscraper Reservoir is located in the SW ¼ SE ¼, Section 16, Township 1 South, Range 74 West of the 6th P.M. e. Exchange-To Locations North Boulder Creek (all in Boulder County, Colorado) i. Lakewood Pipeline: The pipeline intake from Lakewood Reservoir, also known as Headgate No. 1 of the Boulder City Pipeline (Lakewood Pipeline) is located at a point whence the southeast corner of Section 1, Township 1 South, Range 73 West of the 6th P.M., bears South 3°15' East a distance of 2,300 feet. ii. Silver Lake Pipeline: Headgate No. 3 of the Boulder City Pipeline, located at a point whence the NW corner of Section 34, Township 1 North, Range 73 West of the 6th P.M., bears North 77°35' West a distance of 1076+ feet. iii. Silver Lake Reservoir: Silver Lake Reservoir is located in Sections 20, 21, 28 and 29 of Township 1 North, Range 73 West, 6th P.M. iv. Island Lake: Island Lake is located in Sections 20 and 29, Township 1 North, Range 73 West, 6th P.M. v. Goose Lake: Goose Lake is located in Section 19 and 30, Township 1 North, Range 73 West, 6th P.M. vi. Lake Albion: Lake Albion is located in Section 18, Township 1 North, Range 73 West, 6th P.M. vii. Green Lakes Reservoir No. 1: Green Lakes Reservoir No. 1 is located in Section 18, Township 1 North, Range 73 West, 6th P.M. viii. Green Lakes Reservoir No. 2: Green Lakes Reservoir No. 2 is located in Section 18, Township 1 North, Range 73 West, 6th P.M. ix. Green Lakes Reservoir No. 3: Green Lakes Reservoir No. 3 is located in Section 18, Township 1 North, Range 73 West, 6th P.M. x. Green Lakes Reservoir No. 4: Green Lakes Reservoir No. 4 is located in the Northwest Quarter of the Northwest Quarter of Section 18, Township 1 North, Range 73 West of the 6th P.M. and the North Half of the Northeast Quarter of Section 13, Township 1 North, Range 74 West of the 6th P.M. xi. Green Lakes Reservoir No. 5: Green Lakes Reservoir No. 5 is located in the Southeast Quarter of the Northwest Quarter and the North Half of the Southwest Quarter of Section 13, in Township 1 North of Range 74 West of the 6th P.M. A map showing the approximate locations of the above-described structures and the substitution and exchange reaches is attached to this Application as **Exhibit B**. An exchange matrix is also attached to this Application as **Exhibit C**. f. Water and Water Rights to be Used for Substitution and Exchange: The sources of substitute water supply for the exchanges are the fully consumable return flows from indoor uses of the conditional water storage rights claimed in this Application as more particularly described in Section 3 above. g. Date of Appropriation: December 30, 2021, on which date there was a concurrence of intent to appropriate and overt acts in furtherance of such intent, including, without limitation, the filing date of this Application. h. Amount: The rate of diversion at each of the above-described facilities by exchange from the Boulder Water Resources Recovery Facility Outfall shall be 21.9 c.f.s., CONDITIONAL, and from Release Structure No. 6 shall be 100 c.f.s. or the diversion capacity of the facility, CONDITIONAL. The simultaneous combined rate of diversion by exchange for all such facilities shall not exceed 121.9 c.f.s. i. Uses of Water Diverted by Substitution and Exchange: All uses for which the substitute supplies are claimed, as more particularly described in Section 3.e. above. j. Remarks: The exchange rates claimed in this Application are the same as the exchange rates decreed for Boulder in Case No. 16CW3160, but are not intended to be additive. Boulder will limit the combined rate of exchange for the exchanges claimed in this Application and the exchanges decreed in Case No. 16CW3160 to the exchange rates decreed in Case No. 16CW3160. Boulder will further limit the combined volumes of exchange for the exchanges claimed in this Application and the exchanges decreed in Case No. 16CW3160 to the volumetric limits contained in paragraph 21.g of the decree in Case No. 16CW3160. 5. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new or existing diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Gross Reservoir: City and County of Denver 1600 West 12th Avenue Denver, CO 80204-3412 United States Forest Service, Boulder Ranger District, Arapaho and Roosevelt National Forests 2140 Yarmouth Avenue, Boulder, CO 80301 Miramonte Limited Liability Company c/o Bruce K. Alexander 1000 E. Tufts Avenue Cherry Creek Village, Denver, CO 80113 Release Structures Nos. 1 through 6: Boulder County Parks and Open Space 5201 St Vrain Road, Building 1 Longmont, CO 80503 Crestone

Peak Resources 1801 California Street, Suite 2500 Denver, CO 80202 All Other Structures: Applicant, City of Boulder P. O. Box 791 Boulder, Colorado 80306 WHEREFORE, Boulder requests the Court to enter a decree confirming and approving the conditional water storage rights and conditional appropriative rights of substitution and exchange described herein. (12 pages)

21CW3237 DREAM WEAVER HOLDINGS, LLC, P.O. Box 983, Broomfield, CO 80038 (c/o Jennifer M. DiLalla, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Blvd., Suite 300, Boulder, Colorado, 80302, (303) 443-8782) **APPLICATION FOR ABSOLUTE STORAGE WATER RIGHT AND APPROPRIATIVE RIGHT OF EXCHANGE, AND FOR CONDITIONAL APPROPRIATIVE RIGHT OF EXCHANGE IN BOULDER AND WELD COUNTIES**. 2. Dream Weaver Integrated Storage Right: The Dream Weaver Integrated Storage Right is a single water right that may be stored in the alternate places of storage described in paragraph 2.1 below. 2.1 Structures (“Alternate Places of Storage”): 2.1.1 Stromquist Pond No. 1 (WDID 0603392). 2.1.2 Stromquist Pond No. 2 (WDID 0603393). 2.1.3 Filly Lake (WDID 0603372). 2.2 Locations of Alternate Places of Storage: 2.2.1 Stromquist Pond No. 1: SE1/4 Sec. 20 and SW1/4 Sec. 21, T2N, R68W of the 6th P.M., Weld County, with the center point being approximately 590 feet west of the east section line and 2,000 feet north of the south section line of said Sec. 20, as shown on **Ex. A**. 2.2.2 Stromquist Pond No. 2: SE1/4 and NE1/4 Sec. 20, and SW1/4 and NW1/4 Sec. 21, T2N, R68W of the 6th P.M., Weld County, with the center point being approximately 150 feet west of the east section line and 3,000 feet north of the south section line of said Sec. 20, as shown on **Ex. A**. 2.2.3 Filly Lake: W1/2 Sec. 32 and E1/2 Sec. 31, T2N, R68W of the 6th P.M., Weld County, as shown on **Ex. A**. 2.3 Sources, points of diversion, and ditch capacities: 2.3.1 Stromquist Pond No. 1: Boulder Creek and Idaho Creek via the Carr and Tyler Ditch and the Delehant Ditch. Water is diverted from Boulder Creek into Idaho Creek at a point 100 feet south of the W1/4 corner of Sec. 29, T2N, R68W of the 6th P.M., Weld County, and then diverted from Idaho Creek at the following locations, all as shown on **Ex. A**: 2.3.1.1 The headgate of the Carr and Tyler Ditch is located on Idaho Creek at a point in the NW1/4 NE1/4 Sec. 29, T2N, R68W of the 6th P.M., approximately 175 feet south of the north line and 1,475 feet west of the east line of said Sec. 29. The capacity of the Carr and Tyler Ditch is 33.73 cfs. 2.3.1.2 The headgate of the Delehant Ditch is located on Idaho Creek at a point in the SW1/4 NE1/4 Sec. 29, T2N, R68W of the 6th P.M., approximately 2,300 feet west of the east line and 1,400 feet south of the north line of said Sec. 29. The capacity of the Delehant Ditch is 10 cfs. 2.3.2 Stromquist Pond No. 2: As described for Stromquist Pond No. 1 in paragraph 2.3.1 above. 2.3.3 Filly Lake: Following initial storage in Stromquist Pond No. 1 and Stromquist Pond No. 2 (together, “Stromquist Ponds”), water will be stored in Filly Lake by exchange under the Dream Weaver Storage Exchange described in paragraph 3 below. 2.4 Appropriation date: Feb. 10, 2021. 2.5 How appropriation was initiated: By diverting and delivering water to storage through the Carr and Tyler Ditch under free river conditions, with the specific plan and intent to use the water for the purposes described in paragraph 2.9 below. 2.6 Date water applied to beneficial use: Consistent with C.R.S. § 37-92-301(4)(e), following diversion from the stream, Dream Weaver “captured, possessed, and controlled” the full claimed volume of water in the Stromquist Ponds on Feb. 20, 2021. 2.7 Amount claimed: 454 acre-feet (af), ABSOLUTE; with a fill rate of 33.3 cfs, ABSOLUTE. 2.8 Evidence of the capacity of the reservoir and of in-priority diversions to storage: 2.8.1 The current capacities of the Alternate Places of Storage are documented in the stage-area-capacity tables attached as **Ex. B**. 2.8.2 Dream Weaver’s diversion of 454 af to storage in Stromquist Ponds at a maximum rate of 33.3 cfs is documented in the letter to the water commissioner, with attached accounting forms, attached as **Ex. C**. 2.9 Use: Irrigation, domestic, augmentation, replacement, industrial, municipal (including municipal irrigation), recreation, and fish and wildlife propagation purposes, and use by exchange and as the source of substitute supply in the Dream Weaver Storage Exchange described in paragraph 3 below. In addition to Dream Weaver, end-users of the water are Farfrumwurkin LLLP, Shores on Plum Creek Metropolitan Districts, and Civitas Resources. 2.9.1 Locations of irrigation use and supplementation of other irrigation supplies: Irrigation use will be on approximately 226.68 acres owned by Farfrumwurkin LLLP and approximately 25 acres owned by James and Barbara Eddleman, all in Sec. 32, T2N, R68W of the 6th P.M., in Weld County; and on approximately 35 acres owned by Dream Weaver’s affiliate 35 Acre, LLC, in Sec. 17, T2N,

R68W of the 6th P.M. in Weld County and approximately 63.18 acres owned by Kenneth and Judith Schell in the SE1/4 Sec. 31, T2N, R68W of the 6th P.M. in Weld County; all as shown on attached **Ex. D**. Dream Weaver intends to use this water right to supplement irrigation on land that is irrigated with other water rights.

2.9.2 Locations of non-irrigation use (such use including municipal irrigation): The lands described in paragraph 2.9.1 above; land within the current and future boundaries of the Town of Erie; properties that Dream Weaver and its affiliated companies own, acquire, or sell; and properties owned or controlled by companies with which Dream Weaver partners or enters into a joint venture. The locations described in paragraph 2.9.1 are shown on **Ex. D**; and the current boundaries of the Town of Erie are shown on **Ex. E**.

2.10 Surface area of high water line, vertical height of dam, and length of dam:

2.10.1 Stromquist Pond No. 1: 31.1 acres; dam height n/a; dam length n/a.

2.10.2 Stromquist Pond No. 2: 40.9 acres; dam height n/a; dam length n/a.

2.10.3 Filly Lake: 55 acres; dam height n/a; dam length n/a.

2.11 Total capacity:

2.11.1 Stromquist Pond No. 1: 306 af (all active capacity).

2.11.2 Stromquist Pond No. 2: 406 af (all active capacity).

2.11.3 Filly Lake: 1,590 af (all active capacity).

3. Dream Weaver Storage Exchange:

3.1 Absolute exchange-from point: Water stored under the Dream Weaver Integrated Storage Right is released from Stromquist Pond No. 2 to a point on Boulder Creek approximately 500 feet upstream of the Rural Ditch headgate, which is located 1,492 feet from the north line and 825 feet from the east line of Sec. 20, T2N, R68W of the 6th P.M. in Weld County, as shown on **Ex. A**.

3.2 Conditional exchange-from points: Water stored under the Dream Weaver Integrated Storage Right also may be released or pumped from Stromquist Pond No. 2 to a point on Boulder Creek approximately 1,135 feet downstream of the Rural Ditch headgate, as that headgate is described in paragraph 3.1 above; or to a reach on Idaho Creek in the SW1/4 of Sec. 21, T2N, R68W of the 6th P.M., beginning at the SW corner of said Sec. 21 and bearing N00°17'12.77"E (basis of bearing) along the west line of said section 1,275.28' to the upstream point, thence N35°45'37.98"E 1448.58' to the downstream point, approximately 25' upstream of the headgate for the Highland South Side Ditch (a/k/a Godding Hollow Ditch). The approximate locations of both conditional exchange-from points are shown on **Ex. A**.

3.3 Exchange-to point: Water is diverted from Boulder Creek into the Boulder and Weld County Ditch in the NW1/4 Sec. 15, T1N, R69W of the 6th P.M., Boulder County, then delivered into Filly Lake. The approximate location of the Boulder and Weld County Ditch headgate is shown on **Ex. A**. Filly Lake is an Alternate Place of Storage under the Dream Weaver Integrated Storage Right.

3.4 Source and exchange reach: Boulder Creek and Idaho Creek, in the reaches from the exchange-from points described in paragraphs 3.1 and 3.2 above to the exchange-to point described in paragraph 3.3 above.

3.5 Source of substitute supply: Water stored in the Stromquist Ponds under the Dream Weaver Integrated Storage Right.

3.6 Appropriation date: Feb. 10, 2021.

3.7 How appropriation was initiated: By diverting and delivering water to storage in the Stromquist Ponds under the Dream Weaver Integrated Storage Right, with the specific plan and intent to exchange the water to storage in Filly Lake for the purposes described in paragraph 2.9 above.

3.8 Date water applied to beneficial use—absolute exchange-from point: Consistent with C.R.S. § 37-92-301(4)(e), following delivery of the source of substitute supply to the exchange-from point described in paragraph 3.1 above and diversion by exchange at the exchange-to point described in paragraph 3.3 above, Dream Weaver “captured, possessed, and controlled” the full claimed volume of water in Filly Lake on May 4, 2021.

3.8 Amount claimed: 449 af, ABSOLUTE; with an exchange rate of 10.16 cfs, ABSOLUTE, for the exchange-from point described in paragraph 3.1 above; 449 af, CONDITIONAL, with an exchange rate of 10.16 cfs, CONDITIONAL, for the exchange-to points described in paragraph 3.2 above.

3.9 Use of exchanged water: All decreed uses and places of use of the source of substitute supply, as described in paragraph 2.9 above.

3.10 Evidence of in-priority operation of the exchange in the claimed amounts: As documented in the letter to the water commissioner, with attached accounting forms, attached as **Ex. C**.

4. Names and addresses of owner(s) or reputed owner(s) of the land upon which any new or existing diversion or storage structure, or modification to any existing diversion or storage structure, is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Applicant owns the land on which the Stromquist Ponds and Filly Lake are located. WHEREFORE, Dream Weaver asks the Court to enter a decree (i) granting this Application, (ii) confirming the absolute Dream Weaver Integrated Storage Right

in the amounts claimed, and (iii) confirming the absolute and conditional Dream Weaver Storage Exchange in the amounts claimed. (6 pages with 5 exhibits.)

*****AMENDED*** 21CW3047; TOWN OF CASTLE ROCK**, Attn: Mark Marlowe, Director of Castle Rock Water, 175 Kellogg Court, Castle Rock, CO 80109, (720) 733-6002, mmarlowe@crgov.com. Serve all pleadings on: Madoline Wallace-Gross, Anthony Basile, Lyons Gaddis, PC, P.O. Box 978, Longmont, CO 80502-0978, mwg@lyonsgaddis.com; abasile@lyonsgaddis.com. (303) 776-9900. **FIRST AMENDED APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION in DOUGLAS COUNTY.** **2. Background.** Applicant owns Paintbrush Park Pond (“pond”), which is an on-channel pond on an unnamed tributary of East Plum Creek with **1.4 acres** of surface area and a storage capacity of approximately 4.4 acre-feet. The maximum depletion associated with evaporation and out-of-priority inflows is approximately **7.8 acre-feet** annually. Applicant seeks a plan for augmentation to replace all out-of-priority inflows and evaporation depletions from the pond using fully reusable effluent as detailed below. A map of the relevant structures is attached hereto as **EXHIBIT A.** **3. Structure to be augmented.** Paintbrush Park Pond. The dam’s east abutment is located in the SW1/4 SW1/4 Section 33, T7S, R67W, 6th PM, 930 feet from the south section line and 780 feet from the west section line. **4. Water rights to be used for augmentation.** A. Augmentation Delivery Location: Plum Creek Water Reclamation Authority (“PCWRA”) Outfall, located in SW1/4 SW1/4 Section 21, T7S, R67W, 6th PM, 770 feet from the south section line and 100 feet from the west section line. B. Source of water: Applicant’s fully reusable effluent discharged from the PCWRA Outfall. Such effluent includes but is not limited to effluent derived from Applicant’s: i. Nontributary groundwater and fully-augmented not nontributary groundwater described in **EXHIBIT B.** ii. Deliveries from the Water Infrastructure System Efficiency (i.e., WISE) project described in **EXHIBITS C and D.** iii. Consumptive use credits from the High Line Ditch, Noe Ranch, Douglas Park and Ball Ditch water rights described in **EXHIBIT E** to the extent such credits were not fully-consumed in the first use pursuant to the decree in Case No. 12CW296. iv. Water diverted under Castle Rock Surface Diversion Nos. 1 and 2 water rights pursuant to the decree in Case No. 12CW296. v. Water diverted pursuant to the Chatfield Reservoir-Castle Rock Pump Station and Chatfield Reservoir-Castle Rock Refill water rights pursuant to the decree in Case No. 16CW3178. vi. Water diverted pursuant to the Plum Creek Diversion and Castle Rock Reservoir Nos. 1 and 2 pursuant to the decree in Case No. 17CW3211. vii. Water rights associated with the Box Elder Project pursuant to the decree in Case No. 19CW3231 (pending). viii. Water rights associated with the Fremont Butte Reservoir pursuant to the decree in Case No. 21CW3185 (pending). ix. Other fully reusable source added to this decree pursuant to C.R.S. §37-92-308 or §37-92-309. **5. Complete statement of plan for augmentation.** Applicant seeks a plan for augmentation to replace all depletions to an unnamed tributary of East Plum Creek from out-of-priority inflows and evaporation from the on-channel pond described in ¶3. A. **Depletions.** 1. **Out-of-Priority Inflows.** Applicant will measure all out-of-priority inflows to the pond using a staff gauge or pressure transducer and a stage capacity curve. The maximum capacity of the pond is approximately 4.4 acre-feet. 2. **Evaporation.** Evaporation depletions associated with the pond are calculated as 2.4 acre-feet annually for each 1.0 acre of surface area assuming it is never frozen over. A table of the maximum monthly depletions for 1.4 acres of water surface area based on anticipated reconstruction follows (in acre-feet).

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
0.10	0.12	0.15	0.28	0.40	0.51	0.51	0.45	0.36	0.26	0.13	0.09	3.36

B. **Replacements.** Applicant will replace all out-of-priority inflow and evaporation depletions in time, place and amount to prevent injury using the sources described in ¶ 4 herein. Specifically, when out-of-priority inflow and evaporation depletions occur on a day that there is a call affecting Water District 8, then Applicant will release water from one or more of the sources identified in ¶ 4 to augment the depletions. 1. The PCWRA Outfall is upstream of the confluence of the unnamed tributary and East Plum Creek. 2. For the purposes of ¶ 5.A, Applicant assumed that the pond has the maximum 1.4 acre surface area. Applicant claims the right to make replacements based on the actual surface area for the pond and to make no replacements to the extent that the pond is frozen. C. **Free River Operations.** When the depletions

occur on a day that there is no call affecting Water District 8 (i.e., free river), then Applicant shall have no obligation to augment the evaporation or inflows. Any inflows measured that day shall not be considered out-of-priority. Applicant has not claimed a junior storage water right for the pond; thus, Applicant has not requested a priority. **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. A. **Paintbrush Park Pond.** Owned by Applicant. B. **PCWRA Outfall.** Douglas County Board of County Commissioners, 100 Third Street, Castle Rock, CO 80104. WHEREFORE, Applicant respectfully requests the Court enter a decree approving Applicant's amended plan for augmentation groundwater described herein. **EXHIBIT LIST A.** Map of structures, B. Table of Nontributary Groundwater, C. List of WISE Sources (Denver), D. List of WISE Sources (Aurora), E. Consumptive Use Credits. Number of pages in application: 6, excluding exhibits.

*****AMENDED***21CW3109; TOWN OF CASTLE ROCK**, Attn: Mark Marlowe, Director of Castle Rock Water, 175 Kellogg Court, Castle Rock, CO 80109, (720) 733-6002, mmarlowe@crgov.com. Serve all pleadings on: Madoline Wallace-Gross, Anthony Basile, Lyons Gaddis, PC, P.O. Box 978, Longmont, CO 80502-0978, mwg@lyonsgaddis.com; abasile@lyonsgaddis.com. (303) 776-9900. **FIRST AMENDED APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING CONDITIONAL RIGHT OF APPROPRIATIVE EXCHANGE IN DOUGLAS COUNTY 2. Background.** Applicant owns Mitchell Gulch Pond ("pond"), which is an on-channel reservoir on Mitchell Gulch, a tributary of Cherry Creek, with 0.75 acres of surface area and a storage capacity of approximately 3.0 acre-feet. The maximum depletion associated with evaporation and out-of-priority inflows is approximately **4.9 acre-feet** annually. Applicant seeks a plan for augmentation, including exchange, to replace all out-of-priority inflows and evaporation depletions from the pond using fully reusable effluent and fully consumable Denver Basin Groundwater, as detailed below. A map of the relevant structures is attached hereto as **EXHIBIT A**. **3. Structure to be augmented.** Mitchell Gulch Pond, a non-decreed structure, is located in the NW 1/4 SE 1/4 Section 8, Township 8 South, Range 66 West of the 6th P.M. **4. Water rights to be used for augmentation.** A. **Fully Reusable Effluent Discharged to Cherry Creek.** 1. **Augmentation Delivery Location:** Pinery Wastewater Treatment Outfall (the "Pinery"), located in the NE 1/4 of the NW 1/4 Section 10, Township 7 South, Range 66 West of the 6th P.M. 2. **Sources of water:** Applicant's fully reusable effluent discharged from the Pinery Outfall. Such effluent includes but is not limited to effluent derived from Applicant's: a) Nontributary groundwater and fully-augmented not nontributary groundwater described in **EXHIBIT B**. b) Deliveries from the Water Infrastructure System Efficiency (i.e., WISE) project described in **EXHIBITS C** and **D**. c) Consumptive use credits from the High Line Ditch, Noe Ranch, Douglas Park and Ball Ditch water rights described in **EXHIBIT E** to the extent such credits were not fully-consumed in the first use pursuant to the decree in Case No. 09CW166. d) Water diverted under Castle Rock Surface Diversion Nos. 1 and 2 water rights pursuant to the decree in Case No. 12CW296. e) Water diverted pursuant to the Chatfield Reservoir-Castle Rock Pump Station and Chatfield Reservoir-Castle Rock Refill water rights pursuant to the decree in Case No. 16CW3178. f) Water diverted pursuant to the Plum Creek Diversion and Castle Rock Reservoir Nos. 1 and 2 pursuant to the decree in Case No. 17CW3211. g) Sewered effluent from Applicant's diversions from the TCR-Box Elder Wells Nos. 1 to 20 authorized in accordance with the terms and conditions of the decree ultimately entered Case No. 19CW3231, District Court, Water Division No. 1 more fully described in **EXHIBIT F**. B. **Fully Consumable Denver Basin Groundwater from McLain Well.** 1. **McLain Well A-1, Well Permit No. 55500-F** a) **Legal Description:** SE 1/4 SE 1/4 Section 3, Township 8 South, Range 66 West, 50 feet from the south and 730 feet from east section line. b) **Original Decree:** Case No. 95CW40, District Court, Water Division 1. c) **Adjudication Date:** April 30, 1997. d) **Decreed Rate:** 1,000 gpm up to 187 annual acre-feet. e) **Decreed Source:** Arapahoe Aquifer. f) **Decreed Uses:** Municipal, domestic, industrial (including mining and dust suppression), commercial, fire protection, irrigation, stockwatering, recreation, fish and wildlife preservation and propagation, augmentation, replacement, exchange, and all

other beneficial uses either on or off the Property. 2. McLain Well A-1, Well Permit No. 58986-F a) Legal Description: SE 1/4 SE 1/4 Section 3, Township 8 South, Range 66 West, 50 feet from the south and 730 feet from east section line. b) Original Decree: Case No. 94CW65, District Court, Water Division 1. c) Adjudication Date: March 21, 1995. d) Decreed Rate: 1,000 gpm up to 488 annual acre-feet. e) Decreed Source: Arapahoe Aquifer. f) Decreed Uses: all beneficial uses including, but not limited to irrigation, municipal, domestic, commercial, industrial, recreation, stock watering, piscatorial, fire protection, fish and wildlife, augmentation, and exchange; including the right to use, re-use and successively use directly, by exchange, by augmentation, or by sale or lease to extinction. g) Remarks: Well Permit No. 58986-F expands pumping from the McLain Well under Well Permit No. 55500-F to include the withdraw of groundwater pursuant to Case No. 94CW65 for up to 675 annual acre-feet with Well Permit No. 55500-F. 3. McLain Well A-1, Well Permit No. 78262-F a) Legal Description: SE 1/4 SE 1/4 Section 3, Township 8 South, Range 66 West, 50 feet from the south and 730 feet from east section line. b) Original Decree: Case No. 93CW93, District Court, Water Division 1. c) Adjudication Date: Amended Decree entered April 26, 2005. d) Decreed Rate: 1,000 gpm up to 450 annual acre-feet. e) Decreed Source: Arapahoe Aquifer. f) Decreed Uses: all beneficial uses including, but not limited to irrigation, municipal, domestic, commercial, industrial, recreation, stock watering, piscatorial, fire protection, manufacturing, fish and wildlife, and sanitary uses; including the right to use, reuse, and successively use directly, by exchange or through storage, and to dispose of by sale, exchange or otherwise of all such nontributary water in accordance with C.R.S. § 37-82-106(2); and to use for substitution and replacement of depletions from, or augmentation of, the use of water from other sources. g) Remarks: Well Permit No. 78262-F expands pumping from the McLain Well under Well Permit Nos. 55500-F and 58986-F to include the withdrawal of groundwater decreed in Case No. 93CW93 up to 1,125 acre-feet with Well Permit Nos. 55500-F and 58986-F. h) Augmentation Delivery Location: By pipeline to Cherry Creek in the SE 1/4 SE 1/4 Section 3, Township 8 South, Range 66 West (“McLain Discharge”). C. **Fully Consumable Denver Basin Groundwater from Franktown LDA-1/Well No. Permit 59470.** 1. Legal Description: SE 1/4 SW 1/4 Section 22, Township 7 South, Range 66 West at a point 550 feet from the south and 2,500 feet from the west section lines. 2. Original Decree: Case No. 84CW128, District Court, Water Division 1, entered August 30, 1985. 3. Supplemental Decree: Case No. 86CW205, District Court, Water Division No. 1, entered December 14, 1988, amended January 22, 2003. 4. Combined Decreed Rate: 300 gpm, 78.9 acre-feet annually. 5. Decreed Source: Lower Dawson Aquifer. 6. Decreed Uses: With a right to make a succession of uses pursuant to C.R.S. § 37-82-106(2) for commercial, industrial and municipal purposes including irrigation. The water will be produced for immediate application to beneficial use, for storage and subsequent application to beneficial use, for exchange purposes, for replacement of depletions resulting from the use of water from other sources, and for augmentation purposes. 7. Augmentation Delivery Location: By pipeline to Cherry Creek in the SW 1/4 Section 22, Township 7 South, Range 66 West of the 6th P.M. (“Franktown Discharge”). D. **Other Sources.** Other fully reusable source added to this decree pursuant to C.R.S. § 37-92-308 or § 37-92-309. 5. **Complete statement of plan for augmentation.** Applicant seeks a plan for augmentation to replace all depletions to Cherry Creek from out-of-priority inflows and evaporation from the on-channel pond described in ¶3. A. **Depletions.** 1. **Out-of-Priority Inflows.** Applicant will measure all out-of-priority inflows to the pond using staff gauge or pressure transducer and a stage capacity curve. The maximum capacity of the pond is approximately 3.0 acre-feet. 2. **Evaporation.** Evaporation depletions associated with the pond are calculated as 2.48 acre-feet annually for each 1.0 acre of surface area assuming it is never frozen over. A table of the maximum monthly depletions for 0.75 acres of water surface area based on anticipated reconstruction follows (in acre-feet).

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
0.05	0.06	0.08	0.16	0.22	0.29	0.29	0.25	0.20	0.14	0.07	0.05	1.86

B. **Replacements.** Applicant will replace all out-of-priority inflow and evaporation depletions in time, place and amount to prevent injury using the sources described in ¶ 4 herein. Specifically, when out-of-priority inflow and evaporation depletions occur on a day that there is a call affecting Water District 8, then Applicant will release water from one or more of the sources identified in ¶ 4 to augment the depletions. 1. The McLain Discharge is upstream of the confluence of Mitchell Gulch and Cherry Creek. The Outfall and

the Franktown Discharge are downstream of the confluence of Mitchell Gulch and Cherry Creek. When the portion of the exchange described in ¶ 6.A.1 and ¶ 6.A.2 is in-priority, then Applicant may make replacements from any source. When the portion of the exchange described in ¶ 6.A.3 only is in-priority, then Applicant must make replacements using the McLain Well. 2. For the purposes of ¶ 5.A.2, Applicant assumed that the pond has the maximum 0.75 acre surface area. Applicant claims the right to make replacements based on the actual surface area for the pond and to make no replacements to the extent that the pond is frozen. C. **Free River Operations.** When the depletions occur on a day that there is no call affecting Water District 8 (i.e., free river), then Applicant shall have no obligation to augment the evaporation or inflows. Any inflows measured that day shall not be considered out-of-priority. Applicant has not claimed a junior storage water right for the pond; thus, Applicant has not requested a priority. 6. **Conditional Right of Appropriative Exchange.** A. **Name of Exchange:** TCR Mitchell Gulch Pond Exchange. B. **Downstream Termini:** 1. Pinery Outfall. See ¶ 4.A.1. 2. Point of discharge Franktown LDA-1. See ¶ 4.C.7. 3. Confluence of Mitchell Gulch and Cherry Creek, located in the NW 1/4 Section 34, Township 7 South, Range 66 West of the 6th P.M. C. **Upstream Terminus:** Mitchell Gulch Pond. See ¶ 3. D. **Sources:** See ¶¶ 4.A. to 4.D. E. **Date of Appropriation:** July 16, 2021. F. **How Appropriation was Formed:** The appropriation was initiated by execution of a Director's Resolution and filing the original application on July 16, 2021. G. **Date water applied to beneficial use:** Not applicable. H. **Amount claimed:** 0.15 cfs, conditional. I. **Use:** Augmentation. J. **Operation:** Applicant will cause water to be exchanged from one or more of the downstream termini up Cherry Creek, if applicable, to the confluence of Mitchell Gulch and Cherry Creek, and then up Mitchell Gulch to the Mitchell Gulch Pond. 7. **Owners of land upon which structures are or will be located.** Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. A. **Mitchell Gulch Pond.** Owned by Applicant. B. **Pinery Wastewater Treatment Plant Outfall.** Pinery Water & Wastewater District, 5242 Old Schoolhouse Rd., Parker, CO 80134. C. **McLain Well.** Cherry Creek Project Water Authority, 5242 Old Schoolhouse Road, Parker, CO 80134. D. **Franktown LDA-1 Well.** Cherry Creek Project Water Authority, 5242 Old Schoolhouse Road, Parker, CO 80134. WHEREFORE, Applicant respectfully requests the Court enter a decree approving Applicant's amended plan for augmentation including the exchange described herein **EXHIBIT LIST** A. Map of structures B. Table of Nontributary Groundwater C. List of WISE Sources (Denver) D. List of WISE Sources (Aurora) E. Consumptive Use Credits F. TCR-Box Elder Wells Nos. 1 to 20. Number of pages in application: 10, excluding exhibits.

*****AMENDED***19CW3253; PARKER WATER AND SANITATION DISTRICT ("Parker"),** 18100 E. Woodman Drive, Parker, CO 80134, (Attorney: Robert F. T. Krassa, #7947, Krassa & Miller, LLC, 2300 Canyon Blvd., Suite 2, Boulder, CO 80302, 303-442-2156) and **LOWER SOUTH PLATTE WATER CONSERVANCY DISTRICT ("LSPWCD"),** 100 Broadway Plaza, Suite 12; Sterling, CO 80751 (Attorney: Julianne M. Woldridge, #17772, MacDougall & Woldridge, P.C., 70 Morning Sun Drive, Suite A, P.O. Box 7273, Woodland Park, CO 80863, 719-520-9288)

AMENDED APPLICATION FOR WATER STORAGE RIGHTS, APPROPRIATIVE RIGHT OF EXCHANGE AND CHANGE OF WATER RIGHTS MORGAN, LOGAN AND WASHINGTON COUNTIES. **Purpose of Application:** The Districts desire to cooperate in a manner that enables Parker to increase its water supplies to serve its expanding customer base while preserving sufficient water for agricultural users on property owned by Parker in Logan County. The LSPWCD desires to increase the supply of available water for use by water users within its boundaries as they may change from time to time and for water users outside its boundaries pursuant to contract including without limitation by lease of water to Parker. The components of the original application are: (a) storage of water in Iliff Reservoir for direct use and exchange by both Parker and the LSPWCD; (b) the change of Parker's conditional direct flow rights decreed in Case No. 03CW428 to add storage as a supplemental use; (c) an exchange from the point(s) of discharge to the South Platte River from the Iliff Reservoir ("exchange-from point(s)") to the Prewitt

Inlet Canal (“exchange-to point”); (d) storage in the Prewitt Reservoir Forebay; and (e) storage in Fremont Butte Reservoir via a pump and pipeline from the Prewitt Reservoir Forebay. This Amendment adds alternate points of diversion and places of storage for the Iliff Reservoir Storage Right and for the Prewitt Forebay Storage Right. The alternate places of storage are off-stream reservoirs to be fed from the South Platte River through existing ditches. Applicants may construct one or the other, or components of any or all of the alternate points of diversion and places of storage. Generally, the project plan is to maximize the use of junior priority water through the use of significant additional storage capacity. Anticipated physical operations will include: storage of water pursuant to the Iliff Reservoir Storage Right that can be exchanged to Prewitt Reservoir by Parker and LSPWCD, released to the South Platte River for LSPWCD uses or pumped directly to storage in Fremont Butte Reservoir; storage of water pursuant to the Prewitt Forebay Storage Right in either or both of two alternate locations for pipeline delivery to Fremont Butte Reservoir, release of water stored in Fremont Butte Reservoir back through the delivery pipeline to Prewitt Reservoir (or to the vicinity of Prewitt Reservoir if Prewitt Reservoir is not utilized in this Project) for delivery to a pipeline to Parker for its uses and through which LSPWCD may deliver water for its uses, and delivery through outlet works of either alternate storage location of the Prewitt Reservoir Storage Right to the South Platte River for LSPWCD uses. A map showing the complete system with alternate sites is attached hereto as Exhibit A. **FIRST CLAIM - ILIFF RESERVOIR STORAGE RIGHT:** The Iliff Reservoir Storage Right shall include alternate points of diversion to and alternate water storage structures, the “Iliff Reservoir” and the “Bravo Reservoirs”. Applicants may construct one or the other, or components of both, but the alternate points of storage shall share one water storage right to be known collectively as the Iliff Reservoir Storage Right. **CLAIM 1A - ILIFF RESERVOIR 1. Name of Reservoir:** Iliff Reservoir. **2. Legal description of points of diversion** (as generally shown on Exhibit A attached hereto): **a. a diversion structure shared with the Powell and Blair Ditch diversion** in the NW1/4SE1/4 Section 1, T.9N., R. 51 West of the 6th P.M. in Logan County at a point approximately 1580 feet from the east line and 2500 feet from the south line of said Section 1; and **b. a diversion structure shared with the Iliff & Platte Valley Canal** in the SE1/4NW1/4 Section 25, T.9N., R.52W. of the 6th P.M. in Logan County, at a point approximately 2310 feet from the west line and 2100 feet from the North line of said Section 25. **3. Legal description of location of impoundment structures:** The Iliff Reservoir will consist of a series of water storage cells surrounded by a perimeter dike/dam to be located in all or parts of Sections 13, 22, 23, 24, 26, 27, 31, 32, and 33, T.10N., R.50W., 6th P.M., and section 6, T.9N., R.50W., 6th P.M., as generally shown on Exhibit A. **4. Source:** South Platte River. **5. Names of ditches** used to fill reservoir and capacities of same: Powell and Blair Ditch and the Iliff & Platte Valley Canal, that divert water from the South Platte River at the locations described above, as generally shown on Exhibit A. The decreed capacity of said ditches are 80 and 150 cubic feet per second (“cfs”) respectively, which are the flow rates which may be used to fill the water storage right claimed herein. This includes diversions of up to a combined rate of 40 cfs of the direct flow rights being changed pursuant to the Fifth Claim stated herein. **6. a. Date of Appropriation:** November 5, 2019. **b. How appropriation was initiated:** meeting of managers of Applicants at which engineering information was received from Applicants’ water resources engineers identifying availability of water and feasibility of project, confirmed and ratified by subsequent actions including actions by the Applicants’ respective Boards of Directors expressing their intent to appropriate water for direct diversion, exchange and storage, subsequently confirmed by posting notices at the sites of the claimed diversions and storage sites and by the filing of the original application in this case on December 30, 2019. **c. Date water applied to beneficial use:** not applicable (conditional). **7. Amount claimed:** **a.** 6,500 acre-feet, conditional. **b. Applicants claim the right to fill and refill,** both for direct release to the beneficial uses stated herein and to serve as a forebay for exchanges to Prewitt Reservoir and subsequent release or pumping directly to storage in Fremont Butte Reservoir. **c. Rate of diversion from South Platte River:** 230 cfs conditional through any combination of the two diversion points, including diversions of up to 40 cfs of the direct flow rights being changed pursuant to the Fifth Claim stated herein. **8. Proposed Uses:** Water stored will be released or transported via suitable stream channels, reservoirs, outlet canals, pumps and pipelines for all purposes of both Applicants including municipal, irrigation and supplemental irrigation, domestic, stock watering, recreational, piscatorial, fish and wildlife, fire protection, street

washing, hydroelectric power production, and exchange, replacement, and augmentation including without limitation augmentation by use of recharge ponds, at any location where it is physically available within the boundaries of LSPWCD as such may change from time to time and without the boundaries of LSPWCD pursuant to agreement, and within the service area of Parker as such may be changed from time to time and for contract of out-of-district service by Parker. LSPWCD's current boundaries include parts of the following townships and ranges, 6TH P.M.: a. In Morgan County: T.2N., R.56W.; T.3N., R.56W.; T.3N., R.57W.; T.3N., R.58W.; T.3N., R.59W.; T.4N., R.55W.; T.4N., R.56W.; T.4N., R.57W.; T.4N., R.58W.; T.4N., R.59W.; T.5N., R.55W.; T.5N., and R.59W.; b. in Logan County: T.6N., R.53W.; T.6N., R.54W.; T.7N., R.52W.; T.7N., R.53W.; T.7N., R.54W.; T.8N., R.51W.; T.8N., R.52W.; T.8N., R.53W.; T.8N., R.54W.; T.9N., R.50W.; T.9N., R.51W.; T.9N., R.52W.; T.9N., R.53W.; T.10N., R.48W.; T.10N., R.49W.; T.10N., R.50W.; T.10N., R.51W.; T.10N., R.52W.; T.11N., R.48W.; T.11N., R.49W.; and T.11N., R.50W.; c. in Washington County: T.5N., R.53W.; and T.5N., R.54W.; and 4) in Sedgwick County: T.10N., R.47W.; T.11N., R.43W.; T.11N., R.44W.; T.11N., R.45W.; T.11N., R.46W.; T.11N., R.47W.; T.12N., R.42W.; T.12N., R.43W.; T.12N., R.44W.; T.12N., R.45W.; and T.12N., R.46W. LSPWCD's current boundaries are shown on the map attached hereto as Exhibit B. Parker's present service area is in parts of: T.6 S., R.65W.; T.6S., R.66W.; T.6S., R.67W.; T.7S., R.65W., T.7S., R.66W.; and T.7S., R.67W., all in Douglas County as shown on the map attached hereto as Exhibit C. Applicants will use and re-use water diverted to storage under the subject right to extinction. **9. Surface area of high-water line:** Iliff Reservoir will consist of a number of separate storage cells the combined surface area of which is estimated to be up to 930 acres. **a. Vertical height of cell perimeter dams** in feet measured from the lowest point of the natural ground surface up to the crest of the ring dike: 9.9 feet. The length of the cell perimeter dams will be determined upon final design. **b. Length of dam perimeter:** approximately 25,500 feet. **10. Total capacity of reservoir:** 6,500 acre-feet. Active capacity: 6,500 acre-feet. Dead storage: 0 acre-feet. **11. Names and addresses** of owners or reputed owners of land upon which any new or existing diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Iliff Reservoir may be constructed on land owned by Applicant Parker (see above for address), and/or Jeffrey J. and Yvonne K. Kielian, 25767 Co. Rd. 61, Iliff, CO 80736; Chris Alan and Cindy Jean Fitzsimons, 25767 Co. Rd. 61, Iliff, CO 80736; and Kevin N. McDaniel, 14247 Co. Rd. 71, Fleming, CO 80728. The diversion structure of the Iliff and Platte Valley Canal is believed to be on land owned by Michael L. and Jeannette M. Cannon, P.O. Box 214, Fowler, CO 81039. The diversion structure of the Powell & Blair Ditch is believed to be on land owned by Golden Eagle Ranch LLC, 8181 E. Tufts Ave., Ste. 600, Denver, CO 80237. **CLAIM 1B - BRAVO RESERVOIRS** **12. Names of Reservoirs:** Bravo Reservoir, Talbott Reservoir, Board Held Reservoir and Veeman Reservoir (collectively the "Bravo Reservoirs"). **13. Legal description of point of diversion** (as generally shown on Exhibits G and H attached hereto): a diversion structure shared with the Bravo Ditch diversion in the SE/4 of Sec. 12, T.8S, R. 52W of the 6th P.M. in Logan County, at a point whence the East quarter corner of said Section 12 bears North 25 degrees 45 minutes East 3140 feet. **14. Legal description of location of impoundment structures:** the Bravo Reservoirs complex will consist of any one or more of the following separate reservoirs as shown on Exhibit H attached hereto. **a. Bravo Reservoir:** to be located in all or parts of Sections 32 and 33 of T.9N., R.51W., 6th P.M., and Sections 3, 4 and 5 of T.8N., R.51W., 6th P.M., as generally shown on Exhibit H. **b. Talbott Reservoir:** to be located in all or parts of Sections 22 and 27 of T.9N., R.51W., 6th P.M. **c. Board Held Reservoir:** to be located in all or parts of Section 6 of T.8N., R.51W., 6th P.M., and Section 1 of T.8N., R.52W., 6th P.M., as generally shown on Exhibit H. **d. Veeman Reservoir:** to be located in all or parts of Sections 4, 5, and 8 of T.8N., R.51W., 6th P.M., as generally shown on the map attached hereto as Exhibit H. **15. Source:** South Platte River. **16. Name of ditch used** to fill reservoir and capacities of same: Bravo Ditch, diverts water from the south side of the South Platte River at the location described above, as generally shown on Exhibits G and H. The decreed capacity of said ditch is a total of 60 cfs, comprising 40 cfs with appropriation date February 21, 1893 decreed May 29, 1897 in Logan County District Court Case No. 547 and 20 cfs with appropriation date April 1, 1906 decreed July 5, 1928 by the same Court in Case No. 944. **17. Date of appropriation,** date water applied to beneficial use, amount claimed and proposed uses are the same as set out in foregoing

paragraphs 6 through 8. The amount of water stored under the Iliff Reservoir Storage Right at all alternate points of storage combined shall not exceed a total of 6,500 acre feet at any given time. **18. Surface area of high-water line:** the combined surface area of the four reservoirs comprising the Bravo Reservoirs is estimated to be up to 1310 acres. **a. Vertical height of individual dams** including perimeter dams in feet measured from the lowest point of the natural ground surface will be determined upon final design but is estimated to be less than 40 feet. **b. Length of longest perimeter dam** will be determined upon final design but is estimated to be less than a total of feet. **19. Total capacity of reservoir:** 6,500 acre-feet. Active capacity: 6,500 acre-feet. Dead storage: 0 acre-feet. **20. Names and addresses of owners** or reputed owners of land upon which any new or existing diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: **a. Bravo Reservoir** may be constructed on land owned by: Don Manuello, 18295 Co. Rd. 367, Sterling, CO 80751; Timothy Ramey, 16263 Co. Rd. 32, Sterling, CO 80751; Donna and Darrin Manuello, 26335 Co. Rd. 385, Sterling, CO 80751; Home Ranch of Wyoming, 136 Washington Rd., Wheatland, WY 82201; Veeman Dairy, P.O. Box 336640, Greeley, CO 80633; AgCountry Revocable Trust, 19495 Co. Rd., 72, Eaton, CO 80615; and Colorado State Land Board, 1127 Sherman St., Suite 300, Denver, CO 80203; **b. Talbott Reservoir** may be constructed on land owned by: Talbott Ranch, LLC, 28651 Co. Rd. 385, Iliff, CO 80736; Home Ranch of Wyoming, 136 Washington Rd., Wheatland, WY 82201; and Alan Gerk, 27256 Co. Rd. 285, Iliff, CO 80736; **c. Board Held Reservoir** may be constructed on land owned by: Colorado State Land Board, 1127 Sherman St., Suite 300, Denver, CO 80203; Veeman Dairy, P.O. Box 336640, Greeley, CO 80633; John Held, P.O. Box 1321, Sterling, CO 80751; and Colorado Division of Wildlife, 6060 Broadway, Denver, CO 80216; **d. Veeman Reservoir** may be constructed on land owned by : Veeman Dairy, P.O. Box 336640, Greeley, CO 80633; and AgCountry Revocable Trust, 19495 Co. Rd. 72, Eaton, CO 80615. e. The diversion structure of the Bravo Ditch is on land owned by: the Bravo Ditch Company, 24833 CR 385, Sterling, CO 80751; and City of Sterling, P.O. Box 4000, Sterling, CO 80751. **SECOND CLAIM - PREWITT FOREBAY STORAGE RIGHT** The Prewitt Forebay Storage Right shall include alternate points of diversion to and alternate water storage structures for the “Prewitt Reservoir” and the “Bravo Reservoirs” . Applicants may construct one or the other, or components of both, but the alternate points of storage shall share one water storage right to be known collectively as the Prewitt Forebay Storage Right. **CLAIM 2A - PREWITT RESERVOIR 21. Name of reservoir:** Prewitt Reservoir. **22. Legal description of location of reservoir:** storage space within the existing Prewitt Reservoir which is located in all or parts of Sections 1, 2, 10, 11, 12, 13, 14 and 15 in T.5N., R.54W. of the 6th P.M. and in parts of Sections 5, 6 and 7 in T.5N., R.53W. of the 6th P.M., in Washington County, and in part of Section 31, T.6N., R.53W. of the 6th P.M. and part of Section 36, T.6N., R.54W. of the 6th P.M. in Logan County, all as generally shown on Exhibit D attached hereto. The center of the outlet works in the dam of Prewitt reservoir is located at: SE1/4NE1/4 Section 2, T.5N., R.54W. of the 6th P.M. in Washington County, Colorado. **23. Source:** South Platte River. **24. If filled from ditch: a. Name, capacity and point of diversion** of ditch used to fill reservoir: Prewitt Reservoir is an off-stream reservoir fed by the Prewitt Inlet Canal that diverts water from the South Platte River at the location described below. The present capacity of said canal is believed to be 695 cfs, but the canal may be capable of carrying 1000 cfs which is the diversion rate claimed and which is the flow rate which may be used to fill the water storage right claimed herein. **b. Prewitt Inlet Canal** intake is in the SE1/4SW1/4 Section 24, T.5N., R.55W. of the 6th P.M. in Morgan County, at a point approximately 1470 feet from the west line and 520 feet north of the south line of said Section 24, as generally shown on Exhibit D attached hereto. **25.a. Date of Appropriation:** November 5, 2019. **b. How appropriation was initiated:** A meeting of managers of Applicants at which engineering information was received from Applicants’ water resources engineers identifying availability of water and feasibility of project, confirmed and ratified by subsequent actions including actions by the Applicants’ respective Boards of Directors expressing their intent to appropriate water for direct diversion, exchange and storage, subsequently confirmed by posting notices at the sites of the claimed diversions and storage sites and by the filing of the original application in this case on December 30, 2019. **c. Date water applied to beneficial use:** not applicable (conditional). **26. Amount claimed: a.** 6,500 acre-feet, conditional. **b. Applicants claim the**

right to fill and refill, both for direct storage and subsequent release, to serve as a forebay for exchanges to Prewitt Reservoir for storage and subsequent release, and/or for conveyance to and from storage in Fremont Butte Reservoir for subsequent release, all for the beneficial uses stated herein. **c. Rate of diversion** from South Platte River: 1,000 cfs through the Prewitt Inlet Canal. **27. Proposed Uses:** Water stored in the Prewitt Reservoir pursuant to the Prewitt Forebay Storage Right will be released or transported via suitable stream channels, reservoirs, outlet canals, pumps and pipelines for all purposes of both Applicants including municipal, irrigation and supplemental irrigation, domestic, stock watering, recreational, piscatorial, fish and wildlife, fire protection, street washing, hydroelectric power production, and exchange, replacement, and augmentation including without limitation augmentation by use of recharge ponds, at any location where it is physically available within the boundaries of LSPWCD as such may change from time to time and without the boundaries of LSPWCD pursuant to agreement, and within the service area of Parker as such may be changed from time to time and for contract out-of-district service by Parker. Prewitt Reservoir will also be used to store water exchanged to the Prewitt Inlet Canal pursuant to the exchange claimed herein. Applicants will use and re-use water diverted to storage under the subject right to extinction. **28. Dimensions and capacity of reservoir.** According to records of the State Engineer, Prewitt Reservoir is restricted to gage height 26.5 feet above the outlet, at which height the capacity is 28,600 acre-feet and the surface area is 2321 acres. **29. Total capacity of reservoir:** The total capacity of Prewitt Reservoir is 32,300 acre feet. Storage is presently restricted. The amount of the storage right claimed herein for the Prewitt Forebay Component may be at any location within Prewitt Reservoir. **30. Names and addresses** of owners or reputed owners of land upon which any new or existing diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: **a. Prewitt Reservoir** is believed to be on land owned by: Prewitt Reservoir Land Co. and/or Logan Irr. Dist., Iliff Irr. Dist., and Morgan-Prewitt Res. Co., PO Box 333, Sterling, CO 80751; and Patrick J. and Luann August Gebauer, c/o Luann August, 15488 Co. Rd. 57, Hillrose, CO 80733. **b. The Prewitt Inlet Canal diversion structure** is believed to be on land owned by the State of Colorado, Dept. of Natural Resources, Division of Wildlife, 122 E. Edison St., Brush, CO 80723 and/or the owners of the Prewitt Reservoir land listed in paragraph 30.a. **CLAIM 2B - BRAVO RESERVOIRS 31. The descriptions of the Bravo Reservoirs** in foregoing paragraphs 12 through 20 are incorporated by this reference as if re-stated here in full, with the exception that for diversion of the Prewitt Forebay Storage Right the intake ditch capacity may be increased up to 1,000 cfs from the South Platte River into the Bravo Reservoirs as stated above for the Prewitt Reservoir alternate place of storage, and provided that the amount of water stored under the Prewitt Forebay Storage Right at all alternate points of storage combined shall not exceed a total of 6,500 acre feet at any given time. When operating as an alternate point of diversion and storage for the Prewitt Forebay Storage Right, the Bravo Reservoirs will fulfill all of the uses described in foregoing paragraph 27 with the exception of participating as the upstream or exchange to location for any exchanges or participating in any operational trade. **THIRD CLAIM - FREMONT BUTTE RESERVOIR 32. Name of Reservoir:** Fremont Butte Reservoir. **33. Legal description of location of dam centerline:** the dam axis will cross the thread of an unnamed draw at a point located in the NW1/4, Sec. 35, T.4N., R.53W., 6th P.M. on the Northern section line of section 35 and is 885 feet from the West section line, in Washington County. The western abutment will be in the SE1/4, Sec. 27, T.4N., R.53W., 6th P.M., approximately 2,200 ft. from the east line and 200 ft. from the south line; the eastern abutment will be in the NE1/4NE1/4 of Sec. 35, T.4N., R.53W., 6th P.M., approximately 800 ft. from the east line and 700 ft. from the north line, as generally shown on Exhibit E attached hereto. Applicants anticipate that Fremont Butte Reservoir will be located in all or parts of Sections 27, 33, 34, and 35, T.4N., R.53W., 6th P.M. and sections 2, 3, 4, 10, and 11, T.3N., R.53W., 6th P.M. **34 Sources:** **a. South Platte River**, via Prewitt Inlet Canal, Prewitt Reservoir, and Fremont Butte Pumping Works and Pipeline or via Bravo Ditch, Bravo Reservoir(s), and pumping works and pipeline from the Bravo Reservoirs; **b. South Platte River**, via exchange to Prewitt Inlet Canal, Prewitt Reservoir, and Fremont Butte Pumping Works and Pipeline; and **c. an unnamed draw** across which the dam will be located which may at times of high regional precipitation be locally tributary to the upper reaches of Twentytwo Slough, but not the South Platte River which is located approximately 20 miles downstream of

the Fremont Butte Reservoir site; and there is no distinct channel at the confluence with the South Platte River. Fremont Butte Reservoir is an on-stream reservoir as to such unnamed draw. Applicants claim that water flowing into Fremont Butte Reservoir from said unnamed draw must not be considered tributary to the South Platte River due to physical conditions on said draw and in Twentytwo Slough, as water released from or passed through the dam of Fremont Butte Reservoir will not become available to calling water rights on the South Platte River at their time and place of need. **35. If filled from canal or pipelines:** **a. Names of canal and pipelines** used to fill reservoir and capacities of same: **i. Prewitt Inlet Canal** as described above will take water from the South Platte River at rates up to 1,000 cfs and deliver it into space in existing Prewitt Reservoir. Water also will be stored in priority pursuant to the above described Iliff Reservoir Storage Right, exchanged to the Prewitt Inlet Canal and stored in Applicant's space in Prewitt Reservoir. The Fremont Butte Pumping Works and Pipeline will take water from a point on the dam of Prewitt Reservoir and deliver such water at rates up to 250 cfs via pipeline to Fremont Butte Reservoir as generally shown on Exhibit F attached hereto. **ii. When the Bravo Ditch and the Bravo Reservoirs are operating** as alternate points of diversion and storage for the Prewitt Forebay Storage Right, water from those reservoirs may be pumped directly through a pipeline to storage in Fremont Butte Reservoir at rates up to 250 cfs for use by Applicants as generally shown on Exhibit F attached hereto. **b. Location of South Platte River diversion** - see above for points of diversion of Prewitt Inlet Canal and Bravo Ditch respectively. **36. a. Date of Appropriation:** November 5, 2019. **b. How appropriation was initiated:** meeting of managers of Applicants at which engineering information was received from Applicants' water resources engineers identifying availability of water and feasibility of project, confirmed and ratified by subsequent actions including actions by the Applicants' respective Boards of Directors expressing their intent to appropriate water for direct diversion, exchange and storage, subsequently confirmed by posting notices at the sites of the claimed diversions and storage sites and by the filing of the original application in this case on December 30, 2019. **c. Date water applied to beneficial use:** not applicable (conditional). **37. Amount claimed:** **a.** 72,000 acre-feet, conditional. **b. Applicants claim** the right to fill and refill. **c. Rate of diversion** from South Platte River: 1,000 cfs, same as stated above for the Prewitt Inlet Canal and from the Bravo Ditch. **38. Proposed Uses:** Water stored in Fremont Butte Reservoir will be released or transported for all purposes of both Applicants including municipal, irrigation and supplemental irrigation, domestic, stock watering, recreational, piscatorial, fish and wildlife, fire protection, street washing, hydroelectric power production, and exchange, replacement, and augmentation including without limitation augmentation by use of recharge ponds, at any location where it is physically available within the boundaries of LSPWCD as such may change from time to time and without the boundaries of LSPWCD pursuant to agreement, and within the service area of Parker as such may be changed from time to time and for contract out-of-district service by Parker. Fremont Butte Reservoir will also be used to store water exchanged to the Prewitt Inlet Canal or to the Bravo Ditch pursuant to the exchange claimed herein. Applicants will use and re-use water diverted to storage under the subject right to extinction. **39. Surface area of high-water line:** 1,870 acres. **a. Vertical height of dam** in feet measured from the lowest point of the natural ground surface along the centerline of the dam up to the crest of the emergency spillway: 105 feet. **b. Length of dam:** approximately 7,000 feet. **40. Total capacity of reservoir:** 72,000 acre-feet. Active capacity: 72,000 acre-feet. Dead storage: none (zero acre-feet). **41. Names and addresses** of owners or reputed owners of land upon which any new or existing diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: **a. Fremont Butte Reservoir** will be constructed on and water will be stored on land owned by: Gary R. & Judith A. Anderson, 20750 Co. Rd. 46, Akron, CO 80720; Michael P. & Kendra A. Anderson, 46043 Co. Rd. Y, Akron, CO 80720; Vickie L. Armstrong, 678 W. 11th St., Akron, CO 80720; Arthur D. Cline, 46667 Co. Rd. AA, Akron, CO 80720; Phyllis E. Covey, 14 Cornell Circle, Pueblo, CO 81005; Fincher Land Company LLC, 45997 Co. Rd. U, Akron, CO 80720; David E. Garcia, 4025 Briarcliff Dr., Des Moines, IA 50317; Debra A. Garcia, c/o David E. and Rachel Garcia, 4025 Briarcliff Dr., Des Moines, IA 50317; Lila L. Kessinger, 37700 County Road DD, PO Box 414, Akron, CO 80720; and Ellen W. Stratton, c/o Jill Dreher, PO Box 248, Akron, CO 80720. **b. The possible pipeline routes** from Prewitt Reservoir to Fremont Butte Reservoir may be constructed on

land owned by: Brundage Family Limited Partnership RLLLP, 7837 So. Perry Park Rd., Larkspur, CO 80118; Colo. State Land Board, Dept. of Natural Resources, 1313 Sherman St., Rm. 620, Denver, CO 80203; Phyllis E. Covey, 14 Cornell Cir., Pueblo, CO 81005; DPG Farms LLC, 3300 So. Parker Rd., Suite 300 Aurora, CO 80014; Dale & Judy L, Dunbar, 18945 Co. Rd. 48, Akron, CO 80720; Fritzler Andrew Sub Trust UA DTD 25-16 Created under Harold Fritzler Living Trust, 16226 Co. Rd. 59.5, Merino, CO 80741; Fritzler Brian Douglas Sub Trust UA DTD 2-5-2016 Created Under Harold Fritzler Living Trust, 15998 Co. Rd. 59.5, Merino, CO 80741; Donna Fritzler, 43205 Co. Rd. AA, Akron, CO 80720; Patrick J. and Luan August Gebauer, c/o Luan August, 15488 Co. Rd. 57, Hillrose, CO 80733; Darrell D. and Patricia L Haynes Trustees of the Darrell D Haynes Family Trust, 1107 Midvale Rd. Lodi, CA 95240; Howard Hettinger, 13341 Co. Rd. 8, Merino, CO 80741; Howard & Julie Hettinger, 13341 Co. Rd. 8, Merino, CO 80741; Kautz Living Trust, 15099 Co. Rd. 59.5, Merino, CO 80741; Matthew David & Ayssa Jane Kautz, 16281 Co. Rd. 59.5, Merino, CO 80741; Kory A. & Shanani Nicole Kessinger, 21250 Co. Rd. 50, Akron, CO 80720; Lila L. Kessinger, 37700 Co. Rd. DD, PO Box 414, Akron, CO 80720; Davin L. Kraich, 24381 Co. Rd. 55, Akron, CO 80720; Davin L. & Ruth K. Kraich, 24381 Co. Rd. 55, Akron, CO 80720; Ruth Winter Kraich, 53730 Co. Rd. Z, Akron, CO 80720; Henry Sherman & Jodi M. Mauck, 16322 Highway 6, Merino, CO 80741; Robert Molloyhan, 59336 Co. Rd. SS, Otis, CO 80743; Ruth K. Winter Murphy, 53730 Co. Rd. Z, Akron, CO 80720; Prewitt Reservoir Land Co., PO Box 333, Sterling, CO 80751; Stephen William & Joann Runge, 811 No. Elm, Yuma, CO 80759; State of Colo. Div., of Wildlife & Wildlife Comm. 6060 Broadway, Denver, CO 80216; Stratton Douglas M. Trust c/o Ellen W. Stratton, Trustee, 1920 Edison St. #4, Brush, CO 80723; Ellen W. Stratton, c/o Jill Dreher, PO Box 248, Akron, CO 80720; Washington County, Colorado through Board of County Commissioners 150 Ash, Akron, CO 80720; Dale Winter, 54715 Co. Rd. Y, Akron, CO 80720; Dale E. & Molly Winter & Et al, 54715 Co. Rd. Y, Akron, CO 80720; Dale Edwin Winter, 54715 Co. Rd. Y, Akron, CO 80720; Edwin E. Winter Trust FBO Dale Edwin Winter, c/o Dale Edwin Winter Trustee, 54715 Co. Rd. Y, Akron, CO 80720; Edwin E. Winter Trust FBO Jason Winter c/o Dale Edwin Winter Trustee, 54715 Co. Rd. Y, Akron, CO 80720; Edwin E Winter Trust FBO Joel Winter c/o Dale Edwin Winter Trustee, 54715 Co. Rd. Y, Akron, CO 80720; Edwin E. Winter Trust FBO Ruth K Winter Murphy, 53730 Co. Rd. Z, Akron, CO 80720; Glenda Dian Winter, 719 No. 6th St., Sterling, CO 80751; Jason Winter, 53595 Co. Rd. Z, Akron, CO 80720; Joel Winter, 1003 No. 7th Ave., Sterling, CO 80751; Joel Winter, 719 No. 6th St., Sterling, CO 80751; Ron Winter, PO Box 2559, Presidio, TX 79845. **FOURTH CLAIM - APPROPRIATIVE RIGHTS OF EXCHANGE ON SOUTH PLATTE RIVER FOR WATER RELEASED FROM THE OUTLET WORKS OF ILIFF RESERVOIR OR BRAVO RESERVOIR COMPLEX AND THENCE EXCHANGED UPSTREAM ON THE SOUTH PLATTE RIVER TO THE PREWITT INLET CANAL: 42. Appropriative Right of Exchange.** Parker and LSPWCD seek to adjudicate the following appropriative right(s) of exchange pursuant to the relevant provisions of the law, including but not limited to §37-80-120, §37-83-104, §37-92-302(1)(a) and §37-92-305(10), C.R.S. Depending on the location(s) of the storage structures for the Iliff Reservoir Storage Right (see Exhibit A) in the Iliff Reservoir and Bravo Reservoirs, there may be several exchange-from points. The water to be exchanged will be any water lawfully stored by Parker and LSPWCD pursuant to the above-described Iliff Reservoir Storage Right in Iliff Reservoir and/or Bravo Reservoirs. **43. Termini of Exchange** (as generally shown on Exhibit G attached hereto and as shown in detail on Exhibit A attached hereto): **a. Downstream terminus No. 1:** water will be released from the Outlet Works of the eastern storage cells associated with the Iliff Reservoir (i.e., storage cells in Sections 13, 22, 23, 24, 26, and 27 of T.10N., R.50W. 6th P.M. as shown on Exhibit A) to flow into the South Platte River at a point in Section 25, T.10N., R.50W., 6th P.M., 730 feet from the North section line and 1,120 ft. from the East section line; **b. Downstream terminus No. 2:** water will be released from the Outlet Works of the western storage cells associated with the Iliff Reservoir (i.e., storage cells in Sections 31, 32, and 33, T.10N., R.50W., 6th P.M. as shown on Exhibit A) to flow into the South Platte River at a point in Section 33, T.10N., R.50W., 6th P.M., 1,350 feet from the South section line and 940 feet from the West section line; **c. Downstream Terminus Nos. 3, 4 and 5:** water will be released from the Outlet Works of the Bravo Reservoir, Veeman Reservoir, Board Held Reservoir and Talbott Reservoir which are described in foregoing paragraphs 12 through 20 to flow into the South Platte River at one or more of the following

three locations: **i. a point in Section 36**, T.9N., R.52W., 6th P.M., 0 feet from the North section line and 2,150 feet from the West section line; **ii. a point in Section 16**, T.9N., R.51W., 6th P.M., 500 feet from the South section line and 0 feet from the East section line; **iii. a point in Section 1**, T.8N., R.52W., 6th P.M., 0 feet from the North section line and 850 feet from the East section line; **d. Upstream terminus:** the upstream terminus of this exchange will be the diversion location of the Prewitt Inlet Canal as described above. **44. a. Date of Appropriation:** November 5, 2019. **b. How appropriation was initiated:** meeting of managers of Applicants at which engineering information was received from Applicants' water resources engineers identifying availability of water and feasibility of project, confirmed and ratified by subsequent actions including actions by the Applicants' respective Boards of Directors expressing their intent to appropriate water for direct diversion, exchange and storage, subsequently confirmed by posting notices at the sites of the claimed diversions and storage sites and by the filing of the original application in this case on December 30, 2019. **c. Date water applied to beneficial use:** not applicable (conditional). **45. Rate of exchange claimed:** 150 cfs, conditional. **46. Proposed Uses:** the same as stated above for the Iliff Reservoir Storage Right. **47. Description of exchange operation:** Applicants may operate the described exchange, so long as all senior water rights in the exchange reach with a lawful requirement for water according to their respective priorities are satisfied. **48. Names and addresses** of owners of land upon which new or existing structures or modification to such structures used in said exchange is or will be constructed: The owners of land where the upstream terminus lies (i.e., the Prewitt Inlet Canal diversion structures) are stated hereinabove. The owners of the land where water from Iliff Reservoir may be placed into the South Platte River are: the State of Colorado, Division of Wildlife, 6060 Broadway, Denver, CO 80216; and Golden Eagle Ranch LLC, 8181 Tufts Ave., Suite 600, Denver, CO 80237. **FIFTH CLAIM - CHANGE OF WATER RIGHTS TO ADD STORAGE FOR SUBSEQUENT USE** **49. Applicant:** Applicant Parker is the sole owner of the water rights which are the subject of this Fifth Claim and accordingly is the only applicant as to this claim. **50. Decreed water rights** for which change is sought ("Changed Water Rights"): **a. Names of Structures:** Parker Iliff Intake and Parker Powell Intake. **b. Date of original decree:** July 20, 2015; Case No. 03CW428, District Court, Water Division 1, Colorado ("Parker Water Rights"). **c. Legal description of structures** from said decree: **i. Parker Iliff Intake:** in the SE1/4NW1/4 Section 25, T.9N., R.52W., 6th P.M. in Logan County, at a point 2310 feet from the west line and 2100 feet from the North line of said Section 25; and **ii. Parker Powell Intake:** in the NW1/4SE1/4 Section 1, T.9N., R.51W., 6th P.M. in Logan County at a point 1580 feet from the east line and 2500 feet from the south line of said Section 1. **d. Decreed source of water:** South Platte River. **e. Appropriation date:** December 9, 2003. **f. Amount decreed and amount to be changed:** 40 cfs (conditional) total combined diversions at the Parker Iliff Intake and the Parker Powell Intake, subject to a total volumetric limit of 18,000 acre-feet in any Water Year (April 1 to March 31). Total annual combined diversions of the Parker Water Rights shall not exceed 94,000 acre-feet over any consecutive period of ten Water Years. These volumetric limits apply irrespective of whether diversions occur pursuant to a call or under free river conditions. **g. Decreed use or uses** as stated in the 03CW428 decree: **i. The Parker Water Rights** will be transported via suitable stream channels, reservoirs, pumps and pipelines for all Municipal purposes of Parker Water and Sanitation District including domestic, industrial, commercial, manufacturing, stock watering, recreational, piscatorial, fish and wildlife, fire protection, street washing, hydroelectric power production, and will also be used for exchange, replacement, and augmentation. Parker will use and re-use water diverted under the Parker Water Rights to extinction. "This Decree does not adjudicate a water storage right, and the mention herein of reservoirs as part of the project of which the water rights decreed herein will be components, is not intended to imply that a water storage right is adjudicated herein." [The foregoing is quoted from the said Decree in Case No. 03CW428. It is not applicable to, nor does it limit, the requested change to storage as a use of the subject water rights.] **ii. The place of use is within the boundaries** of Parker as those boundaries may from time to time be changed, and any locations of out-of-District service pursuant to contracts and Parker's Rules and Regulations. The service area of Parker is described in the First Claim above. **51. Description of proposed change.** Parker requests that in addition to the existing right for direct application of water, that the subject water rights also be allowed to be stored for subsequent beneficial use in the above-described Iliff, Prewitt and Fremont Butte Reservoirs and the Bravo Reservoir Complex. **a. Points of**

diversion. The points of diversion for the Iliff Reservoir and for the Bravo Reservoirs as described in foregoing paragraphs 2 and 13 respectively, which are generally shown on Exhibit G attached hereto and is located in the SE/4 of Sec. 12, T.8S, R. 52W of the 6th P.M. in Logan County, at a point whence the East quarter corner of said Section 12 bears North 25 degrees 45 minutes East 3140 feet. A change of location of the point of diversion is requested for the use of said alternate point of diversion. **b. Manner of delivery** of water to storage. The subject water will be delivered to storage in the Iliff Reservoir or the Bravo Reservoirs. Such water may also be exchanged to storage in Prewitt Reservoir as an additional source of water for the exchange claimed herein. From Prewitt Reservoir it may be pumped and piped to the uses previously decreed in said Case 03CW428, or such water may be further pumped from Prewitt Reservoir to above-described Fremont Butte Reservoir. The subject water may also be directly pumped to storage in Fremont Butte Reservoir from the Bravo Reservoir Complex. From Fremont Butte Reservoir it may be released back to Prewitt Reservoir and pumped to the uses previously decreed in said Case 03CW428. **c. Uses.** Other than adding storage for subsequent use, and the change to allow the alternate point of diversion at the Bravo Ditch headgate, no change in the uses of the subject water decreed in Case 03CW428 is sought. The last sentence of paragraph 40.g.i above, which is a quote from the 03CW428 decree, shall not be applicable to the changed water rights. **d. Amount of water which may be stored.** Total annual combined diversions of the subject water rights for direct application or for storage for subsequent application may equal but shall not exceed 94,000 acre-feet over any consecutive period of ten Water Years. These volumetric limits shall apply irrespective of whether diversions occur pursuant to a call or under free river conditions. Parker asserts that these limits, which were decreed in said Case 03CW428, constitute the contemplated draft of the subject water rights to which Parker is entitled, and that no historical use analysis or quantification is applicable to or required for a change of the subject conditional water rights. **e. The following terms for the operation** of the subject water rights were decreed in said Case 03CW428. Parker agrees that these conditions will continue to be fully applicable to the additional right of storage for subsequent use: **i. No call** will be allowed under the Parker Water Rights when native flow in the South Platte River immediately upstream of the Iliff & Platte Valley headgate or the Bravo Ditch headgate, depending on which sites are constructed, is less than 50 cfs as measured by a gaging station to be constructed by Parker or other means to reasonably estimate such flow subject to approval by the Division Engineer. **ii. Water will only be diverted** under the Changed Water Rights when the Changed Water Rights are in priority. During the period from April 1 through October 15 each year, if flow at the Julesburg Gage drops below 165 cfs, total combined diversions under the Changed Water Rights will be further limited as follows: (a) When flow is 160-165 cfs, maximum diversion of 35 cfs; (b) When flow is 150 160 cfs, maximum diversion of 25 cfs; (c) When flow is 140 150 cfs, maximum diversion is 15 cfs; (d) When flow is 130 140 cfs, maximum diversion is 5 cfs; (e) When flow is below 130 cfs, no diversion. **52. Non-injury.** The continuation of the terms and conditions decreed in said Case 03CW428 for the Changed Water Rights will suffice to prevent injury, principally because the decreed use of the Changed Water Rights is entirely in or in the vicinity of Parker's service area. Further, as stated in paragraph 15.a of the said 03CW428 decree and as re-stated above, Parker will use and re-use water diverted under the Changed Water Rights to extinction. Accordingly, there can be no justifiable expectations of return flow after use. **53. Names and addresses** of owners of land upon which structures to be used for such requested storage for subsequent use are located: such owners are listed hereinabove for each of the structures mentioned in this Fifth Claim. **GENERALLY APPLICABLE REMARKS: 54. Applicants do not dispute** the right of the Northern Colorado Water Conservancy District to recover reusable return flows from the Colorado Big Thompson Project and will recognize those recoverable return flows when and if they are quantified and administered. **55. This application does not seek approval** of any recharge structures or their use or the approval of any augmentation or replacement plan or the inclusion of these water rights in any specific augmentation or replacement plan. To the extent these water rights are used for LSPWCD's recharge purposes, any necessary approvals of such recharge structures and the inclusion of these water rights for use in such structures must be obtained separately. To the extent these water rights are used for LSPWCD's augmentation or replacement purposes, any necessary approvals of replacement or augmentation plans and the inclusion or use of these water rights in those plans must be obtained separately.

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 28, 2022** (forms available on www.courts.state.co.us or in the Clerk's office), and must be filed as an Original and include **\$192.00** filing fee. A copy of each Statement of Opposition must also be served upon the Applicant or Applicant's Attorney and an affidavit or certificate of such service of mailing shall be filed with the Water Clerk.